



CITY COUNCIL

## Staff Report

**Meeting Date:** February 20, 2018

**To:** Mayor and City Council

**From:** Kevin Crawford, City Manager

**Staff Contact:** Celia Brewer, City Attorney  
760-434-2891

**Subject:** Presentations on the County of San Diego's Proposed Master Plan Update and Draft Environmental Impact Report for McClellan-Palomar Airport

### Recommended Action

View County of San Diego presentation regarding its proposed master plan update for McClellan-Palomar Airport and the accompanying draft environmental impact report. Receive presentation from the law firm of Kaplan Kirsch Rockwell regarding the City of Carlsbad's authority related to the County's proposed master plan.

### Executive Summary

McClellan-Palomar Airport is a general aviation airport owned and operated by the County of San Diego ("County") and located within the municipal boundaries of the City of Carlsbad. The County has prepared an update to its 1997 Airport Master Plan and an accompanying draft program environmental impact report as required by the California Environmental Quality Act ("CEQA").

The draft master plan includes three main changes to the existing airport. One is adding safety features at each end of the runway to slow down planes and help prevent them from going off the end of the runway in an emergency. The second is shifting the runway to the north to increase the separation distance between the runway and the taxiway. The third is to extend the runway to the east end of the property, near the corner of El Camino Real and Palomar Airport Road. The draft master plan also contemplates certain improvements to airport facilities.

The county does not currently have funding allocated to make the improvements in the plan. The draft master plan divides the proposed projects into three phases: near term (0-7 years), intermediate term (8-12 years) and long-term (13-20 years.)

### Discussion

The record reflects that the City of Carlsbad has long sought greater control over the airport. The airport was founded in 1957 and opened in 1959 on land which was then part of the unincorporated area of San Diego County. In 1973, the City Council directed staff to prepare an annexation study for the airport property that was within the city's sphere of influence.

In 1975, the County prepared an airport master plan that outlined the long-term development plans for the airport, which included the extension of the existing runway and acquisition of land outside of the airport boundary for an additional runway, airport operations buildings and taxiways. The extension of the existing runway and the acquisition of additional land outside of the airport for an additional runway were never implemented.

Annexation proceedings were completed and in December, 1978, and the City of Carlsbad finally annexed the existing airport site into the City of Carlsbad. In 1980, the citizens of Carlsbad circulated an initiative requiring a vote prior to any City Council legislative action necessary to expand the airport, discussed further below, and in 1984, the City Council adopted Resolution No. 7558, requesting a Joint Powers Agreement to limit the level of operations and prevent the expansion of "airport facilities such as the addition of a second runway, extension of the existing runway or upgrading of airport facilities." The City Council later voted to approve a proposed draft agreement and submit that agreement to the County for its approval (see Resolution 8249). There is no record of a County response or of an executed agreement.

### **Federal Control of Airports**

Airports in the United States are regulated by the Federal Aviation Administration (FAA). The principles of federal preemption provide that federal law supersedes state and local law in many instances. What this means for the McClellan-Palomar Airport is that the State of California and the City of Carlsbad have limited authority to regulate how the Airport operates, what it builds and how it grows. In their presentation, Kaplan Kirsch attorneys will explain the principles of federal preemption.

### **Citizen Initiative/CMC 21.53.015**

In 1980, as a result of a proposed citizen initiative, the City Council directly adopted an ordinance that prevents the City Council from approving a zone change, general plan amendment or any other legislative action necessary to authorize airport expansion without a public vote. The language proposed by the citizen initiative was codified as follows:

#### **Carlsbad Municipal Code section 21.53.015:**

##### **Voter authorization required for airport expansion.**

- (a) The city council shall not approve any zone change, general plan amendment or any other legislative enactment necessary to authorize expansion of any airport in the city nor shall the city commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of the qualified electors of the city voting at an election for such purposes.
- (b) This section was proposed by initiative petition and adopted by the vote of the city council without submission to the voters and it shall not be repealed or amended except by a vote of the people.

Prior to adoption of the ordinance, Mayor Ron Packard asked then City Attorney Vince Biondo about the effects, if any, of adoption of the ordinance on the approved Master Plan of the Airport. The minutes reflect the following response:

The City Attorney responded [sic] the County would only need approval of expansion if same involved the acquisition of additional property, in which case, the adopted ordinance would require prior voter approval. Any expansion of existing property would not be affected.

The City Attorney again opined on the application of CMC 21.53.015 in a letter addressed to the County Airport Manager dated May 3, 1993 regarding the County's terminal development and space needs analysis. City Attorney Ronald Ball stated voter approval would be required if the County acquired real property outside of the boundaries of the plot plan of the airport as approved as Exhibit A to CUP 172 (because that acquisition would require re-designation in the City of Carlsbad's General Plan and rezoning in its zoning ordinance, both of which are legislative actions). Mr. Ball further stated that the proposed acquisition for a "clear zone" would not require facilities or structures and thus would not necessitate re-designation or rezoning of the city's existing planning documents. As such, no legislative action of the City Council would be required, and thus, no vote of the people would be required for these acquisitions.

#### **Conditional Use Permit 172, 172(B)**

In addition to the question of whether the County's proposed master plan triggers a vote under the municipal code, there are questions about the impact of the City of Carlsbad's conditional use permits 172 and 172(B) on the proposed master plan.

On September 24, 1972, the City of Carlsbad Planning Commission adopted Resolution 1699 approving a conditional use permit for airport improvements. CUP 172 includes authorized structures, facilities and commercial activities permitted by the CUP and outlines when further review would be required.

Again, in his May 1993 opinion letter to the County Airport Manager, City Attorney Ronald Ball opined that amendment of CUP 172 would be required if any of the structures or facilities proposed are not those listed in Section I(a) of Table I of the CUP dated September 24, 1980. This opinion appears to be an interpretation only of the CUP conditions.

On November 3, 2004, the City of Carlsbad Planning Commission adopted resolution 5776 approving conditional use permit 172(B). CUP 172(B) approved an amendment to allow the use of three County owned properties located adjacent to the airport for airport parking areas, an allowed use in the zone.

#### **Fiscal Analysis**

There is no fiscal impact associated with this item.



### Next Steps

Staff will return to City Council on March 13, 2018, for additional City Council direction and consideration of a recommended comment letter on the County of San Diego's proposed airport master plan update and draft environmental impact report.

### Environmental Evaluation (CEQA)

Receiving a report does not qualify as a "project" under CEQA per state CEQA Guidelines section 15378.

### Public Notification

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the meeting date and time.

### Exhibits

1. 2/5/1974 Staff Report re Annexation Study;
2. 11/2/1976 Staff Report re Palomar Airport Annexation;
3. 3/1/1977 Staff Report re Joint Meeting with City of Carlsbad/County Board of Supervisors;
4. 9/6/1977 Staff Report re Palomar Airport Annexation EIR;
5. 11/1/1977 Staff Report re Palomar Airport Annexation;
6. 10/3/1978 Staff Report re Palomar Airport Annexation;
7. 11/7/1978 Staff Report re Palomar Airport Annexation;
8. 12/19/1978 Staff Report re Palomar Airport Annexation;
9. 8/5/1980 Staff Report re initiative petition;
10. 8/5/1980 Meeting Minutes;
11. Ordinance 9558 adopted on 8/12/1980;
12. Planning Commission Resolution 1699 (CUP 172) adopted on 9/24/1980;
13. 4/3/1984 Staff Report Requesting a Joint Powers Agreement Limiting Operations at McClellan-Palomar Airport
14. 7/2/1985 Staff Report re Palomar Airport Joint Powers Agreement;
15. 10/29/1985 Staff Report re Palomar Airport Joint Powers Agreement;
16. 5/3/1993 letter from City Attorney to County re: CUP 172;
17. 11/3/2004 Planning Commission Staff Report regarding CUP 172(B);
18. Planning Commission Resolution 5776 (CUP 172(B)) adopted on 11/3/2004;
19. Correspondence received up until Feb. 14, 2018 (on file in the Office of the City Clerk)
20. City of Carlsbad General Plan Chapter 2 Land Use, which can be found at the following link:  
<http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=24087>
21. City of Carlsbad General Plan Chapter 6.5 Airport Hazards, which can be found at the following link:  
<http://www.carlsbadca.gov/civicax/filebank/blobdload.aspx?BlobID=29363>
22. Information on City of Carlsbad Zoning, which can be found at the following link:  
<http://www.carlsbadca.gov/services/depts/planning/zoning.asp>



Agenda Bill No. 2290Date February 5, 1974

Referred To: City Council

Subject: Annexation Study

Submitted By:  
Planning DepartmentStatement of the Matter

The City Council directed the Planning Staff on August 21, 1973, to prepare a study for the purpose of developing an annexation program for those County lands within the Carlsbad sphere of influence.

The attached report is a summary of that study and its recommendations.

Exhibit

1. Map #1 - Current Annexations within Sphere of Influence.
2. Map #2 - Status of County Land within Sphere of influence.
3. Memorandum from Planning Director summarizing annexation study.
4. Sample letter to be sent to property owners.
5. Summary of annexation procedures to be sent to property owners.

EXHIBITS WILL BE SHOWN ON PROJECTOR

Staff Recommendations to City Manager

Staff recommends that the City Council initiate the recommendations contained in the attached memorandum for soliciting response from property owners in non-annexed areas and ordering annexation priorities.

AB No. \_\_\_\_\_

Date: February 5, 1974

City Manager's Recommendation

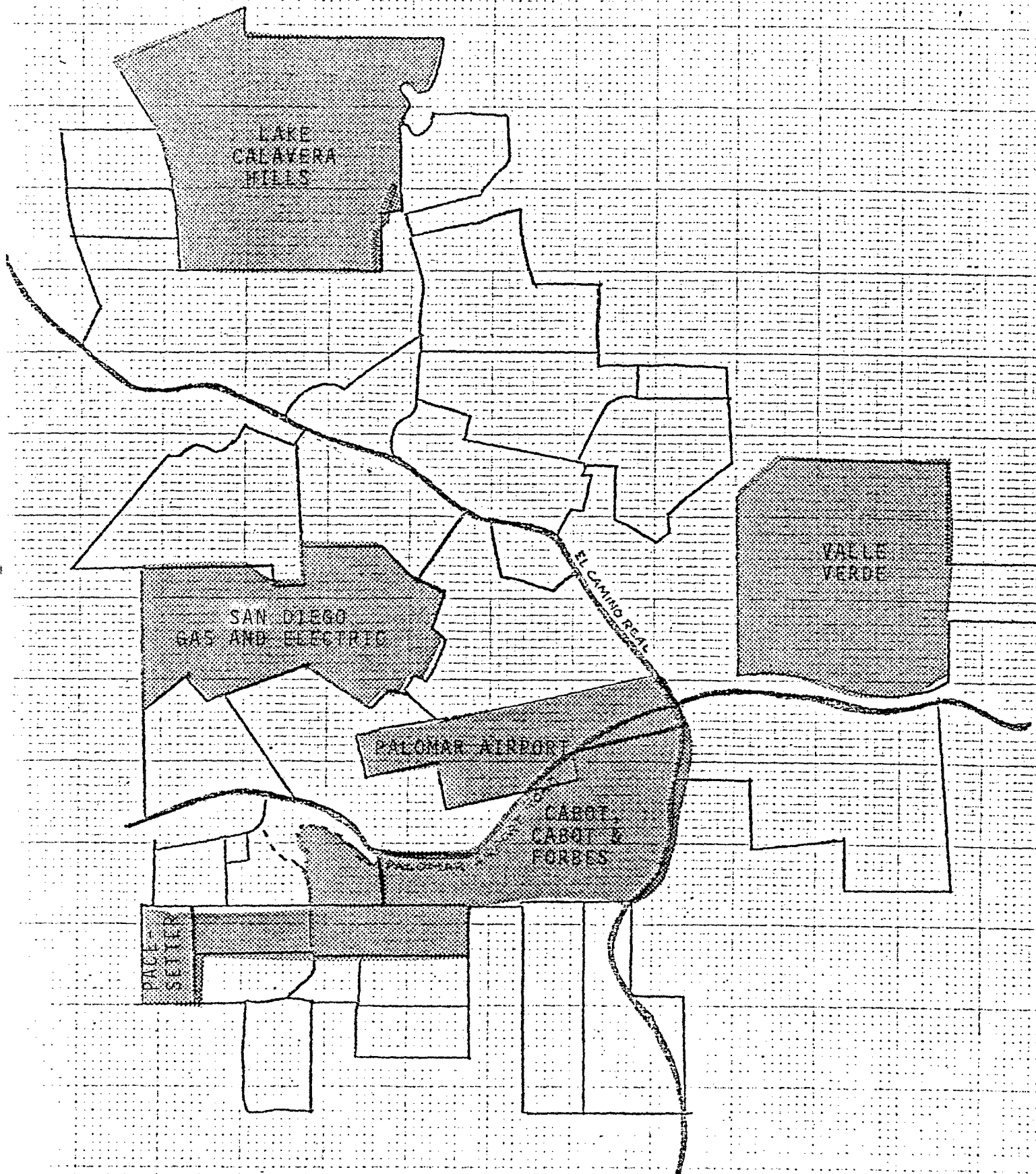
The attached study outlines an annexation procedure and priorities a city can follow in an attempt to fill in the central County portion of the City area. It is recommended the Council instruct staff to proceed with these annexations based on the proposed policy and procedures.

Council Action

2-5-74 Council accepted recommendations of City Manager.

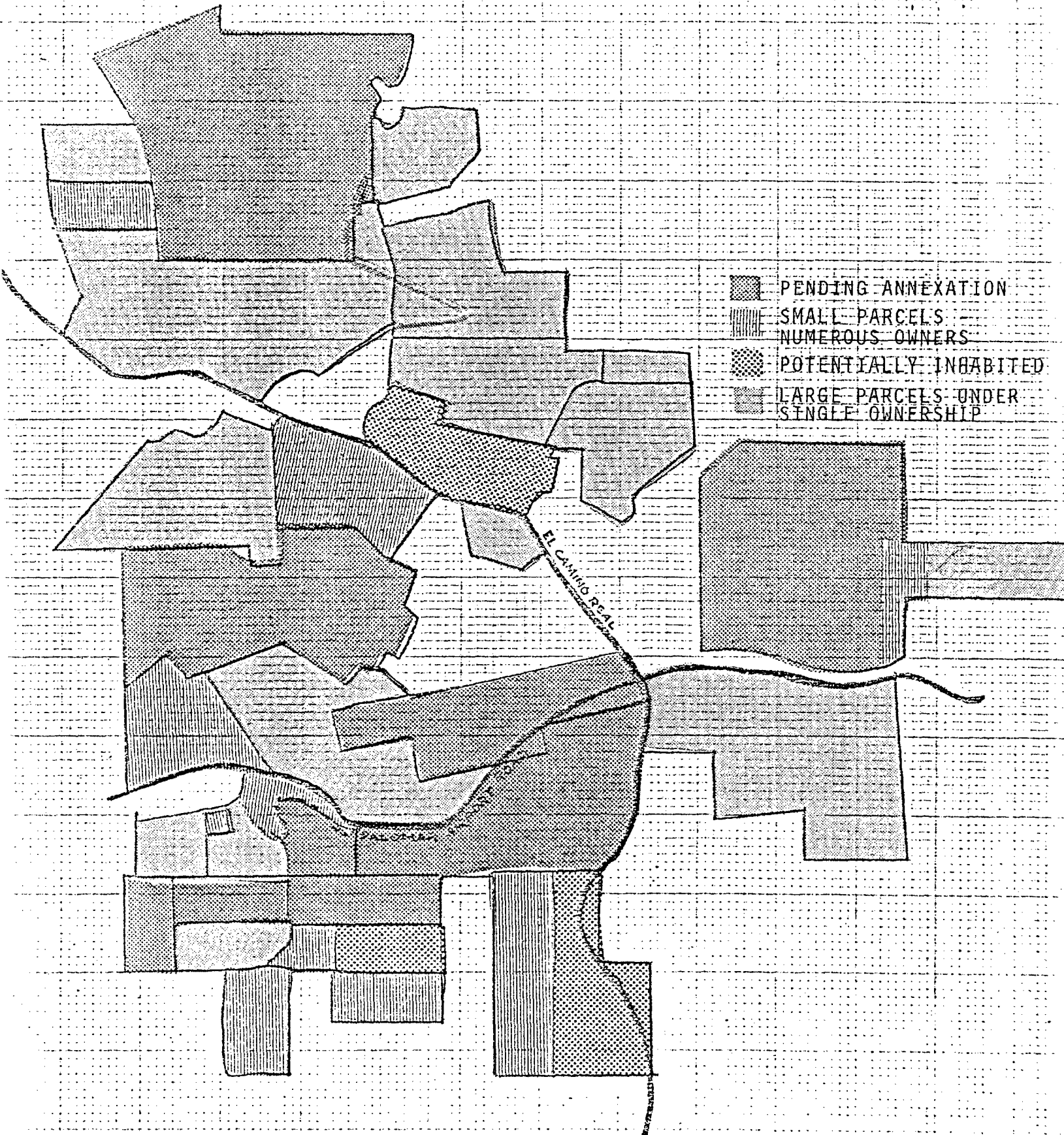
UNINHABITED CONSENSUAL ASSIGNATIONS

PENDING OR SOON TO BE FILED





CURRENT STATUS OF COUNTY LAND  
WITHIN CARLSBAD SPHERE OF INFLUENCE



MEMORANDUM

1 TO: CITY COUNCIL  
2 FROM: PLANNING DIRECTOR  
3 REGARDING: ANNEXATION PROCEEDINGS  
4

5 At the direction of the City Council, the Planning Staff has  
6 completed a preliminary study for annexation proceedings. This  
7 memorandum is a summary of that study and would attempt to do the  
8 following:

- 9
- 10 - Explain the current state of annexations within the
  - 11 Carlsbad sphere of influence;
  - 12 - Describe the scope of activities undertaken by Staff to
  - 13 design and facilitate an orderly annexation program;
  - 14 - Discuss legislative proposals relative to annexation;
  - 15 - Describe alternative actions which could be taken to
  - 16 facilitate ultimate annexations.

17 ANNEXATION PRIORITIES - RECOMMENDATION: Based on  
18 the findings of the preliminary study, Staff would recommend the  
19 following activities aimed at developing an orderly annexation pro-  
20 gram:

21 1. Consensual owner-initiated annexations should be a  
22 top priority. Letters should be sent to property owners informing  
23 them of annexation procedures and encouraging them to initiate con-  
24 sensual annexations.

25 2. Applicants for annexation should be encouraged to  
26 contact adjacent property owners in hopes of including them in the  
27 subsequent annexation. It should be pointed out to the annexation  
28 applicants that maximization of the area to be annexed would be in  
29 their interest because it would reduce the likelihood of additional  
30 small County islands being created (which is grounds for disapprov-  
31 al by LAFCO), and it would also be more acceptable to the City  
32

1 Council. Such an activity would likely minimize time and energy  
2 expended by the City in notifying property owners and soliciting  
3 consent.

4 3. The only area within the County island which would  
5 require improvements prior to annexation is the western portion of  
6 Palomar Airport Road. Annexation of the property south of Palomar  
7 Airport Road indicated with a slashed black line on Map #2 should  
8 be delayed until such County improvements are made.

9 4. Forced annexation should be a lesser priority, exer-  
10 cised only when creation of an additional County island is immi-  
11 nent.

12 5. Inhabited annexations should be a lesser priority be-  
13 cause of the work and expense involved.

14 6. Pending annexation applications should be reviewed  
15 prior to Council consideration for the purpose of maximizing areas  
16 to be annexed.

17 I. CURRENT ANNEXATIONS

18 There are currently seven applications for annexation either  
19 pending LAFCO hearing or soon to be filed with LAFCO within the  
20 Carlsbad sphere of influence. These areas are delineated on Map  
21 #1. These lands consist of more than 2,000 acres, with a total as-  
22 sessed valuation of more than \$1,500,000.

23 The remainder of the County land within the sphere of influ-  
24 ence shown on Map #2 has been classified as: 1) Large areas under  
25 single ownership; 2) Areas with multiple owners (i.e., numerous  
26 small property owners); and 3) Potentially inhabited areas.

27 This latter classification is tentative; inhabitation, of  
28 course, would depend on the residence of 12 registered voters  
29 within that area. It seems probable that the two southerly areas  
30 designated as "potentially inhabited" do not meet the criterion of  
31 inhabitation. The area around Sunny Creek Road, however, would  
32 appear to be inhabited. This conjecture is based on the number of



1 residences in these areas and will need to be verified by the  
2 County Registrar of Voters.

3 II. STAFF ACTIVITIES

4 The activities undertaken by Staff at this time have been to:

5 A. Build and update the data-base relevant to annexations.

6 The information includes: property ownership, acreage, assessed  
7 valuation and tax districts of all parcels, and location of resi-  
8 dences (shown on Map #2).

9 B. Draft a letter to property owners which would inform them  
10 of the annexation at this time, invite their questions and com-  
11 ments, and test the reaction for possible consent or protest.

12 Staff feels that these letters will not only invite comments which  
13 can eliminate potential stumbling blocks to annexation (or vice  
14 versa), but it can also answer some concerns which property owners  
15 are likely to have and ease any confusion prior to Public Hearing.

16 C. Prepare several alternative annexation programs on the ba-  
17 sis of owner-initiated, council-initiated, consensual, forced (i.e.  
18 under protest) and inhabited annexations and various combinations  
19 thereof.

20 D. Develop an informal series of annexation priorities based  
21 on the directive of the City Council to develop an annexation pro-  
22 gram which would minimize time and labor involved. Briefly summar-  
23 ized, high priority annexations would be:

- 24 1. Consensual
- 25 2. Within the county island
- 26 3. Uninhabited
- 27 4. Large in size
- 28 5. Exclusive of encumbrances or restrictive features  
29 (e.g., in need of improvements)
- 30 6. Would not leave additional county islands.

31 E. Determine if any of the areas proposed to be eventually  
32 annexed would be difficult to service. Discussion with various

1 City Departments indicated that no insurmountable difficulties in  
2 providing services would be encountered.

3 III. ALTERNATIVE ANNEXATION PROGRAMS

4 A. Uninhabited Annexations: As previously mentioned, there  
5 are potentially three (but probably only one) areas in the county  
6 island which could be classified as inhabited.

7 Eliminating those potentially inhabited areas and bearing in  
8 mind that all annexations must be contiguous, uninhabited annexa-  
9 tions could be constructed in the following ways:

10 1. Consent only: Map #1 shows those areas which have  
11 started the motions for annexation. There are certain to be addi-  
12 tional owner-initiated annexation proceedings in the near future;  
13 response to letters which are to be sent to property owners should  
14 give a clearer picture of this.

15 2. Forced Annexations: Under current annexation stat-  
16 utes, there are provisions for annexations without the consent of  
17 property owners, providing that: The area is uninhabited, protest  
18 is not received by owners of 50% or more of the assessed value or  
19 area of the land to be annexed, and the land to be annexed is con-  
20 tiguous.

21 Given the consent of an additional large property owner in  
22 the northern section of the county island (such as A. O. Kelly or  
23 Elsie Kelly), the entire island could be "forced" to annex.

24 The problem with forced annexations is that they are  
25 lengthy and tedious and can promote ill feeling on the part of the  
26 property owners. Having exhausted all alternatives for phased con-  
27 sensual annexations, however, forced annexation could be a neces-  
28 sary and useful tool.

29 B. Inhabited Annexations: It is probable that an election  
30 will be necessary for an inhabited annexation in the area marked  
31 #10 on Map #2. Conceivably, annexations could be manipulated so  
32 that an election would not be required. However, such "gerryman-

1 dering" would be legally and practically questionable.

2 IV. SB 1386 UNIFORM CITY ANNEXATION ACT

3 Senate Bill 1386 (Uniform City Annexation Act), currently be-  
4 ing heard by the Senate Local Government Committee, proposes sever-  
5 al changes in annexation proceedings, which, if passed, would sig-  
6 nificantly simplify the process of annexing both inhabited and un-  
7 inhabited areas. Cogent features of SB 1386 include:

8 A. A City could initiate annexations for inhabited areas.  
9 (This is not currently allowed.)

10 B. The definition of "inhabited territory" would be changed  
11 to mean territory which is used or zoned for residential, commer-  
12 cial, industrial, institutional or governmental use which has a  
13 population-to-area ratio of two or more registered voters residing  
14 therein. All other territory would be deemed uninhabited. (NOTE:  
15 All of the anticipated annexations of Carlsbad would be considered  
16 uninhabited under this definition.)

17 C. The proposed legislation would simplify petition require-  
18 ments for both inhabited and uninhabited annexations to: 1) sig-  
19 natures of 10% or more of registered voters; or 2) 10% of the pro-  
20 perty owners owning 10% or more of the assessed valuation.

21 D. The proposed legislation would terminate proceedings under  
22 majority protest defined as: 50% or more of the value of land and  
23 improvements for inhabited territory and 50% or more of the land  
24 value for uninhabited territory.

25 E. In inhabited territory: 1) Proceedings would terminate  
26 with protest by 50% or more of the registered voters; 2) A spe-  
27 cial election would be called if protest has been registered by 10%  
28 of the registered voters or 10% of the owners who own 10% of the  
29 assessed value; and 3) If less than 10% protest is filed, no elec-  
30 tion is required.

31 F. LAFCO could authorize a city to annex property without  
32 hearing, notice or election if it is less than 50 acres, is



1 substantially surrounded by the annexing city, and is difficult for  
2 the County to service.

3 G. The proposed law would eliminate all existing formulae for  
4 contiguity and provide simply that annexation must be contiguous.  
5 Contiguity would include separation of an area by a street, rail-  
6 road, river, lake, natural barrier or land owned by another govern-  
7 mental entity.

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Dear

As you may be aware, the City of Carlsbad is anticipating to ultimately annex that portion of San Diego County which is encircled by the existing City Limits. As a property owner in this area, the City wishes to keep you informed of annexation proceedings and invite your suggestions. The City Council has directed the Staff to investigate the possibility of eliminating this County island so that the total community can be planned in a more logical manner and public services can be provided on a more orderly basis.

The purpose of this letter is threefold: First, it is an explanation of the mechanics of annexation (the procedures and length of time involved); secondly, it attempts to delineate how annexation will affect property owners and residents of this area (i.e., how tax assessments would change, how services would be affected); finally, we would hope that this letter would serve as a stimulus for discussion and comment from the people who will be affected by our annexation.

Under State of California guidelines, annexations are processed on the basis of either uninhabited annexations, or inhabited annexations. An area is considered inhabited if it has at least twelve registered voters residing in that area.

Based upon a preliminary survey, the property you own would appear to be part of an area which could be processed as an uninhabited annexation. We have attached a summary of uninhabited annexation procedures for your edification.

Base property tax rates for residents of Carlsbad range from \$10.123 to \$12.409 per hundred dollars assessed value. The change in your property tax assessment should be an additional assessment of \$1.791 per hundred dollars assessed value (the Carlsbad City Tax, minus the County Library Tax which you are currently assessed). Additional services accrued through annexation will include City Fire and Police protection, street sweeping, street lighting, etc..

The City Planning Staff is currently preparing an annexation study for the City Council for the purpose of expediting an orderly and efficient annexation program.

If you have any questions or comments regarding annexation, please feel free to contact Dana Hield of the City Planning Staff, at 729-1131, Ext. 25-26.

Very truly yours,

Donald A. Agatep  
Planning Director

Attach:  
Annexation of Uninhabited  
Territory

ANNEXATION OF UNINHABITED TERRITORY

1. Proponents or city council file application with local agency formation commission.

NOTE: If city council intends to initiate proceedings on its own motion without requiring petition, a resolution declaring such intent and directing the filing of an application with the commission should be adopted.

2. Local agency formation commission hearing not more than 70 days after date of filing application. Notice of the hearing mailed and published at least 15 days prior to hearing.
3. Executive officer of commission furnishes copies of his report and recommendations to proponents and to city not less than 5 days prior to date of hearing.
4. Approval by commission. (Commission may continue hearing from time to time not to exceed 70 days from original date. Commission must act within 35 days after conclusion of the hearing.)
5. a. Petition for annexation filed by landowners; or  
b. City council initiates proceedings on its own motion
6. City Council (without delay) adopts resolution giving notice of proposed annexation and setting hearing.

(Copy of resolution to governing board of every school district included, in whole or in part, in territory proposed to be annexed, and which has made written request therefor.)

A. Petition Signed by Less Than All Owners or Council Initiates Proceedings

- (1) Hearing set not less than 40 nor more than 60 days after passage of resolution.
- (2) City clerk causes copy of resolution to be published at least twice, but not more often than once a week, publication to be complete at least 20 days prior to hearing; or copies of resolution to be posted not less than 20 days before the hearing.
- (3) City clerk mails notice to each owner of land in territory to be annexed, and to each person having interest in such land who has requested notice, not less than 20 days before hearing.
- (4) In case of tide or submerged lands owned by State, written notice to State Lands Commission not less than 45 days before hearing.
- (5) Written protests may be filed by owners at any time prior to final adjournment of hearing on protests.
- (6) City Council may terminate proceedings at any time prior to the date set for hearing provided that hearing must be held on any protests filed.

- (7) Hearing. City Council adopts resolution within 30 days after closing <sup>(including whether or not majority protest has been made.</sup> (If no resolution adopted, resolution declaring majority protest deemed adopted on 30th day.)
- (8) Changes in boundaries by city council submitted to local agency formation commission for approval.
- (9) City Council approves or disapproves annexation by ordinance adopted within 60 days of protest hearing. (If no ordinance adopted, ordinance disapproving annexation deemed to be adopted on 60th day.)

B. Petition Signed or Consent Filed by Owners of All Land.

NOTE: No notice or hearing required if approved and authorized by local agency formation commission.

- (1) Hearing set not more than 30 days after passage of resolution.
  - (2) City clerk causes copy of resolution to be published at least once not less than 4 days prior to hearing; or copy of resolution to be posted not less than 7 days before the hearing.
  - (3) Hearing. Changes in boundaries submitted to local agency formation commission for approval.
  - (4) City council adopts resolution approving or disapproving annexation within 30 days after completion of hearing. (If no resolution adopted, resolution disapproving annexation deemed adopted on 30th day.)
7. Clerk certifies and transmits to Secretary of State copy of ordinance or resolution approving annexation.
  8. Clerk shall file with the county recorder affidavit of completion and attached certificate of Secretary of State.
  9. File statement or map or plat with State Board of Equalization.
  10. Property is considered annexed when documents are filed with the County Recorder.

# CITY OF CARLSBAD

COUNCILMEN

Meeting of: CITY COUNCIL (Adjourned Regular Meeting)  
 Date of Meeting: February 6, 1974  
 Time of Meeting: 3:00 P.M.  
 Place of Meeting: Council Chambers

FRAZEE  
 CHASE  
 LEWIS  
 MC COMAS  
 DUNNE

39

1- ROLL CALL:

The following items were continued from the regular meeting of February 5, 1974 and are listed by item number from that Agenda.

6- HOUSING AUTHORITY:

The Council adjourned to the Housing Authority at 3:05 P.M. and reconvened at 3:25 P.M., with all Councilmen present.

9- DEPARTMENTAL REPORTS.

A. Planning.

[25] 11. Agenda Bill #2290. Annexation Study.

A colored map designating areas under study for the purpose of developing an annexation program for those County lands within the City of Carlsbad Sphere of Influence, was exhibited and referred to in the staff report by the Associate Planner.

Lengthy discussion was held by the Council regarding the annexation proceedings outlined in the memorandum from the Planning Director attached to the Agenda Bill, which also included recommendations for Annexation Priorities.

The City Manager stated that if the Council elected to instruct the staff to proceed as recommended in their memorandum, he would advise the staff to proceed with caution in initiating these proceedings.

Following further discussion, a motion was made to adopt the recommendations of the City Manager and the staff was instructed to proceed with the procedures and priorities as outlined in their memorandum to the City Council.

Motion					
Ayes	X	X	X	X	X

[57] 13. Agenda Bill #2251 - Supplement #1. Amendment to General Plan Procedure.

A staff report was given by the Associate Planner and reference made by him to the procedures contained in a memorandum to the City Manager dated January 25, 1974.

Lengthy discussion ensued by the Council with questions answered by the City Manager, City Attorney and Associate Planner. It was requested by the Council that, with reference to Line 27, Page 2 of Ordinance #9379, the words "Planning Commission and" precede the words "council hearings".

Following further discussion, Ordinance No. 9379, was introduced for a first reading:

ORDINANCE NO. 9379, amending Title 21, Chapters 21.52 and 21.54 of the Municipal Code by the amendment of Sections 21.52.030, 21.52.040 and 21.52.100 and by the addition of Section 21.62.160 and 21.54.120 thereto to provide procedures and an application fee for processing amendments to the General Plan, as amended.

Motion					
Ayes	X	X	X	X	X



1225

CITY OF CARLSBADAGENDA BILL NO. 3798

Initial:

Dept. Hd. 10DATE: November 2, 1976C. Atty. VFBDEPARTMENT: City ManagerC. Mgr. BSubject: PALOMAR AIRPORT ANNEXATION - S. Ord No. 1,24Statement of the Matter

The attached report outlines the impact the annexation of Palomar Airport would have on the City of Carlsbad. Since the City is initiating the annexation of the airport, an application for annexation has been prepared for submittal to LAFCO.

If the City Council desires to initiate the annexation at this time, the recommendations below should be approved.

Exhibit

Memo to City Manager dated October 20, 1976.

Airport layout map indicating area to be annexed. (Wall Exhibit)

Recommendation

1. City Council request the County Board of Supervisors to consent to the annexation.
2. Direct staff to file application with LAFCO pending consent of Board of Supervisors.

Council action

11-2-76 Staff with directed to proceed with annexation proceedings of Palomar Airport.

DATE: October 20, 1976  
TO: CITY MANAGER  
FROM: Administrative Assistant  
SUBJECT: PALOMAR AIRPORT ANNEXATION

The following report has been prepared concerning the proposed annexation of Palomar Airport to the City of Carlsbad. The San Diego County Board of Supervisors has recently given final approval to the Palomar Airport Master Plan and the County will begin implementation of the plan as funds become available. The only land proposed for annexation at this time is the County owned property at the Airport. Approximately 255 acres are proposed for annexation. This report will briefly analyze three impacts of the annexation; municipal service demands; anticipated revenues; and land use regulation.

#### SERVICE DEMANDS

##### Sewer Service

The City of Carlsbad is presently providing sewer service to the Airport. The City and County entered into an agreement regarding service in May, 1975. The County currently pays an annual sewer service charge as specified in the agreement. The agreement further provides that in the event the Airport property is annexed to the City of Carlsbad, the agreement shall be deemed to be modified to provide for a rate (sewer service charge) established on the same basis as for other commercial and industrial users within the City limits.

##### Water Service

Water service to the Airport is provided by Carlsbad Municipal Water District. Annexation should have no direct effect on the provision of water service to the Airport.

##### Trash Hauling

The same trash hauler operating in the City of Carlsbad is also providing service to the Airport and this service would continue after annexation.

##### Leisure Service

The proposed annexation would have no significant impact on the demand for Park and Recreation and Library service.

October 20, 1976

Page 2

Subject: Palomar Airport Annexation

#### Public Works Maintenance

The City of Carlsbad would become responsible for the maintenance of that portion of Palomar Airport Road which lies adjacent to Palomar Airport.

Since the Airport property is in County ownership, the maintenance of interior streets and other public improvements within the airport would most likely remain the responsibility of the County. However, County staff has indicated that it may be desirable to bring certain interior streets up to City standards and have the City accept such streets into the City street system and therefore become responsible for their maintenance.

#### Business License Enforcement

Most businesses operating at Palomar Airport would be subject to the City Business License requirements. After an initial effort to insure that all businesses are licensed, there should be no significant enforcement problems at the Airport. The Airport Manager has indicated that he will assist the City in any way possible to help insure that businesses are properly licensed.

#### Police Services

The Police Department indicates that the proposed annexation will have a very slight effect on its patrol activities. Routine patrol service can easily be provided through the present beat organization. It is not anticipated that the Airport will generate a significant demand for police service.

#### Fire Service

The fire service required at the Airport will fall into three categories; inspection, structural fire protection, and crash services.

The demand for fire services in the short term will not heavily impact the Fire Department. There will be an increase in fire inspection activities, but this increase can be integrated into the present work load of the Fire Inspection Division. Structural fire protection at the Airport can be adequately provided from the La Costa Station for the short term. However, as the industrial property at the Airport and in the adjacent industrial parks develops, an additional station will be required in the general vicinity of the Airport. It is anticipated that this upgrading will occur as the Airport develops.

October 20, 1976

Page 3

Subject: Palomar Airport Annexation

### Building Inspection

Annexation should not create a significant demand for service from the Building Department. The cost of providing inspection services should be offset by permit and plan check fees.

### REVENUES

Annexation of the Airport would cause four significant sources of revenues to accrue to the City. The following estimate of revenues for the 1976-77 fiscal year is based on 1975-76 revenue figures.

Sales Tax \$13,050

Retail sales transactions at the Airport are currently subject to the 6% sales tax. Upon annexation the sales tax revenue would be redistributed and the revenue currently going to the County would instead go to the City. There would be no increase in the sales tax rate; it would simply be redistributed.

Aircraft Personal Property Tax \$29,672

Aircraft at Palomar Airport are subject to this tax. At present, one-half of this tax goes to school districts and one-half to the County. Upon annexation, distribution would be as follows: 1/3 County, 1/3 school districts, 1/3 City. This is simply a redistribution of tax revenues, the tax rate would not be increased due to annexation.

Possessory Interest Tax \$ 6,200

Possessory interest in land and improvements is subject to City property tax of \$1.90. This tax is already levied by taxing jurisdictions which include the Airport within their boundaries. Upon annexation, the City's tax levy would be added to the combined total.

Business License Tax \$ 528+

The revenue derived would depend upon the gross receipts of the businesses at the Airport. A conservative estimate of \$1,500,000 gross receipts was assumed for this estimate.

TOTAL: \$49,450

There do not appear to be any other significant revenue sources which would accrue to the City due to the annexation of the Airport.

October 20, 1976

Page 4

Subject: Palomar Airport Annexation

#### LAND USE REGULATION

Since all the territory proposed for annexation is owned by the County of San Diego, an unusual situation regarding zoning regulation and development standards is presented. Although the County is required by Public Utilities Code 21661.6 to submit plans to the City prior to the acquisition of land for the expansion or enlarging the Airport, the City has little actual control of land use and development standards on County owned property.

Although it may legally and politically be difficult to impose City standards and regulations on the Airport, a Master Plan for the Airport has been reviewed by the City of Carlsbad and may provide adequate guidelines to control development of the Airport.

If greater City control over Airport development is desired, there are a number of possible alternatives which could be considered. If it is felt that the Master Plan provides an adequate guideline for the short term, additional controls could be considered at a later date.

#### RECOMMENDATION

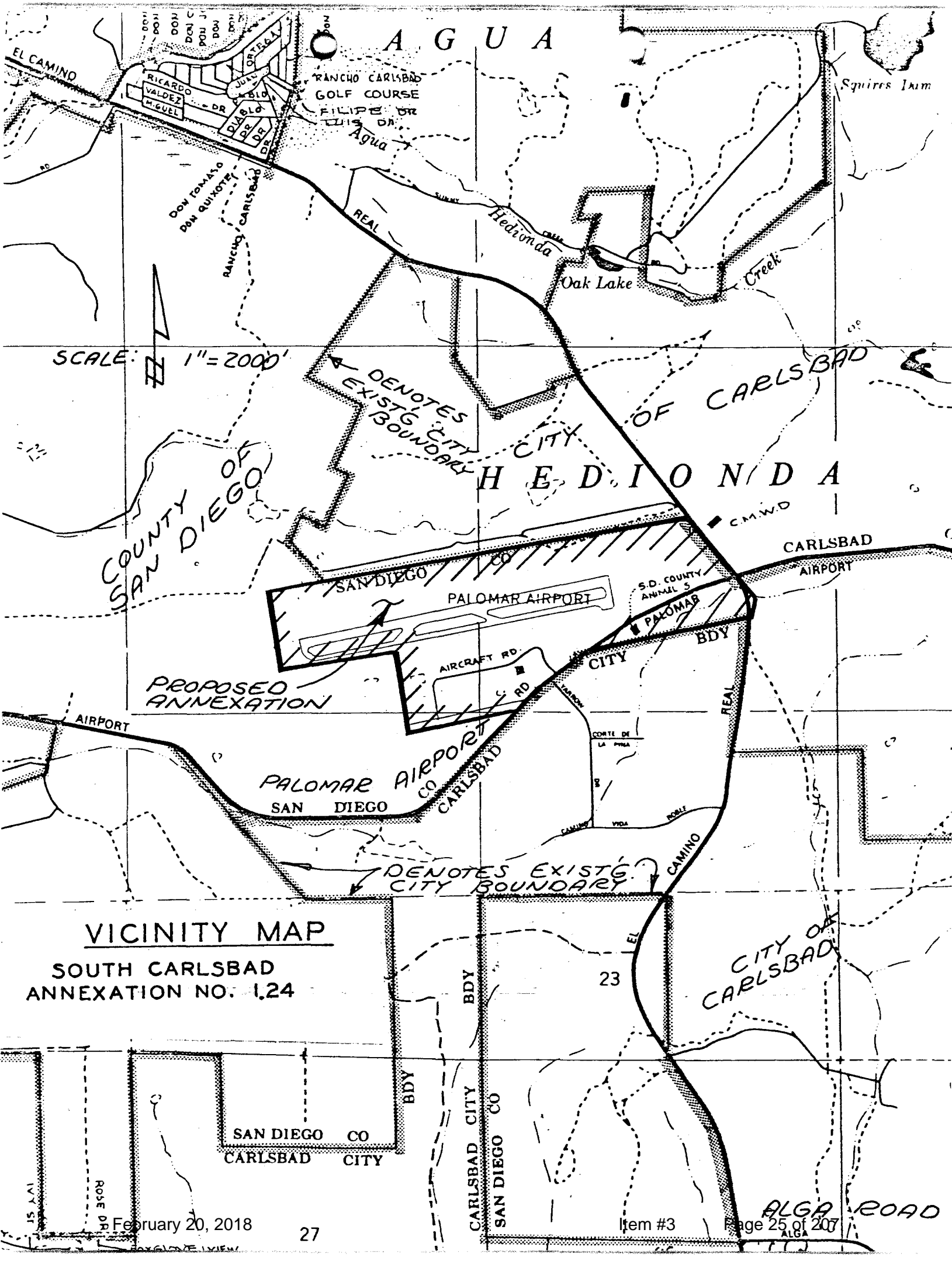
If the City Council desires to proceed with the annexation of the Airport at this time, it is recommended that the following steps be taken:

1. Request the County Board of Supervisors to consent to the annexation in accordance with Government Code 54797.1.
2. Direct the staff to prepare an application for submittal to the Local Agency Formation Commission.



FRANK N. MANNEN  
Administrative Assistant

FNM:mlc



A G U A

RANCHO CARLSBAD  
GOLF COURSE  
FILIPPE DR  
CUIZ DR  
Agua

Squires Lake

EL CAMINO

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VALDEZ  
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REAL

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Creek

SCALE: 1" = 2000'

↑ DENOTES  
EXISTG CITY  
BOUNDARY

CITY OF CARLSBAD

COUNTY OF  
SAN DIEGO

H E D I O N D A

SAN DIEGO

PALOMAR AIRPORT

S.D. COUNTY  
ANIMAL S

PALOMAR

CITY

BDY

REAL

PROPOSED  
ANNEXATION

AIRPORT

PALOMAR AIRPORT  
SAN DIEGO

CARLSBAD

AIRCRAFT RD

RD

COMTE DE  
LA PIERA

CAMINO

VIDA

ROSE

CAMINO

EL

23

↑ DENOTES EXISTG  
CITY BOUNDARY

VICINITY MAP

SOUTH CARLSBAD  
ANNEXATION NO. 124

SAN DIEGO CO  
CARLSBAD CITY

CITY

CARLSBAD CITY

SAN DIEGO CO

CITY OF  
CARLSBAD

ALGA ROAD



## CITY OF CARLSBAD

COUNCILMEN

-5-

November 2, 1976

217

PACKARD  
COSTELLO  
SALINIKI  
LEWIS  
ERAZEE

The City Manager stated at some point, he felt a citizen's committee should be formed to look at Open Space Maintenance Districts throughout the City, on the whole, in terms of developing standards for a plan on the kind of slopes to be maintained, the kind of maintenance to be provided and whether a district should be formed. He stated this was an extremely important issue and more time was needed to revarify some figures. In concluding, he requested guidance from the Council regarding this matter.

Members of the Council asked questions and expressed their views on Open Space Maintenance Districts.

It was moved that the matter be continued to allow the staff to prepare a further report.

Motion  
Ayes

X X X X X

City Manager.

[22]  
[25]

12. AGENDA BILL #3798 - PALOMAR AIRPORT ANNEXATION.

The City Manager described the boundaries of the proposed annexation of Palomar Airport and stated this would just include Palomar Airport proper on which an EIR was done for just this specific piece of land. The North County Animal Shelter is also included. The area of annexation was pointed out by Administrative Assistant Frank Mannen on Exhibit "A" of the Agenda Bill.

Discussion of services which would have to be provided ensued. Reference was made to an additional fire station mentioned in the staff report and the City Manager stated this was recommended by the Gage-Babcock Report some time ago.

The Administrative Assistant reviewed the analysis of impact on various departments such as the fire department, police department, land use regulations-planning matters, building permits and building regulations. The City Manager stated the staff is satisfied that for the type of operation at the airport, the income appears clearly to cover the costs anticipated in providing service.

It was moved that the City Council request the County Board of Supervisors to consent to the annexation and the staff was instructed to file application with LAFCO pending consent of the Board of Supervisors.

Motion  
Ayes

X X X X X

The City Manager further stated he wished to clarify a point which might be raised and that is this action would not cause the City of Carlsbad to assume the operation of the airport; the City is merely annexing the territory. The County will still maintain and operate the Airport as it has in the past.

CITY OF CARLSBADAGENDA BILL NO. 4090DATE: March 1, 1977DEPARTMENT: City ManagerInitial:  
Dept. Hd. WCLC. Atty. C. Mgr. R

Subject:

JOINT MEETING

City of Carlsbad/County Board of SupervisorsStatement of the Matter

The County Board of Supervisors has requested that the City of Carlsbad meet with them on April 14, 1977 at 5:30 PM in the Board of Supervisor's chambers for an informal, get acquainted meeting.

The Council might wish to discuss the following items at that meeting:

Planning in County Island

Lake Calavera

Palomar Airport Annexation

Council Action:

3-1-77 Discussion was held and it was suggested that the Batiquitos Lagoon Court Case and the possibility of the County giving the City some assistance on the disposal site also be discussed.



Dear Citizen,

On behalf of the San Diego City Council and the County Board of Supervisors, we invite and urge your attendance at a regional conference on growth management. It will be held on February 23, 1977 at 7 p.m. in the San Diego City Council Chambers, 202 C Street.

This conference will present an overview of the issues which have prompted the concern of citizens and local agencies alike regarding population growth and future development of the region. The growth management planning efforts initiated by the city, county, Comprehensive Planning Organization and other agencies will be reviewed.

We recognize that the pressures of growth are not unique to any one community, but are being experienced by the entire San Diego region. The action of any single jurisdiction to resolve these problems will have implications for some or all other jurisdictions. It is our intention that this conference enhance intergovernmental coordination of planning programs to address the management of residential growth on a countywide basis.

We look forward to seeing you on February 23rd.

Cordially,

PETE WILSON  
Mayor  
City of San Diego  
City Administration Building  
202 C Street  
San Diego, CA 92101  
(714) 236-6330

JIM BATES  
Chairman  
San Diego County Board of Supervisors  
County Administration Center  
1600 Pacific Highway  
San Diego, CA 92101  
(714) 236-4740

AGENDA

GROWTH SUMMIT CONFERENCE

San Diego County Board of Supervisors  
and  
City Council of the City of San Diego

February 23, 1977

7:00 p.m.

San Diego City Council Chambers  
San Diego City Administration Building  
San Diego, California 92101

- 7:00 p.m. I. Call to Order - Board of Supervisors' Chairman Jim Bates,  
Conference Moderator
- 7:00 p.m. II. Welcome and Opening Statement
  - A. Honorable Pete Wilson, Mayor of the City of San Diego
    - Welcome and introduction of Council members
  - B. Honorable Jim Bates, Chairman, San Diego County Board of Supervisors
    - Welcome and introduction of members of the Board of Supervisors
  - C. Conference Overview Statement - Conference Moderator
    - A brief overview of the purpose of the conference and the topics to be reviewed and discussed
- 7:15 p.m. III. Staff Overview Reports
  - A. City of San Diego
    - 1. City of San Diego's Growth Management Planning Program -  
Max Schmidt, San Diego Planning Department  
Dave Knapp, Financial Management Department
      - History: Why the City initiated the program.
      - Program Description: What are the basic concepts of the program and by what process are these concepts to be implemented?
      - Program Goals and Policies: What is the program intended to achieve?
      - Interjurisdictional Impacts: How does the program relate to other jurisdictions, including the County; other cities and special districts?
      - Fiscal and Economic Impacts

2. Metropolitan Sewer System - Dick King, Director of Water Utilities Department

Report on the status of the metropolitan sewer system.

8:00 p.m.

B. County of San Diego

1. Growth Management Tour - Bud Gray, Land Use Planning Director, Integrated Planning Office; David C. Nielsen, Director, Environmental Analysis Division, Community Services Agency

Report on the purpose of the tour, the types of growth management systems reviewed and significant findings and conclusions.

2. San Diego County's Growth Management Planning Program - Randy Hurlburt, Environmental Planning Director, Integrated Planning Office

Description of the County's Growth Management Planning efforts to date, the status of these efforts.

8:30 p.m.

C. Comprehensive Planning Organization: The 208 Wastewater Management Planning Program - Ken Sulzer, Deputy Executive Director

Description of the 208 work program, its status and relationship to growth management planning programs.

8:45 p.m.

D. Local Agency Formation Commission: Sphere of Influence Program - Mike Gotch, Executive Director, LAFCO

Description of the LAFCO Sphere of Influence Program, its status and its relationship to the 208 Program and growth management programs.

9:00 p.m.

Coffee Break

9:15 p.m.

IV. Board and Council Discussion

- A. Affirm the establishment of a policy task force including elected representatives from the City and County of San Diego and other cities for the purposes of coordinating growth management planning.
- B. Determine the composition of the policy task force.
- C. Direct the policy task force, as its first order of business and with the assistance of the Executive Steering Committee, to develop a program for coordinating growth management planning.

D. Instruct the policy task force in developing a program for coordination to review and make recommendations, as deemed appropriate, on the following:

- existing City and County staffing, funding and work programs for growth management planning.
- interjurisdictional coordination including the involvement of CPO, the other cities, LAFCO and special districts.

10:30 p.m.

V.

Conclusion and Adjournment - Conference Moderator

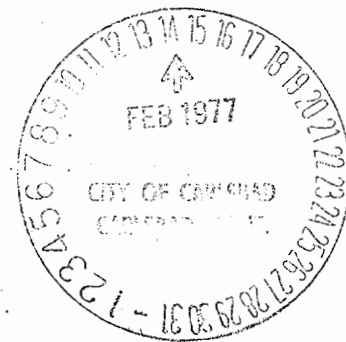




# COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS • 1600 PACIFIC HIGHWAY  
SAN DIEGO, CALIFORNIA 92101 • (714) 236-2249

TOM HAMILTON  
SUPERVISOR  
FIRST DISTRICT



February 9, 1977

TO: Board of Supervisors

FROM: Tom Hamilton  
Supervisor, First District

SUBJECT: Redistricting of Supervisorial Boundaries

Prior to the Supervisory elections in 1978, I would propose to accomplish the necessary redistricting as a result of recent population changes and pursuant to County Charter provisions (Section 5) and State law (Government Code Section 25000, et seq.).

## RECOMMENDATION:

1. Establish a task force comprised of staff representatives from each Supervisor's office (presumably the Executive Assistant), Registrar of Voters, and appropriate County staff as selected by the Chief Administrative Officer. This task force or committee would be chaired by the former Registrar of Voters, Charles Sexton, and seek any legal advice as deemed necessary from County Counsel.
2. Direct the task force to seek the necessary input from the various cities, key special districts, and community groups in a series of public meetings prior to their final recommendation to the Board of Supervisors on August 16, 1977.
3. Direct that progress reviews be scheduled after the second month--April 12, 1977--for the Board's approval of the criteria selection, and at the end of the fourth month--June 14, 1977--for a complete status report.

4. Instruct the task force to follow census tracts, election precincts and/or political subdivisions (i.e., city boundaries) in their redistricting proposals whenever possible.

Discussion:

In order to avoid the past difficulties in the redistricting process, it is my belief that these recommendations will take the process out of the political arena by performing the necessary work in an off-election year, and under the chairmanship of the former Registrar of Voters, Mr. Sexton. This would provide a clear delineation of boundaries in all districts for supervisorial candidates well in advance of the 1978 election. In addition, we would receive the necessary public input prior to any finalization of the redistricting plans in a series of scheduled public meetings which would include cities, major special districts, and community groups. Also, it would be my hope that each new district would be designed to include whole political subdivision such as cities (with the obvious exception of the City of San Diego) and various local communities on a subregional basis, i.e., North County, East County, South Bay, etc.

County Charter Provision: Section 5 of the County Charter states that the Board of Supervisors may and shall, after each Federal decennial census, redistrict in accordance with State law and this Charter provision. Specifically, this Section requires that at least two districts shall comprise areas outside of the City of San Diego. This provision currently relates to Supervisorial Districts 2 and 5.

State Law Provision: Government Code Section 25001.3 states that at any time between the decennial census, the Board of Supervisors may redistrict based on population estimates that are certified by the State Department of Finance (between May 10 and June 15, 1977). In addition to County Charter Section 5, such a redistricting proposal must comply with the provisions of Section 25001 which requires that such changes in boundaries create districts as nearly equal in population as possible. In addition, the following factors may also be considered: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

February 9, 1977

In addition, the Board may appoint an advisory committee to study redistricting proposals under Sections 25001.5 and 31000.1 of the Government Code. This advisory committee concept is encompassed within recommendations 1 and 2 which will receive the necessary public input from various local sources through scheduled meetings. Concerning the time frame for this study, Section 25002 of the Government Code states that redistricting must be completed within 90 days prior to the final date for voter registration for the Supervisorial election, or by early February 1978.

The completion date of August 16, 1977 for the task force's recommendation will certainly meet the statutory requirements of this Section and afford sufficient time for further study and reevaluation if desired by the Board.

Fiscal Impact: It is my understanding that Mr. Sexton will work in a completely voluntary role and will receive no payment for his services. Concerning the other task force members, they will be comprised of County staff and thus will require no special appropriation for funding. Concerning the various public meetings and other related costs involved, these would, in my opinion, be nominal and could certainly be absorbed within the current budgetary limits.



Tom Hamilton  
Supervisor, First District

TH:tu

cc: Charles E. Sexton  
Mayors and Managers of  
the Incorporated Cities  
Chief Administrative Officer  
County Counsel  
Registrar of Voters

**CHARTER**  
**SAN DIEGO COUNTY**  
**STATE OF CALIFORNIA**

WE, the People of the County of San Diego, do ordain and establish for its government this

**CHARTER**

**ARTICLE I**  
**COUNTY POWERS AND RIGHTS**

**SECTION 1:** The County of San Diego, as it now exists, is a body corporate and politic and as such has all the powers specified by the Constitution and laws of the State of California, and by this Charter, including any rights to acquire and operate public utilities in the manner that may be provided by general law, and such other powers as are necessarily implied.

**SECTION 2:** The corporate name shall be

**"COUNTY OF SAN DIEGO"**

which must be thus designated in all actions and proceedings touching its corporate rights, properties and duties. The boundaries of the County shall be and remain as the same are now described and set forth in Section 23137 of the Government Code of the State of California, until changed in the manner provided by general law.

The County Seat shall be and remain in the City of San Diego until changed in the manner provided by general law. (Amended, effective January 22, 1963)

**SECTION 3:** The powers mentioned in Section 1 hereof, can be exercised only by a Board of Supervisors consisting of five members, or by agents and officers acting under their authority, or by authority of law, or by this Charter.

**ARTICLE II**  
**SUPERVISOR DISTRICTS AND ELECTIONS**

**SECTION 4:** The County of San Diego is divided into five (5) Supervisor Districts which are established as provided by general law and Section 5 of this Charter. (Amended, effective January 22, 1963)

**SECTION 5:** The Board of Supervisors may hereafter, and shall after each Federal decennial census, change the boundaries of the Supervisorial Districts in accordance with the laws of the State of California and this Charter. In making any such change the Board of Supervisors shall so divide the total area of the County that, to the extent that population will permit, at least two of such districts shall comprise areas outside of the City of San Diego except for such small portions of that city as may be included in giving consideration to the factors authorized by general law. Failure of the Board of Supervisors to redistrict the County in the manner provided by general law and by this Charter within one year after each Federal decennial census shall constitute misconduct in office. (Amended, effective January 22, 1963)

Revised 1-63

§ 25000

GOVERNMENT OF COUNTIES

4. Vacancies. §§ 25060-25062
5. Meetings. §§ 25080-25083
6. Clerk of the Board. §§ 25100-25105
7. Ordinances. §§ 25120-25131
8. Publication of Notice and Proceedings. §§ 25150, 25151
9. Subpenas. §§ 25170-25176
10. Compensation. §§ 25180, 25181 [Repealed]

ARTICLE I

General

- § 25000. Number of supervisors: Number to be elected at same election: Classification: Term of office
- § 25001. Boundaries of supervisorial districts: Change: Vote required: Equality of population: Other factors
- § 25001.1. Boundaries of supervisorial districts: Adjustments
- § 25001.2. Supervisorial redistricting commission: Compensation
- § 25001.3. Boundary adjustment on basis of census
- § 25001.4. Population figures used for boundary adjustments: Action for declaratory relief
- § 25001.5. Advisory committee on boundary changes: Authorization to appoint, membership, etc.
- § 25002. Continuance of supervisor's term of office: Limitation on time of boundary change before or between elections
- § 25003. Rules and regulations
- § 25004. Seal
- § 25005. Quorum: Vote necessary
- § 25006. Oaths
- § 25007. Attendance at meetings of State Supervisors' Association
- § 25008. Traveling expenses outside county
- § 25009. [Repealed]

§ 25000. Number of supervisors: Number to be elected at same election: Classification: Term of office

Each county shall have a board of supervisors consisting of five members. Not more than three members shall be elected at the same general election. If the terms of office of more than three members of the board expire at the same time, at the first regular meeting after January 1st following their election the members so elected shall so classify themselves by lot that three members shall serve for four years, and two for two years. Thereafter the term of office of each member shall be four years.

Added Stats 1947 ch 424 § 1.

Prior Law: Based on:

(a) Former Pol C § 4027, as added by Stats 1907 ch 282 § 1 p 364, amended by Stats 1909 ch 168 § 1 p 266.

## OFFICERS

§ 25001

- (b) Stats 1897 ch 277 § 14 p 455.
- (c) Stats 1893 ch 234 § 13 p 349.
- (d) Stats 1891 ch 216 § 13 p 297.
- (e) Stats 1883 ch 75 § 13 p 301, as amended by Stats 1889 ch 206 § 1 p 233.

### Cross References:

County officers generally: §§ 24000 et seq.  
When supervisors to be elected: § 24202.  
Classification and terms of office of supervisors of newly created county: § 24203.  
Change of supervisorial district boundaries as not affecting term of office: § 25002.  
"General election": Elec C § 23.

### Collateral References:

Cal Jur 2d Counties § 22.  
McKinney's Cal Dig Counties §§ 51 et seq.  
56 Am Jur 2d Municipal Corporations, Counties, and Other Political Subdivisions  
§§ 189-192.

### Attorney General's Opinions:

- 21 Ops Atty Gen 94 (supervisor's right to hold office and simultaneously serve as trustee of union high school district).
- 24 Ops Atty Gen 188 (authority of member of county board of supervisors to hold office of general manager of public utilities district in his county).

## NOTES OF DECISIONS

After expiration of his term and election and qualification of his successor, supervisor who attempts to act as such is mere naked usurper. *Trinity County v McCammon* (1864) 25 C 117.

The term of office of the three supervisors in each county who were elected at the general election in 1892 expired, under the former County Government Act of 1893, on the first Monday after the first day of January, 1897, and their successors were to be elected at the general election held in November, 1896. *Hale v McGettigan* (1896) 114 C 112, 45 P 1049.

The board of supervisors constitutes a general governing body within the domain of local county governmental affairs. *Harris v Gibbins* (1896) 114 C 418, 46 P 292.

The supervisors of San Francisco, authorized by the Consolidation Act, were municipal, not

county, officers, and endowed with municipal functions, unknown to the former County Government Act of 1883, and were separate and distinct from the county boards of supervisors established by the latter act. *People v Babcock* (1896) 114 C 559, 46 P 818.

The former County Government Act did not apply to the city and county of San Francisco. *Martin v Election Comrs.* (1899) 126 C 404, 58 P 932.

The fact that a board of supervisors may exercise judicial functions does not make it an inferior court within the meaning of the term as employed in the Constitution relative to appellate jurisdiction of the superior courts. *Chinn v Superior Court* (1909) 156 C 478, 105 P 580; *Inglin v Hoppin* (1909) 156 C 483, 105 P 582.

Boards of supervisors are not courts. *Heckman, In re* (1928) 90 CA 700, 266 P 585.

### § 25001. Boundaries of supervisorial districts: Change: Vote required: Equality of population: Other factors

Following each decennial federal census, and using population figures as validated by the Population Research Unit of the Department of Finance as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be. In establishing the boundaries of the districts the board may give consideration to the following



§ 25001

GOVERNMENT OF COUNTIES

factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

Added Stats 1947 ch 424 § 1; Amended Stats 1st Ex Sess 1964 ch 21 § 1; Stats 1973-74 ch 806 § 4. ch 40 § 1; Stats 1970 ch 361 § 1.

Prior Law: Based on:

(a) Former Pol C § 4029, as added by Stats 1907 ch 282 § 1 p 364, amended by Stats 1943 ch 995 § 1 p 2910.

(b) Stats 1897 ch 277 § 16 p 455.

(c) Stats 1893 ch 234 § 16 p 349.

(d) Stats 1891 ch 216 § 16 p 297.

(e) Stats 1883 ch 75 § 16 p 300, as amended by Stats 1889 ch 206 § 1 p 233.

Amendments:

1964 Amendment: Amended the first sentence by (1) Substituting "Following each decennial federal census, and using the census as a basis, the board shall adjust" for "By a two-thirds vote of the members, the board may change"; (2) substituting "the" for "a" after "districts of"; (3) adding "so that" after "county"; and (4) adding ", but in any case so that the population of every district when added to the population of any other two districts equals at least 50 percent of the population of the county" at the end of the sentence.

1970 Amendment: Deleted ", but in any case so that the population of every district when added to the population of any other two districts equals at least 50 percent of the population of the county" at the end of the first sentence.

1973 Amendment: Substituted "population figures as validated by the Population Research Unit of the Department of Finance" for "the census".

Code Commissioners' Note:

Four-fifths vote of the board of supervisors is substituted for the mathematically impossible two-thirds.

Cross References:

Division of new county into supervisorial districts: § 23361.

Effect of change of boundaries of supervisorial districts: § 25002.

Collateral References:

Cal Jur 2d Counties § 32.

McKinney's Cal Dig Counties § 57.

56 Am Jur 2d Municipal Corporations, Counties, and Other Political Subdivisions §§ 168, 189, 193, 195, 383, 541, 546, 548.

Federal Census generally: 13 USCS §§ 1 et seq.

Law Review Articles:

Reapportionment in California counties. 4 Santa Clara Law 201

Attorney General's Opinions:

17 Ops Atty Gen 133 (compelling county supervisors by initiative petition to redistrict county where they have otherwise failed to act).

19 Ops Atty Gen 94 (submitting initiative petition to county board of supervisors proposing revision of supervisorial districts in county where there are possible defects in the measure).

31 Ops Atty Gen 88 (when and how county supervisor districts in Sacramento County be altered on annexation of area to City of Sacramento; effect of change in boundaries of supervisor districts on eligibility of incumbent to hold office and resident be candidate for supervisor; requirement that changes in boundaries of supervisor districts of Sacramento County be done so that at least two of five districts consists of areas lying wholly outside City of Sacramento).

36 Ops Atty Gen 236 (effect of Election Code § 1620 in preventing amendment or repeal by voters of initiative ordinance previously adopted which established county supervisorial districts if ordinance contains no provision for amendment or repeal).

## NOTES OF DECISIONS

1. In General
2. Construction, Interpretation, and Application; Validity
3. Boundaries, Matters Pertaining to; Movement or Change in Population
4. Equality of Population
5. Discretion of Board
6. Evidence
7. Presumption
8. Mandamus
9. Appeal and Error

## 1. In General

In redistricting cases, function of state Supreme Court under decisions of US Supreme Court is to assure adherence to requirements of equal protection clause, not to resolve purely political questions also inherent in legislative apportionment. *Miller v Santa Clara County* (1965) 63 C2d 343, 46 Cal Rptr 617, 405 P2d 857.

## 2. Construction, Interpretation, and Application; Validity

In construing intention of supervisors in enacting ordinance creating supervisorial districts of Tehama County, it must be assumed board intended to district all territory of county, whether land or water. *People v Williams* (1916) 29 CA 552, 156 P 882.

Partitioning of territory of county into supervisorial districts is not grant in sense that such term is used in CC § 830, providing that except where grant under land is held indicates different intent, owner of upland, when it borders on navigable lake or stream, where there is no tide, takes to edge of lake or stream, at low water mark. *People v Williams* (1916) 29 CA 552, 156 P 882.

If supervisorial districts were practically equal in population and an ordinance establishing their boundaries was passed, subsequent inequalities resulting from movement of the population would not render the ordinance invalid. *Harnett v Sacramento County* (1925) 195 C 676, 235 P 445.

County ordinance redistricting county supervisorial districts, though not achieving equality of population in districts, did not violate this section, where the ratio between districts of highest and lowest population was slightly more than 2.2 to 1, where majority of board members would be elected from districts having majority of population, and where boundaries were so drawn that essentially rural population would be able to elect

rural board member and urban population would be represented by urban member. *Griffin v Monterey County* (1964) 60 C2d 751, 36 Cal Rptr 616, 388 P2d 888.

In determining whether facts relating to topography, geography, cohesiveness, and community of interests are sufficient to warrant extent to which county ordinance redistricting county supervisorial districts deviates from requirement of equality of population, each case must be considered by itself on basis of all facts and circumstances present with regard to particular county, and disparity of population resulting from one ordinance will not necessarily be sustained in other cases. *Griffin v Monterey County* (1964) 60 C2d 751, 36 Cal Rptr 616, 388 P2d 888.

In determining whether disparity in population between county supervisorial districts under redistricting ordinance violates equal protection clause of federal Constitution, court will look not only to factors enumerated in this section that permit deviation from requirement of equality of population, but also to fact that county governments perform number of important functions for unincorporated areas which are ordinarily performed entirely or in large part by city governments in incorporated areas, which may justify favoring less populous, primarily rural districts. *Griffin v Monterey County* (1964) 60 C2d 751, 36 Cal Rptr 616, 388 P2d 888.

In reapportioning supervisorial districts of Santa Clara County, no district may depart from ideal size (20 per cent of total county population) by more than 15 per cent. *Miller v Santa Clara County* (1965) 63 C2d 343, 46 Cal Rptr 617, 405 P2d 857.

A 2 to 1 disparity in population between most populous and least populous supervisorial districts of county violated constitutional dictates where districting of county was primarily compelled by desire and was result of effort to preserve traditional political subdivisions, rather than to follow factors prescribed in this section, or by US Supreme Court in its application of the equal protection clause in redistricting cases, and where board of supervisors' reliance on geographical considerations to support disparity was unjustified. *Miller v Santa Clara County* (1965) 63 C2d 343, 46 Cal Rptr 617, 405 P2d 857.

Deviation from population of ideal supervisorial district in Santa Clara County (one with 20 per cent of population) ranging from 20 per cent in largest, district to 38.4 per cent in smallest did not

comply with applicable law and was not justified by nonpopulation factors where boundary adjustments necessary to give substantial equality among districts did not require radical changes and did not appear to result in unnatural territorial divisions. *Miller v Santa Clara County* (1965) 63 C2d 343, 46 Cal Rptr 617, 405 P2d 857.

Section does not require only that population of any district, when added to populations of any two other districts, equal at least 50 per cent of total county population, since such construction neglects not only "equal as may be" requirement of statute but also gives no recognition to constitutional requirements that well may go beyond provisions of statute. *Miller v Santa Clara County* (1965) 63 C2d 343, 46 Cal Rptr 617, 405 P2d 857.

Equal protection of law assures representative voting to electors of county as well as to electors of state as whole. *Miller v Santa Clara County* (1965) 63 C2d 343, 46 Cal Rptr 617, 405 P2d 857.

### 3. Boundaries, Matters Pertaining to; Movement or Change in Population

Although a proposed ordinance to change the boundaries of some of the supervisorial districts of a county would result in less inequality than now exists, and the county should be redistricted so as to avoid present inequalities, this would not justify an ordinance which provides for gross inequalities. *Harnett v Sacramento County* (1925) 195 C 676, 235 P 445.

No positive duty is imposed on boards of supervisors to change the boundaries of supervisorial districts by reason of inequalities resulting from the movement or change in population. *Peterson v San Mateo County* (1928) 93 CA 490, 269 P 743; *Dozier v Shasta County* (1933) 130 CA 746, 20 P2d 726.

Reapportionment of supervisorial districts in Santa Clara County may validly be based on 1960 federal census. *Miller v Santa Clara County* (1965) 63 C2d 343, 46 Cal Rptr 617, 405 P2d 857.

The natural barriers in Inyo County of Panamint Mountain Range and Death Valley, which isolate relatively small portions of the population and lie entirely within the least populous Fifth District, cannot be deemed to require a particular division between supervisorial districts; nor do such barriers pose any burden in expanding the Fifth District to ultimately increase its relative population. *Wiltzie v Inyo County* (1966) 65 C2d 314, 54 Cal Rptr 320, 419 P2d 440.

Though a county's electors stated prima facie grounds for relief by demonstrating that the population distribution among supervisorial districts failed to meet the standard requiring that no district contain more than 23 percent nor less than 17 percent of a county's overall population, no redistricting could be completed before immediately pending general elections to select county

supervisors for the districts involved. *Wiltzie v Inyo County* (1966) 65 C2d 314, 54 Cal Rptr 320, 419 P2d 440.

### 4. Equality of Population

Practical equality of population in the supervisorial districts is not a purely local matter, but it is a vital part of the governmental structure which has been established in the counties, and must be adhered to if consistency in form is to be maintained throughout the State. *Harnett v Sacramento County* (1925) 195 C 676, 235 P 445.

Apportionment according to population under this section is primary goal in redistricting, and other factors enumerated may be given only subsidiary effect and cannot warrant large deviations from equality of population. *Griffin v Monterey County* (1963) 60 C2d 318, 33 Cal Rptr 101, 384 P2d 421.

County board of supervisors is under duty to redistrict county according to standard provided by this section where one district encompassing 50 per cent of electorate has same representation as another containing only 1½ per cent; such disparity constitutes drastic deviation from equality of population required by this section and cannot be justified on basis of other factors enumerated in that section. *Griffin v Monterey County* (1963) 60 C2d 318, 33 Cal Rptr 101, 384 P2d 421.

### 5. Discretion of Board

Section, by providing that county board of supervisors "may" change supervisorial district boundaries, does not leave matter of redistricting entirely to board's discretion and does not mean that board cannot be required to redistrict however unreasonable its refusal to do so may be, since statute, in setting forth primary standard to be applied, uses mandatory language that districts "shall be" as nearly equal in population as may be; discretion given board of supervisors to decide whether redistricting has become necessary to conform to standard set forth in this section is not unlimited, and where there are drastic deviations from equality of population, refusal to redistrict is abuse of discretion. *Griffin v Monterey County* (1963) 60 C2d 318, 33 Cal Rptr 101, 384 P2d 421.

### 6. Evidence

Evidence that the population ratio between a county's most and least populous districts is 3.46 to 1, that the population is concentrated in a valley with extensive national forest preserves on either side, that a large area at one end of the valley lies within a naval station, and that about one-third of the county is in a national monument area does not necessarily preclude a population distribution among districts within presumptive limits, requiring that no district contain more than 23 percent or less than 17 percent of the county's overall population. *Wiltzie v Inyo County* (1966) 65 C2d 314, 54 Cal Rptr 320, 419 P2d 440.

**7. Presumption**

For reapportionment of five supervisorial districts in Santa Clara County to be entitled to presumption of validity, no district shall contain more than 23 per cent nor less than 17 per cent of overall population of county; adherence to such figures will insure that majority of county board of supervisors will be elected by no less than 54 per cent of total population. *Miller v Santa Clara County* (1965) 63 C2d 343, 46 Cal Rptr 617, 405 P2d 857.

The Supreme Court cannot presume the propriety of a 3.46 to 1 population ratio between the most and least populous supervisorial districts in Inyo County. Preservation of traditional political subdivisions and the integrity and contiguity of existing constituencies in the county do not justify population disparities beyond the presumptive limits, requiring that no district contain more than 23 percent nor less than 17 percent of a county's overall population. *Wilsie v Inyo County* (1966) 65 C2d 314, 54 Cal Rptr 320, 419 P2d 440.

**8. Mandamus**

Mandamus will not lie to compel a redistricting of the county into supervisorial districts equal in population. *Peterson v Shasta County* (1923) 93 CA 490, 269 P 743; *Dozier v Shasta County* (1933) 130 CA 746, 20 P2d 726.

**9. Appeal and Error**

In determining appeal from order denying peremptory writ of mandate to compel realignment of the supervisorial districts of El Dorado County, where legislation materially changing the law governing redistricting of supervisorial districts within counties intervened between the date of judgment and the hearing on appeal, the appellate court reviewed the record, consisting of little more than the judgment roll, without requesting augmentation, presumed that the oral evidence received by the trial court sustained its judgment, no error appearing on the face of the record, and affirmed the order appealed from. *Kingston v El Dorado County* (1964) 230 CA2d 455, 41 Cal Rptr 23.

**§ 25001.1. Boundaries of supervisorial districts: Adjustments**

The boundaries of the supervisorial districts shall be adjusted by the board before the first day of November of the year following the year in which each decennial federal census is taken. If the board fails to adjust the boundaries before the first day of November following the year in which the federal census is taken, a supervisorial redistricting commission shall do so before the 31st day of December of the same year. The adjustment of the district boundaries shall be immediately effective the same as if the act of the supervisorial redistricting commission were an ordinance of the board, subject, however, to the same provisions of referendum as apply to ordinances of the board.

Added Stats 1st Ex Sess 1964 ch 21 § 2, ch 40 § 2; Amended Stats 1970 ch 361 § 2.

**Amendments:**

1970 Amendment: (1) Substituted "before the first day of November" for "between the first regular meeting of the board held in January 1965 and April 30, 1965, and thereafter before the first day of October" in the first sentence; (2) deleted the former second sentence which read: "If the board fails to adjust the boundaries between the first regular meeting of the board held in January 1965 and April 30, 1965, a supervisorial redistricting commission shall do so before the first day of July of the year 1965."; (3) substituted "November" for "October" in the second sentence; (4) substituted "the" for "any succeeding" before "federal census" in the second sentence; (5) deleted "In either case" at the beginning of the third sentence; and (6) deleted the last sentence which read: "If a board has adopted a redistricting ordinance after January 1, 1961, and adopts a resolution finding that the population equality among the districts meets the standard required by Section 25001, the board need not adjust the boundaries of the supervisorial districts between the first regular meeting of the board in January 1965 and April 30, 1965."

**§ 25001.2. Supervisorial redistricting commission: Composition**

The supervisorial redistricting commission shall be composed of the

§ 25001.2

GOVERNMENT OF COUNTIES

district attorney, who shall be chairman, the county assessor, and the county clerk if he is elected by the qualified electors of the county, or, if not, the county superintendent of schools if he is elected by the qualified electors of the county, or, if not, the sheriff.

Added Stats 1st Ex Sess 1964 ch 21 § 3, ch 40 § 3; Amended Stats 1970 ch 361 § 3.

Amendments:

1970 Amendment: (1) Deleted "the county assessor," before "the district attorney"; (2) added "who shall be chairman, the county assessor"; and (3) deleted the second sentence which read: "The county clerk, superintendent of schools, or sheriff, whichever is a member of the commission, shall be chairman."

§ 25001.3. Boundary adjustment on basis of census

At any time between the decennial adjustments of district boundaries, the board may cause a census of the county to be taken as provided in Section 26203, and may adjust the boundaries of the supervisorial districts on the basis of that census, or on the basis of population estimates prepared by the State Department of Finance or the county planning department or planning commission, pursuant to Section 25001. In the event any such census or report for Alameda County prior to December 1, 1976, shows that the population of the districts in such county is not as nearly equal as may be, the board shall, prior to December 31, 1976, adjust the boundaries of the districts pursuant to Section 25001.

Added Stats 1st Ex Sess 1964 ch 21 § 4, ch 40 § 4; Amended Stats 1970 ch 361 § 4; Stats 1972 ch 926 § 1.

Amendments:

1970 Amendment: Substituted "population estimates prepared by the State Department of Finance or the county planning department or planning commission" for "the total number of registered voters of the county".

1972 Amendment: Added the second sentence.

§ 25001.4. Population figures used for boundary adjustments: Action for declaratory relief

Any person claiming that the estimates of population used in the redistricting pursuant to Section 25001.3 do not reflect the current population within the district boundaries more accurately than the most recent census data, may commence an action in the superior court in declaratory relief to determine that fact. Such an action shall be brought within 30 days after the adoption of the redistricting ordinance.

Added Stats 1st Ex Sess 1964 ch 21 § 5, ch 40 § 5; Amended Stats 1970 ch 361 § 5.

Amendments:

1970 Amendment: (1) Deleted the former first and second sentences which read: "Population figures to be used for the adjustment of boundaries to be accom-

## OFFICERS

§ 25002

plished between the first regular meeting of the board held in January, 1965 and April 30, 1965, shall be based on the 1960 federal census, or a later census of the county taken under the provisions of Section 26203, or on the total number of registered voters of the county. In a county in which the population has increased by 20 percent or more between April 1, 1960, and July 1, 1963, as reported by the State Department of Finance in the document entitled 'Population of California Counties, July 1, 1963,' population estimates may be used provided the board determines that the estimates will reflect the current population within the district boundaries more accurately than the 1960 census data."; (2) added "pursuant to Section 25001.3"; and (3) substituted "most recent" for "1960" in the first sentence.

§ 25001.5. Advisory committee on boundary changes: Authorization to appoint, membership, etc.

The board may appoint a committee composed of residents of the county to study the matter of changing the boundaries of the supervisorial districts. The committee shall make its report to the board of its findings on the need for change of boundaries, and the recommended changes, within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than August 1st of the year following the year in which the census is taken. Recommendations of the committee are advisory only.

Added Stats 1970 ch 361 § 6.

Prior Law: Based on former § 25009, as added by Stats 1961 ch 1855 § 1.

§ 25002. Continuance of supervisor's term of office: Limitation on time of boundary change before or between elections

The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he was elected.

At the first election for county supervisors in each county following adjustment of the boundaries of supervisorial districts, a supervisor shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

A change in the boundaries of a supervisorial district shall not be made within 90 days prior to the final date of voter registration for an election of supervisors in the county or between the direct primary election and the general election.

Added Stats 1947 ch 424 § 1; Amended Stats 1st Ex Sess 1964 ch 21 § 6, ch 40 § 6; Stats 1967 ch 1318 § 1.

Prior Law: Based on:

(a) Former Pol C § 4029, as added by Stats 1907 ch 282 § 1 p 364, amended by Stats 1943 ch 935 § 1 p 2910.

(b) Stats 1897 ch 277 § 16 p 455.

507



COUNTY OF SAN DIEGO

BOARD OF SUPERVISORS • 1600 PACIFIC HIGHWAY  
SAN DIEGO, CALIFORNIA 92101 • (714) 236-2293

LEE R. TAYLOR  
CHAIRMAN

FIFTH DISTRICT EXECUTIVE ASSISTANTS

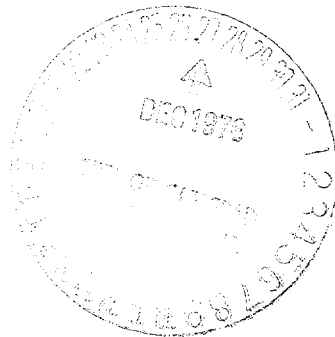
BILL DOMINGUEZ

SAN DIEGO OFFICE

TED MARIONCELLI

VISTA OFFICE

December 23, 1976



Mayor Robert C. Frazee  
City of Carlsbad  
City Hall  
1200 Elm Avenue  
Carlsbad, California 92008

Dear Bob:

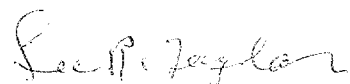
It is the intent of this letter to inform you of the proposed action by the County Board of Supervisors to help lower the cost of housing.

On December 27, 1976, the Board of Supervisors is scheduled to amend the text of the San Diego County General Plan to change the effective date of Plan Amendments as related to subdivisions.

The specific action freezes the County General Plan as it exists on the date of the filing of an environmental impact initial study or draft environmental impact report for a proposed subdivision. The initial study or draft environmental impact report is an applicant's initial submittal for a lengthy environmental review and subdivision processing period. During this period a subdivision application is subject to whatever changes a General Plan Amendment would have upon the particular property to be developed. Potential impacts are project delay and, in some cases, abandonment of the project. The Board of Supervisors believes that such impacts contribute to the current high cost of housing.

I wish to urge that your city consider taking similar actions to expedite the processing of subdivisions to help reduce the cost of new housing. If, indeed, changes in procedure can result in lower housing costs, then such changes cannot help but benefit all citizens.

Sincerely,

  
Lee R. Taylor, Chairman  
Supervisor, 5th District

LRT:CB:jr

Attachment: Text Amendment

## Subarea Plans

It is the purpose of the adopted community plans, adopted subregional plans, adopted development plans, and other adopted subarea plans to be more definitive land use guidelines than the countywide General Plan, and in cases of conflict the subarea plan takes precedence over the Land Use Element of the County General Plan. Community Plans, subregional plans or development plans are not applicable to:

Land within the corporate limits of any city.

Land consisting of less than five acres under one ownership where the Planning Commission or Board of Supervisors finds that the land use proposal is consistent with the goals, objectives, and programs of the community, subregional, or development plan.

### Operative Dates of Amendments to this General Plan-

The operative date of any amendment to this General Plan shall be the date on which the amendment is adopted by the Board of Supervisors except as hereinafter provided:

1. In the event a different operative date is prescribed in the amendment, that date shall be the operative date of the amendment; or
2. In the event that a major subdivision development has been proposed by the filing of an environmental impact initial study or draft EIR together with required maps and fees prior to the adoption of an amendment to this plan which applied a more restrictive designation to the property proposed for subdivision, the operative date of the amendment insofar as it applies to the property proposed for subdivision shall be one year after the date that the above referenced initial study or draft EIR was filed, provided that within one year from such filing the applicant shall have completed the tentative map application pursuant to the Subdivision Ordinance. This paragraph (2) shall only apply to amendments adopted after \_\_\_\_\_.



## CITY OF CARLSBAD

AGENDA BILL NO. 3798 Supplement 1

DATE: September 6, 1977

DEPARTMENT: Planning

Initial:  
Dept. Hd.

City Atty

City Mgr.

## SUBJECT:

Palomar Airport Annexation EIR  
EIR-387STATEMENT OF THE MATTER

The Council reviewed the County's Master Plan and EIR for Palomar Airport in April 1975 and informed the Board of Supervisors that services would not be available to serve the airport expansion unless the property was annexed to Carlsbad.

In November 1976 the Council directed Staff to take the necessary steps to initiate the annexation of Palomar Airport. Based on discussions with LAFCO staff, the Planning Director determined that an EIR was required for the project. Since state law requires that only one EIR be prepared for a given project, the annexation EIR discusses only the impacts of annexation and not the impacts of the airport's operation, which were covered in the Master Plan EIR.

The Planning Commission recommended certification of the EIR with the proviso that additional economic information be added.

Exhibits

EIR-387 - Exhibit A

Recommendation

That the City Council certify EIR-387, including all testimony received at the public hearing.

Council action

9-6-77 Following the public hearing the Council certified Environmental Impact Report #387, including all testimony received at the public hearing.

FORM PLANNING 73

**City of Carlsbad**

**Environmental Impact Report  
for the  
Palomar Airport  
Annexation**



**EIR-387  
Exhibit A  
April 19, 1977**

Palomar Airport Annexation  
Final Environmental Impact Report

Prepared by:

CITY OF CARLSBAD PLANNING DEPARTMENT  
1200 Elm Avenue  
Carlsbad, California 92008

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City of Carlsbad  
Planning Department  
Staff Recommendation

Date: August 2, 1977  
Subject: EIR-387, Palomar Airport Annexation  
Applicant: City of Carlsbad

Findings:

1. The EIR meets all requirements of the California Environmental Quality Act and the Carlsbad Environmental Protection Ordinance of 1972.
2. The EIR has been properly noticed and reviewed.
3. No unavoidable adverse impacts will result from the project.

Recommendation:

It is recommended that Final EIR-387 as contained in this document be CERTIFIED based on the above findings. Any comments received as part of the public hearing shall be included in the Final EIR.

Discussion:

The annexation of Palomar Airport will result in no physical changes to the existing use. The primary effects of the annexation will be to increase Carlsbad's planning authority over the airport, formalize Carlsbad's provision of services to the airport, and redistribute the tax revenues generated by the airport.

DHW:ar

## List of Reviewing Agencies

Local Agency Formation Commission  
County of San Diego Environmental Analysis Division  
Comprehensive Planning Organization  
Airport Land Use Commission  
County Department of Public Health  
County Air Pollution Control District  
San Diego Coast Regional Commission  
Carlsbad Municipal Water District (CMWD)  
Woodside/Kubota and Associates (Consulting Engineers for CMWD)  
San Diego Gas and Electric  
City Engineer  
Fire Chief  
Public Works Administrator  
City Manager

# COUNTY OF SAN DIEGO



## Environmental Analysis Division

### Community Services Agency

9150 Chesapeake Road (MS 0175), San Diego, California 92123 . . . Telephone 565-5757

RECEIVED

JUN 30 1977

CITY OF CARLSBAD  
Planning Department

June 28, 1977

Ms. Dana Hield Whitson  
Assistant Planner  
City of Carlsbad  
1200 Elm Avenue  
Carlsbad, California 92008

SUBJECT: Draft EIR, Palomar Airport Annexation; Log #77-7-26

Dear Ms. Whitson:

The Environmental Analysis Division staff has completed its review of the draft Environmental Impact Report for the proposed annexation of the Palomar Airport to the City of Carlsbad located within the County of San Diego.

We have no comments at this time.

Respectfully,

BRADFORD K. WILLIAMS  
Environmental Impact Report Coordinator  
Environmental Analysis Division

BKW:JBG:acn



WOODSIDE/KUBOTA & ASSOCIATES, INC.

CONSULTING



ENGINEERS

2965 Roosevelt St. • P. O. Box 1095 • Carlsbad, California 92008 • (714) 729-1194

July 8, 1977

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JUL 9 1977

CITY OF CARLSBAD  
Planning Department

Mr. James Hagaman, Planning Director  
City of Carlsbad  
1200 Elm Avenue  
Carlsbad, Ca. 92008

Subject: Palomar Airport Annexation EIR -  
Carlsbad Municipal Water District

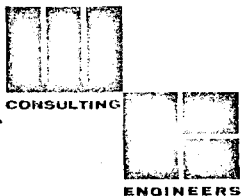
Dear Mr. Hagaman:

Thank you for the opportunity of the Water District to respond to the subject EIR prepared by your department. From the stand point of the public water service agency for the property under discussion and the fact that we are geographically neighbors of the Palomar Airport, we offer you the following comments:

1. One of the foremost considerations of the proposed annexation is to bring under the control of the City of Carlsbad the land use impact of this neighbor airport upon the entire community of Carlsbad and the surrounding area. To date under the control of the County Board of Supervisors, the airport has developed to the point where there are substantial problems of incompatibilities of land use between the airport properties and their neighbors. As a matter of fact there are lands such as our Water District already within the City of Carlsbad who are now at the mercy of gross noise pollution and we are severely handicapped in making our plight known.

Accordingly, we feel very strongly that if the annexation is to proceed, there should be a complete understanding that the City of Carlsbad is in the absolute position to bring discipline and order in the entire neighborhood. Our concerns are further amplified by the fact that the County of San Diego is now processing a Conditional Use Permit for the airport itself. At the very least we find it highly unusual that after all of these years, the County would proceed in this direction just at the same time they are processing an annexation to the City.

2. With respect to public service, namely public water service, we



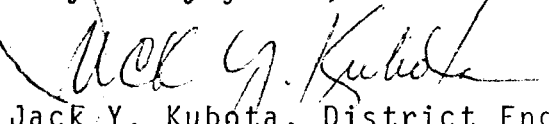
City of Carlsbad  
July 8, 1977  
Page 2

want to advise you that the County of San Diego has at no time ever properly addressed the issue of an adequate public water system to serve the airport properties as well as the proposed expansion. Our District has from time to time reminded the County of San Diego that this important step is absolutely essential in order that our water agency can provide adequate service. We also want to remind you that the airport property under the ownership of the County does not contribute one penny of tax dollars to help finance all of the public water service facilities that the airport property now enjoys. We are hopeful that some day the County of San Diego will recognize its financial obligations so that the rate payers and the tax payers of the entire District can be relieved of their financial burdens.

3. From our vantage point of a public water service agency, we question the validity of the information contained in the EIR relating to revenues that will accrue to the City of Carlsbad. We recognize there are several interpretations of this sphere of consideration; however, we are of the firm opinion that a tax exempt agency must pay some form of "in lieu taxes" in order to be responsive to their fair share of public services costs.

We welcome the opportunity to respond to any questions you may have regarding this submission and please advise when you will be conducting the public hearing portions of these proceedings.

Very truly yours,

  
Jack Y. Kubota, District Engineer  
Carlsbad Municipal Water District

cc: Carlsbad Municipal Water District  
Legal Counsel  
Lovell Hulbert



RECEIVED

MEMORANDUM - July 13, 1977

JUL 14 1977

CITY OF OAKSBAD  
CITY ENGINEER

TO: Dana Whitson, Planning  
FROM: City Engineer  
SUBJECT: Palomar Airport Annexation EIR

In reviewing the draft, I notice that revisions are needed to Page 14 - 3 Community Services, b. Sewer Service.

A review of the agreement indicates that there is no reference to 10,000 gallons per day as an upper limit of flow from the Airport. Also, the sewer moratorium does affect the Airport as there are no exemptions other than the Council would have to make a case-by-case review of ("other governmental agencies").

I have notified the County that sewer connection permits are not available.

  
Tim Flanagan  
City Engineer

TCF:ms

c: PWA

Planning Director's Response to Comments  
on the Draft EIR

County of San Diego Environmental Analysis Division - No comment

Jack Kubota, Woodside /Kubota and Associates, Inc. -

Comment: If annexation is to proceed, there should be a complete understanding that the City of Carlsbad is in an absolute position to bring order in the entire neighborhood.

Response: The annexation of the airport will have no immediate effect on the compatibility of the airport with surrounding uses. The City does intend to process a Conditional Use Permit for the airport and maintain authority over future fixed base uses which might be requested.

According to the City Attorney, the City has no zoning or land use authority over the airport functions which are owned and operated by the County. The City has, in the past, received assurances from the County that all planning for future airport facilities would be mutually determined.

In addition, both the City and the Airport Land Use Commission must review future developments in the vicinity of the airport in order to assure that noise and safety hazards will be restricted to acceptable levels.

Comment: The County has not properly addressed the adequacy of the existing public water system which serves the airport. The airport has not contributed to the financing of public water service facilities.

Response: The annexation will not affect the water service requirements for the airport. CMWD will continue to provide water services. It is true that the County is not taxed, and therefore does not contribute toward the financing of public water service facilities. However, this applies to all governmental facilities. CMWD, for example, pays no taxes to offset police and fire services afforded by the City.

Comment: We question the validity of the information contained in the EIR relating to revenues that will accrue to the City of Carlsbad.

Response: The revenue figures are based on the actual revenues received by the County for FY 1975-76. The total annual revenue expected to accrue to the City is \$49,450. Staff has not attempted to determine whether those revenues will equal the City's expenditure for services. However, in that the City presently receives no remuneration for

services already provided, the revenues accrued to the City as a result of annexation will at least help to offset service costs.

Comment: Tax exempt agencies should pay some form of "in-lieu taxes" in order to be responsive to their fair share of public service costs.

Response: This is a matter of State and Federal policy. The equity of taxation practices has been widely debated. In actuality, few developments pay taxes which are roughly equivalent with the services they receive. There is no local authority for charging "in-lieu taxes".

City Engineer:

Comment: Refer to Page 14-3 Community Services, b. Sewer Service.

A review of the sewer agreement between the City and the County of San Diego indicates that there is no 10,000 gallon per day upper limit of flow from the airport as mentioned in the draft EIR. The sewer moratorium does affect the airport and no new sewer connection permits will be issued unless exempted by the City.

Response: This revision is noted. As pointed out in the draft EIR, the problem with sewer service capability exists regardless of whether the airport is annexed.

DHW:ar

# CITY OF CARLSBAD

PLANNING COMMISSION MEETING  
AUGUST 10, 1977  
PAGE 2

LARSON  
ROMBOTIS  
WOODWARD  
EIKES  
JOSE  
WATSON  
L'HUREUX

Mr. Butts in rebuttal said he agreed that the yard areas needed attention. He reported that as soon as the contractor has completed the conversion of his garage, he would bring the lawn up to neighborhood standards. He said this would take approximately 45 days. He said he had no objection to moving the metal storage shed in the frontyard to the backyard and would do it on August 11th. He said he would move the sideyard metal shed to the backyard if necessary.

The Commission indicated that Mr. Butts was operating a facility that was non-conforming to the area and should maintain standards compatible with the neighborhood. It was pointed out that Mr. Butts is in violation of the zoning code by having the metal shed located where it is in the front yard, by letting the weeds grow and trash collect in his yard and caring for six people before the conditional use permit had been approved.

Mr. Butts said the two people over and above the original four were temporary and would be leaving by the end of the week.

The Public Hearing was closed.

A motion was made to deny CUP-138 based on the findings that the use was not compatible with the neighborhood.

MOTION  
AYES  
NOES

The motion did not carry.

There was a discussion on whether the conditional use permit could be limited to a number of four and if the conditional use permit was approved and subsequently at a later date revoked, could Mr. Butts then operate the facility for four under the original non-conforming use.

A motion was made that CUP-138 be continued to October 12, 1977 for the purpose of allowing Mr. Butts to comply with his testimony to clean up the yard and bring it up to existing neighborhood standards.

MOTION  
AYES  
NOES

The motion did not carry.

A motion was made to continue CUP-138 to continue CUP-138 to August 24, 1977, to obtain legal advice from the City Attorney regarding: (1) Is it legal to limit the number of care patients to four on a conditional use permit, and (2) if the conditional use permit is reworded to limit the number to four and then is subsequently revoked, does the applicant have the right to continue using the facility as a non-conforming use.

MOTION  
AYES

- (2) Case No. EIR-387, Palomar Airport Annexation - To consider certification of the Environmental Impact Report for the Palomar Airport Annexation.

Ms. Dana Whitson, Assistant Planner, gave the staff presentation. She explained that the EIR addresses itself only to the impact of the annexation of the airport.

# CITY OF CARLSBAD

ANNING COMMISSION  
AGE 3  
AUGUST 10, 1977

LARSON  
ROMBOTS  
WOODRUFF  
FLYER  
JOSHI  
WALSH  
LITFIREUX

The Commissioners discussed the economic impact that the annexation will have on Carlsbad in regard to services given in relation to revenues received. There was concern expressed for the legal responsibility of the airport if annexation occurs and discussion about the noise factors as they relate to the take-off and landing patterns of aircraft over the City of Carlsbad.

A motion was made to certify EIR-387 for the Palomar Airport Annexation with the inclusion of additional information showing the cost of services vs. the income generated by annexation for both the present time and projected figures.

MOTION  
AYES  
NOES  
ABSTAIN

X X X X X X

- (3) Case No. GPA-49, County of San Diego - Approval of a General Plan Amendment to change the Land Use designation from OS (Open Space) to G (Governmental Facilities) to enable construction of a Solid Waste Shredder and Transfer Station.

Ms. Dana H. Whitson gave the staff presentation.

Clarence Kaufman, Sanitation and Flood Control, County of San Diego, said the area from Del Mar north would be served by this facility. The cities to the north near the Bonsall landfill would continue to deposit their trash there. The facility in Carlsbad would handle approximately 600 tons a day and serve about 170,000 population. Mr. Kaufman explained there were unusual circumstances in North County which limited the site availability for this project: (1) Either the areas were very close to developments, (2) The area would impact the airport (disposal sites cannot be located within 10,000 feet of airport runway under FAA regulations), or (3) There was too much rock in the more remote areas and not enough cover dirt or suitable geologic conditions for sanitary landfilling, and (4) it was necessary to have the site serve the population adequately. The site chosen does not have enough cover dirt for conventional landfill but can be utilized as a shredder wasteland fill because there is no requirement to cover daily. The EDA grant for 3 1/2 million dollars for this project has certain time restraints which would not permit condemnation proceedings that would accompany the purchasing of new land. The site is County owned land.

Mr. Gary Wesch, County of San Diego, stated that the roads were City roads and the traffic would be the responsibility of the City. He realized there would be conditions placed on this.

Mr. Ross Spalding, 4123 F Street, Carlsbad, Manager of Japatt Corporation, who are the owners of the property adjacent to the west of the site, said he wished to go on record as not necessarily opposed to the project but concerned since they plan to build an industrial park and because of this they are concerned about the noise and aesthetics of the facility.

A motion was made to continue GPA-49 to August 24, 1977 in order to allow the Board of Supervisors time to certify the EIR on this project.

MOTION  
AYES

X X X X X X

## ADDENDUM TO EIR-387

Re: Supplemental Economic Information

### Background

The Planning Commission requested that additional economic information on the cost of supplying services to the airport vs. the revenues received be added to the Palomar Airport annexation EIR.

The revenues to be generated can be fairly accurately predicted, based on revenue data for previous years. However, municipal service cost for police and fire protection and general government cannot be easily assigned to the airport. For example, the Police Chief has stated that the Airport annexation will not tax existing police services. However, when considered cumulatively with other new development, the annexation will contribute to a demand for increased police service.

In addition, there is no way of pro-rating the City's overall service costs as a means for accurately predicting the service costs for a single user. With these limitations in mind, Staff chose to discuss service costs in more general terms.

### REVENUES<sup>1</sup>

Annexation of the airport would cause four significant sources of revenues to accrue to the City. The following estimate of revenues for the 1976-77 fiscal year is based on 1975-76 revenue figures.

<u>Sales Tax</u>	\$13,050
------------------	----------

Businesses are already paying this and revenue currently goes to County but would go to City when annexed.

<u>Aircraft Personal Property Tax</u>	\$29,672
---------------------------------------	----------

Aircraft at Palomar Airport are subject to this tax. At present,  $\frac{1}{2}$  of this tax goes to school districts and  $\frac{1}{2}$  to County. Upon annexation, distribution would be as follows:  $\frac{1}{3}$  County,  $\frac{1}{3}$  school districts,  $\frac{1}{3}$  City.

<u>Possessory Interest Tax</u>	\$ 6,200
--------------------------------	----------

Possessory interest in land and improvements are subject to City property tax of \$1.90. This tax is already levied by taxing jurisdictions which include the airport within their boundaries. Upon annexation, the City's tax levy would be added to the combined total.

<u>Business License Tax</u>	\$528 plus
-----------------------------	------------

The revenue derived would depend upon the gross receipts of the businesses at the airport. A conservative estimate of \$1,500,000 gross receipts was assumed for this estimate.

TOTAL:	\$49,450
--------	----------

<sup>1</sup>This information is based on an October 20, 1976 memo from Frank Mannen, Administrative Assistant to the City Manager.

There do not appear to be any other significant revenue sources which would accrue to the City due to the annexation of the airport. Revenues are expected to increase commensurate with expanded usage of the airport.

## SERVICES<sup>2</sup>

### Sewer Service

The City of Carlsbad is presently providing sewer service to the airport. The City and County entered into an agreement regarding service in May, 1975. The County currently pays an annual sewer service charge as specified in the agreement. The agreement further provides that in the event the airport property is annexed to the City of Carlsbad, the agreement shall be deemed to be modified to provide for a rate (sewer service charge) established on the same basis as for other commercial and industrial users within the City limits.

### Water Service

Water service to the airport is provided by Carlsbad Municipal Water District. Annexation should have no direct effect on the provision of water service to the Airport.

### Trash Hauling

The same trash hauler operating in the City of Carlsbad is also providing service to the airport and this service would continue after annexation.

### Leisure Service

The proposed annexation would have no significant impact on the demand for Park and Recreation and Library service.

### Street Maintenance and Improvements

Since the airport property is in County ownership, the maintenance of streets and other public improvements within the airport would remain the responsibility of the County. The City of Carlsbad would become responsible for the maintenance of that portion of Palomar Airport Road which lies adjacent to Palomar Airport. The City Engineer indicates that it would be desirable for the County to bring this portion of Palomar Airport Road up to City maintenance standards prior to annexation.

To bring Palomar Airport Road to full standards as a prime arterial, the following improvements would need to be made to the 3400 feet upon which the airport fronts:

---

<sup>2</sup>Ibid.

PALOMAR AIRPORT ROAD (106' Pavement/126'R.O.W.)

<u>IMPROVEMENT</u> (Between El Camino Real and Yarrow Road)	<u>ESTIMATED COST</u>
Curb, gutter and sidewalk (\$20/L.F.)	\$ 68,000
Street lights 34 @ \$2000	68,000
Median construction \$10/L.F.	34,000
Landscaping	20,000
Paving and Base 50' additional width @ \$1.00 S.F.	170,000
Grading and Excavation	50,000
Traffic signal @ P.A.R. & Yarrow	60,000
Traffic signal @ P.A.R. & El Camino Real	80,000
Relocate utilities	<u>50,000</u>
	\$600,000
Engineering, inspection (15%)	\$ 90,000
Contingencies (20%)	<u>120,000</u>
TOTAL	\$810,000

Business License Enforcement

Most businesses operating at Palomar Airport would be subject to the City Business License requirements. After an initial effort to insure that all businesses are licensed, there should be no significant enforcement problems at the airport. The Airport Manager has indicated that he will assist the City in any way possible to help insure that businesses are properly licensed.

According to the City Clerk the anticipated business license revenues (\$528+) should more than cover administrative costs.

Police Services

The Police Department indicates that the proposed annexation will have a very slight effect on its patrol activities. Routine patrol service can easily be provided through the present beat organization. It is not anticipated that the airport will generate a significant demand for police service.

The Police Chief indicated that a very rough estimate of Police service costs for the airport would be \$10,000 annually.



## Fire Service

The fire service required at the airport will fall into three categories; inspection, structural fire protection and crash services.

The demand for fire services in the short term will not heavily impact the Fire Department. There will be an increase in fire inspection activities, but this increase can be integrated into the present work load of the Fire Inspection Division. The Fire Chief estimates that fire inspection of the airport will require approximately 15 man-hours annually.

Structural fire protection at the airport can be adequately provided from the La Costa Station for the short term. However, as the industrial property at the airport and in the adjacent industrial parks develops, an additional station will be required in the general vicinity of the airport. The cost of this station must be assigned to all future uses in the vicinity of the airport.

Crash services are currently provided by a light crash truck stationed at the airport and manned by County personnel. The truck is only manned on a part-time basis generally during daytime hours. If in the future improved crash service is required, this will need to be negotiated by the County. The Fire Marshall indicates that the water supply to the Airport should be upgraded. The water system should be looped and additional hydrants installed in order to provide adequate fire-flows to all structures at the airport. It is anticipated that this upgrading will occur as the airport develops.

## Building Inspection

Annexation should not create a significant demand for service from the Building Department. The Building Department has indicated that building permit fees exceed the costs for plan check and inspection.

## SUMMARY

The City already provides many municipal services on an informal (police and fire) or contractual (sewer) basis for the airport. We receive no tax revenues for those services at the present time.

We cannot predict the actual cost of providing City services to the airport. However, we do know that the increased service demands can be reasonably accommodated. The \$50,000 annual revenues would appear to cover the increased service liability (beyond those services already provided.)

PALOMAR AIRPORT ANNEXATION

DRAFT

ENVIRONMENTAL IMPACT REPORT

Prepared by:

City of Carlsbad Planning Dept.  
1200 Elm Avenue  
Carlsbad, California 1977

April 18, 1977

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## Section I. Introduction and Summary

### A. Purpose

This Environmental Impact Report addresses the proposed annexation of the Palomar Airport property to the City of Carlsbad. Carlsbad is the lead agency for the annexation. The San Diego Local Agency Formation Commission and the County of San Diego (as the owner and operator of the airport) are responsible agencies, as defined in Section 15039 of the State EIR Guidelines as amended January 1, 1977.

The County Board of Supervisors certified an Environmental Impact Report for the Palomar Airport Master Plan (Log #75-7-13) in May of 1976. That EIR addressed the environmental setting of the airport and the surrounding area and the effects of the existing and anticipated future airport operations. As allowed in Section 15149 of the State EIR Guidelines, relevant portions of the Palomar Airport Master Plan EIR have been summarized and incorporated by reference in this EIR. Copies of the Palomar Airport Master Plan EIR are available for review at the following locations:

1. City of Carlsbad Planning Department  
1200 Elm Avenue
2. Carlsbad Public Library  
Government Document Section  
1250 Elm Avenue
3. County of San Diego  
Environmental Analysis Division  
9150 Chesapeake  
San Diego, Calif.

The purpose of this EIR is to examine both the localized and regional, short-term and long-term effects of the annexation of Palomar Airport. It is the City's policy to use an EIR as a planning tool for early identification of the environmental effects of an action. The City will mitigate any adverse environmental impacts, or approve lesser impacting alternatives unless it is socially or economically unfeasible to do so.

### B. Summary

#### 1. Project Description

The City of Carlsbad proposes to annex the 256 acre-Palomar Airport to the City of Carlsbad. The airport currently has one runway at a length of 4700 feet and a width of 150 feet. Approach lights, an instrument landing system, and a unicom radio are among the navigational aids existing on the site. The airport also sustains a number of airport-related fixed based operations and support facilities, including flight instruction and aircraft charter services, aircraft sales and rental, aircraft maintenance and repair services, storage, fuel services, and a restaurant. The airport houses management and federal aviation personnel onsite. The Hughes Tool Company assembly and test facility is also located on the site.

The annexation will affect the level of municipal services available to serve the airport. It will also change the distribution of sales tax, aircraft personal property tax, possessory interest tax and business license tax revenues. Since all of the territory proposed for annexation is owned by the County of San Diego, the City will not gain the same level of land use controls which would be applied to annexation of privately owned land. The County is required by the Public Utilities Code to submit plans to the City prior to the acquisition of land for the expansion or enlargement of the airport. However, the City has little legal authority for applying land use regulations or development standards to County owned property. The County as a courtesy, has encouraged the City's participation in long term planning for the airport, and it is anticipated that this informal cooperation will continue.

#### B. Significant Environmental Effects

The only adverse effect of the project will be a loss of sales tax and aircraft personal property tax revenues to the County at approximately \$28,000 annually (using 1975-1976 revenue figures). As the airport expands its operations, this annual loss of revenue is also expected to increase. However, expansion of the airport operations is expected to increase user revenues, thus offsetting the County's operational costs. Staff believes that this adverse impact can be mitigated by improved services and lower fire insurance rates.

#### C. Beneficial Effects

The project will result in the following beneficial effects:

- 1) Police, fire and emergency medical services for the property will be greatly improved.
- 2) The annexation will reduce an existing county island, helping to correct a problem with illogical service and planning area boundaries.
- 3) The annexation will allow Carlsbad to collect revenues commensurate with services already being provided on an informal basis.

#### SUMMARY OF MITIGATION MEASURES

1. Although there is no legal basis for requiring it, the County should continue to enlist the City's participation in the planning and design of future airport facilities. This will assist in the compatible development of areas surrounding the airport.
2. The adverse economic impact to the County will be offset by:
  - a. An improvement in the level of police, fire, and emergency medical services;

- b. A decrease in insurance costs due to improved services (the fire rating for the airport will be significantly improved);
- c. Increasing revenues from user fees.

## II. PROJECT DESCRIPTION

The proposed project is the annexation of a 256 acre existing airport facility located at the northwest intersection of El Camino Real and Palomar Airport Road (see Figure 1 - Vicinity Map). The property is bounded by property within the City of Carlsbad on three sides.

The major effects of the annexation will be to:

1. Reduce an existing county island;
2. Formalize the requirements for Carlsbad to provide police and fire protection service for the airport; and,
3. Redistribute revenues generated by the airport.

The proposed annexation is to be considered by three agencies: The County of San Diego, the City of Carlsbad, and the San Diego Local Agency Formation Commission. The existing and planned airport facilities are described in detail in Sections 1.2 and 1.4 of the Environmental Impact Report for the Palomar Airport Master Plan (County of San Diego, Log No. 75-7-13). A layout of the airport facilities taken from that EIR is shown in Figure 2.

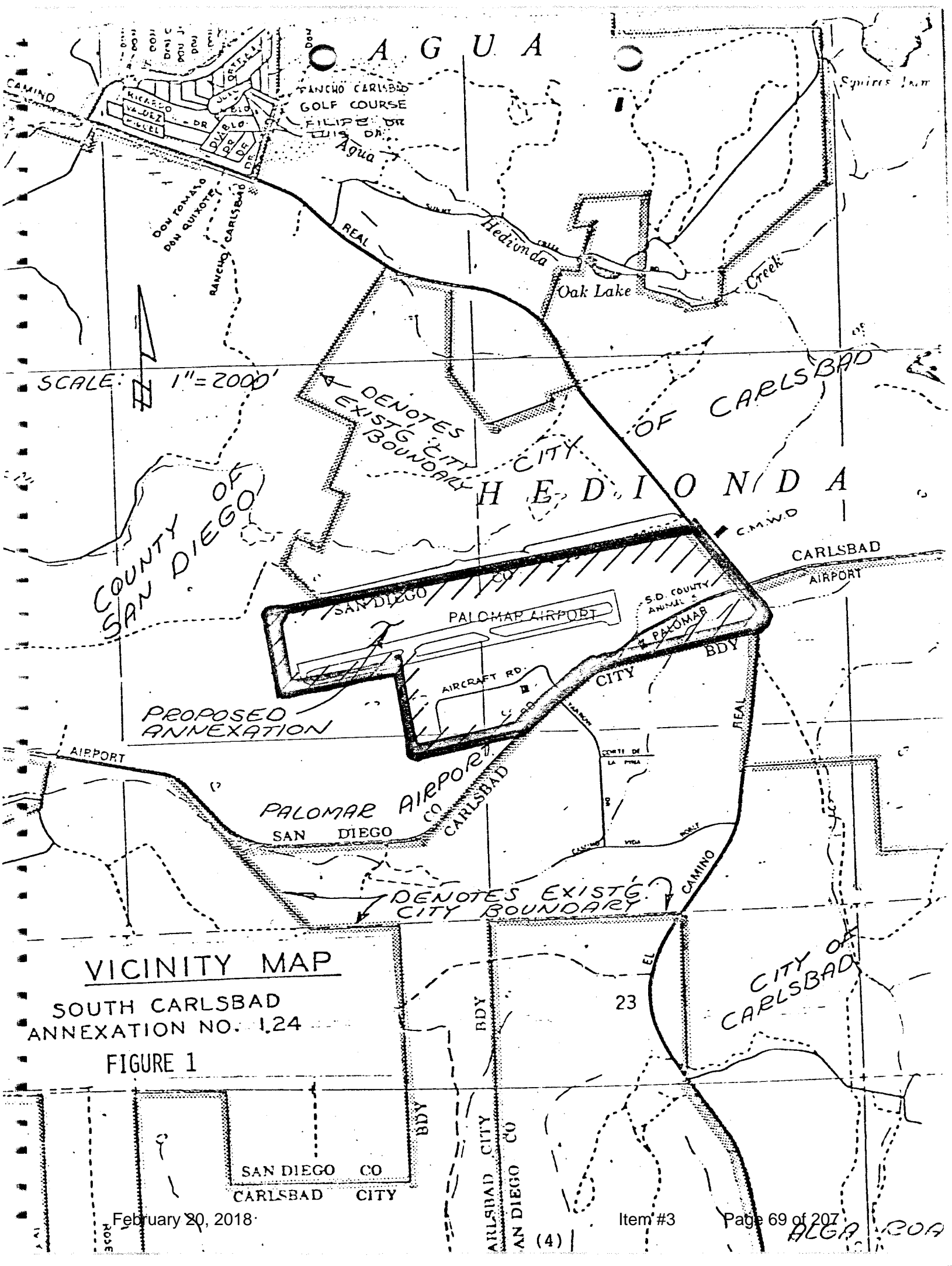
## III. ENVIRONMENTAL SETTING

### A. Physical Characteristics

1. Landforms- Palomar Airport is at an elevation of 328 feet above sea level, approximately five miles inland from the Pacific Ocean. It is situated on a narrow coastal plain less than a mile wide. The airport is located in an area characterized by a rolling terrain transversed by eroded canyons and water courses. The topography of the site is shown in Figure 3.
2. Geology and Soils - The geology and soils of the site are covered in detail in Section 2.5 of the EIR for Palomar Airport Master Plan. A map of geology of the airport site is contained in Figure 4.

Briefly summarized, the Palomar Airport area is underlain by a Pleistocene age wave cut terrace which is cut by natural drainage courses. Much of the airport site has been extensively modified by grading and previous sanitary landfills.

3. Hydrology - At present, surface water exists on the project site only during and immediately following rainfall. The easterly portion of the property sheet flows toward Palomar Airport Road. The remainder of the drainage is directed to three southwesterly trending drainage courses originating at the westerly end of the property. A more detailed description of hydrology is con-



# VICINITY MAP

SOUTH CARLSBAD  
ANNEXATION NO. 124

FIGURE 1



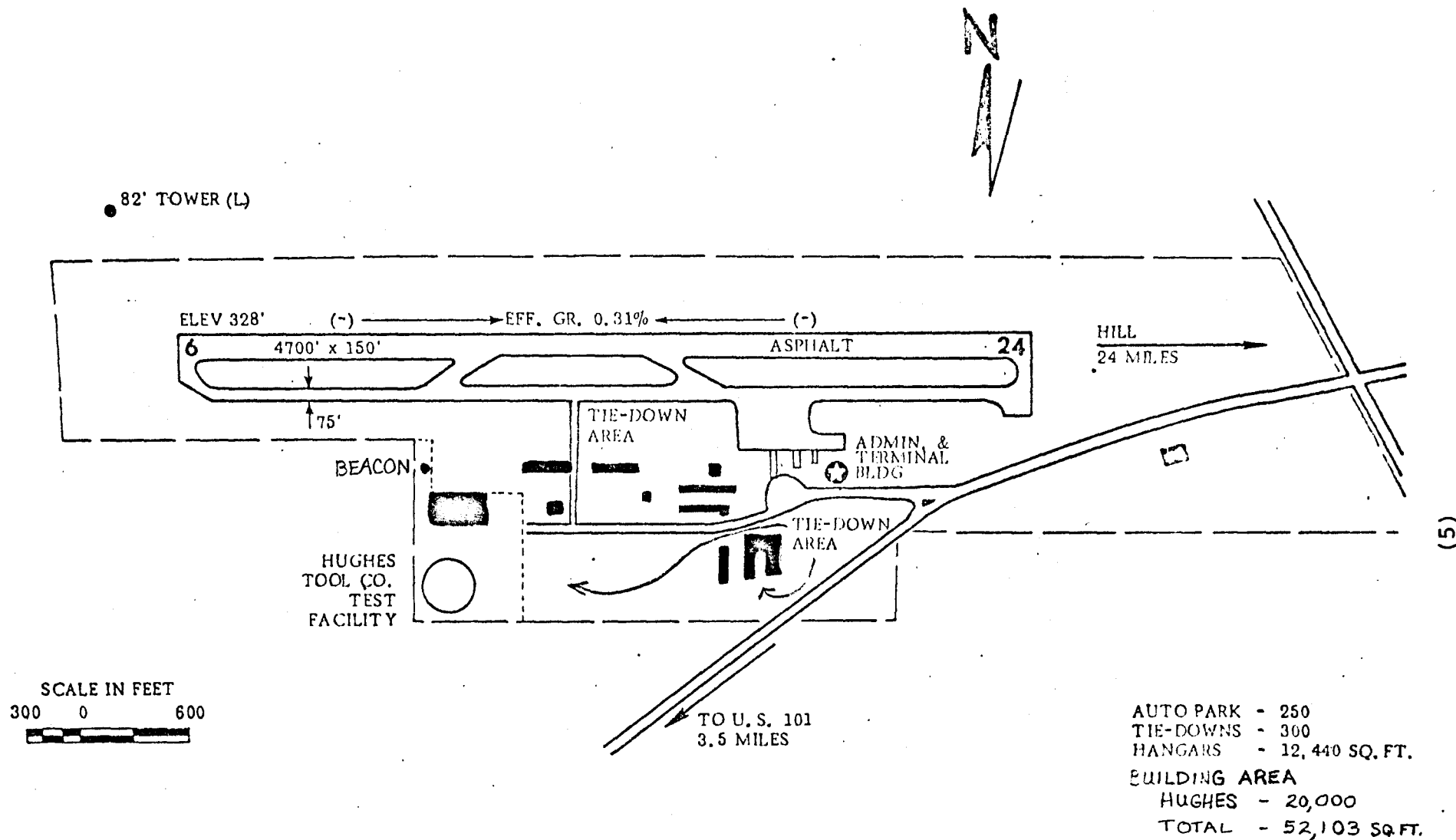
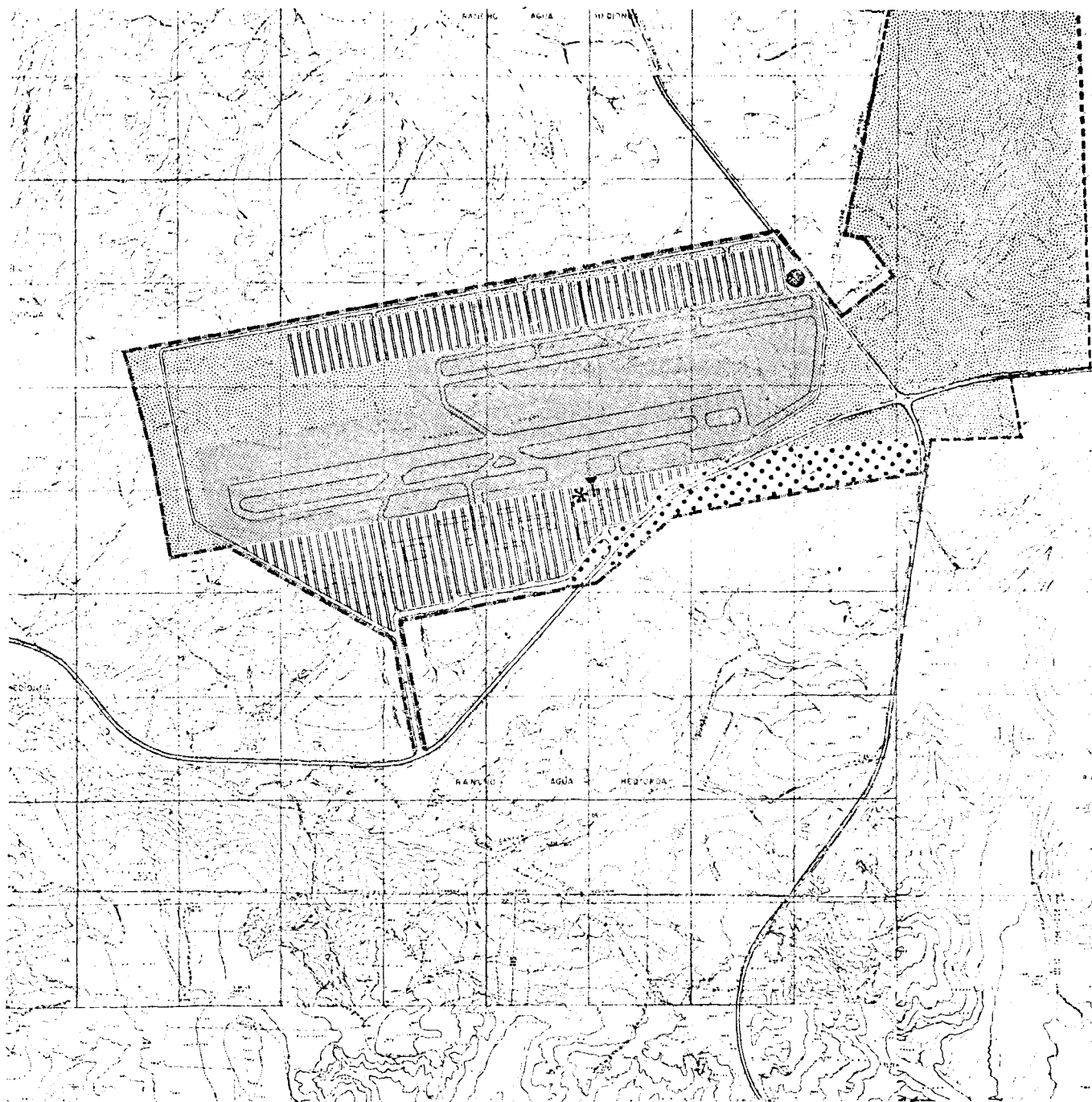


Figure 2 (a) Airport Layout - Palomar Airport, Carlsbad, California

Source: San Diego County, EIR for  
Palomar Airport Master Plan.



0 500 1000 2000 5000 FEET  
SOURCE: WLPA



RUNWAY, TAXIWAY SYSTEM



RECREATION/BUFFER



CONTROL TOWER



AVIATION ORIENTED



ADMINISTRATION BUILDING



INDUSTRIAL/COMMERCIAL



FIRE/RESCUE STATION

## Ultimate Land Use Plan

Source: San Diego County, EIR for  
Palomar Airport Master Plan.

Figure 2(b)

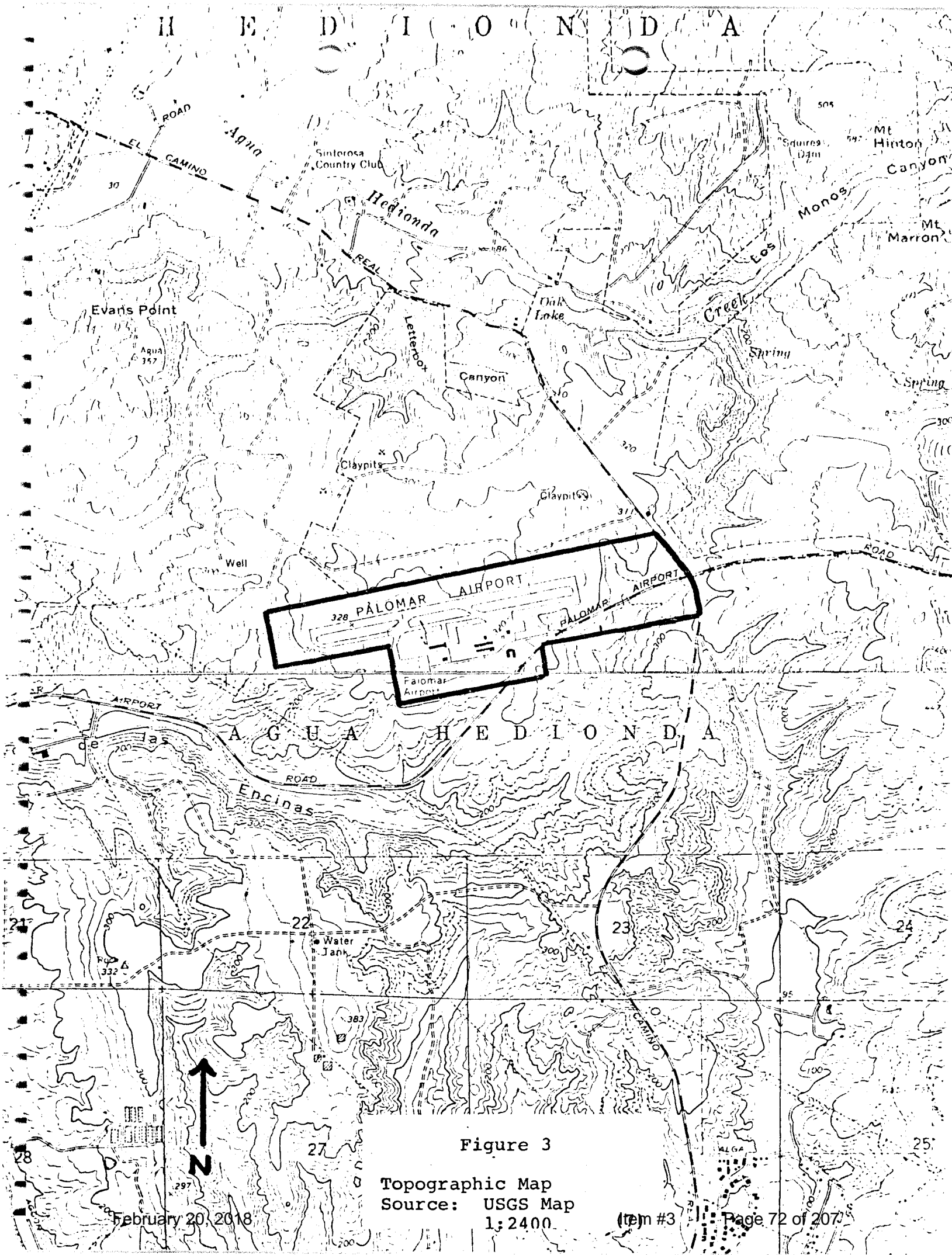


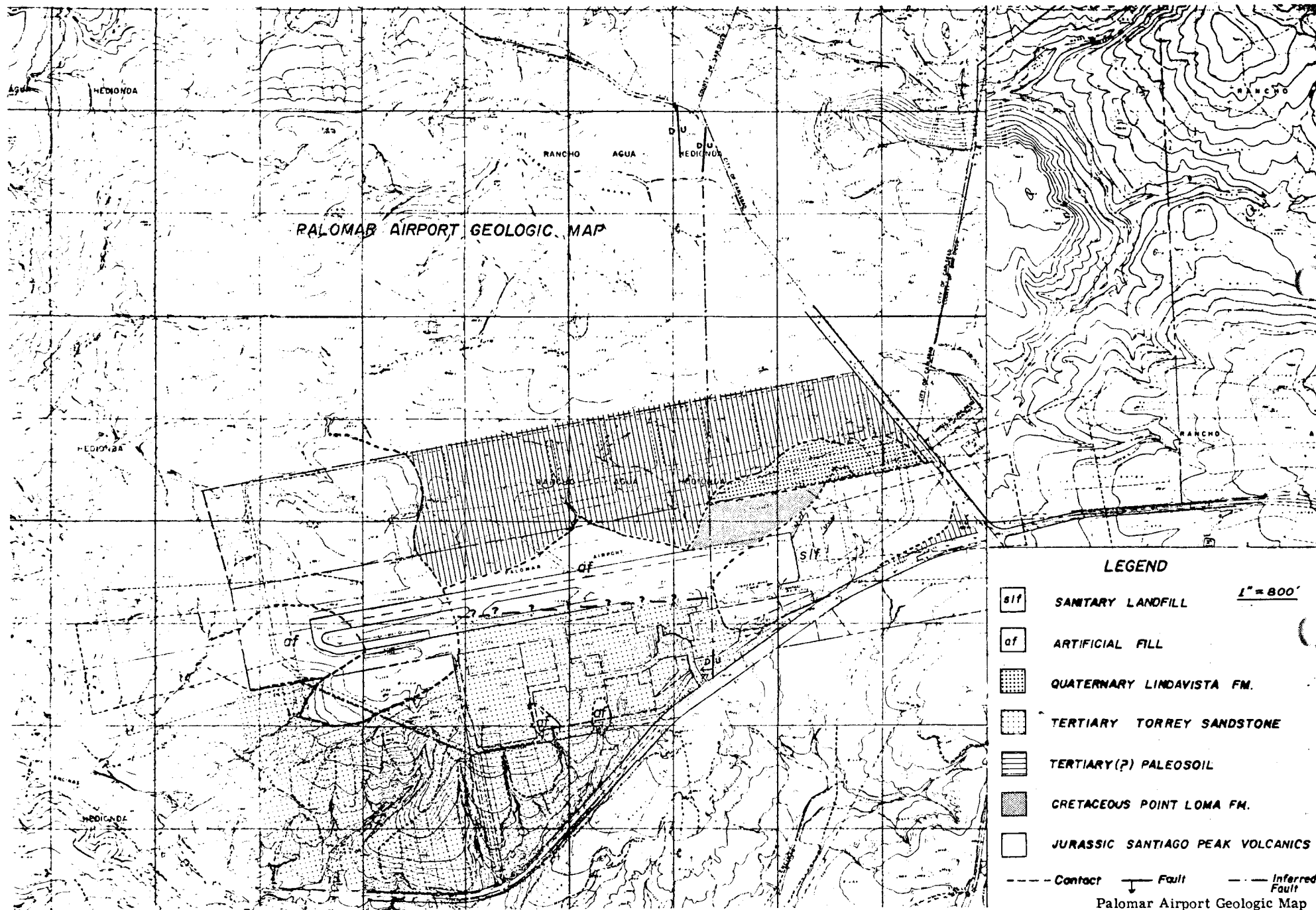
Figure 3

Topographic Map  
Source: USGS Map  
1:2400

(Item #3)

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February 20, 2018



February 20, 2018 **Figure 4**

Source: San Diego County, EIR for Item #3  
Palomar Airport Master Plan.

tained in Section 2.3 of the EIR for the Palomar Airport Master Plan.

4. Air Quality- The ambient air quality in the vicinity of Palomar Airport is described in Section 2.1 of the Palomar Airport Master Plan EIR. The emissions generated by the airport are as follows:

TABLE I PALOMAR AIRPORT 1973, EMISSIONS IN POUNDS/DAY

Sources	Hydro-Carbons	Particulates	NO <sub>2</sub>	SO <sub>2</sub>	CO
Motor Vehicles	499	22	430	14	3366
Industry	-----	-----	Negligible	-----	-----
Aircraft	174	111	111	12	5044
Evaporation (fuel)	142	-	-	-	-
TOTALS	815	133	541	16	8410

B. Biological Characteristics

The area surrounding Palomar Airport consists of three major vegetative communities: coastal sage scrub, chaparral and cultivated areas (truck crops -- primarily tomatoes). Figures 5 and 6 denote plant and animal species occurring or expected to occur on the site. No rare or endangered species were encountered during field surveys, or are expected to inhabit the site. A detailed description of the biological characteristics of the site is contained in Section 2.4 and Appendix II of the EIR for Palomar Airport Master Plan.

C. Human Characteristics

1. Land Use

The airport is close to the center of the Carlsbad planning area. To the south of the airport is the County Animal Shelter, the Hughes Aircraft Company Industrial Products Division, and the partially developed Palomar Airport Industrial Park. East of the airport is the Carlsbad Municipal Water District Office, and the clear/zone with runway approach aids. North of the airport is a vacant parcel owned by Japatul Corp. (a wholly owned subsidiary of San Diego Gas and Electric Company.) Japatul has announced plans to apply for approval of a specific plan for an industrial park on their property. Those plans anticipate negotiations with the County for future airport expansion. Land to the west of the airport is vacant, with a portion being farmed with truck crops. Existing zoning and land uses from the Carlsbad Land Use Element of the General Plan for surrounding properties are shown on Figures 7 and 8.

Figure 5 Wildlife Checklist

Animal Species	Probable	Spotted
<b>MAMMALS</b>		
California Ground Squirrel ( <i>Citellus beecheyi</i> )		X
Nimble Kangaroo Rat ( <i>Dipodomys agilis</i> )	X	
Desert Wood Rat ( <i>Neotoma lepida</i> )	X	
California Mouse ( <i>Peromyscus californicus</i> )	X	
Short-eared Pocket Mouse ( <i>Perognathus fallax</i> )		X
Mule Deer ( <i>Odocoileus hemionus</i> )	X	
Coyote ( <i>Canis latrans</i> )	X	
Gray Fox ( <i>Urocyon cinereoargenteus</i> )	X	
Bobcat ( <i>Lynx rufus</i> )	X	
Brush Rabbit ( <i>Sylvilagus bachmanni</i> )		X
Dusky-footed Woodrat ( <i>Neotoma fuscipes</i> )	X	
California Pocket Mouse ( <i>Perognathus californicus</i> )	X	
<b>BIRDS</b>		
Costa's Hummingbird ( <i>Calypte costae</i> )	X	
Cactus Wren ( <i>Campylorhynchus brunneicapillum</i> )	X	
Lazuli Bunting ( <i>Passerina amoena</i> )	X	
Wrenit ( <i>Chamaea fasciata</i> )	X	
Brown Towhee ( <i>Pipilo fuscus</i> )	X	
Sage Sparrow ( <i>Amphispiza belli</i> )		X
Rufous-crowned Sparrow ( <i>Aimophila ruficeps</i> )	X	
Mountain Quail ( <i>Oreortyx pictus</i> )	X	
Scrub Jay ( <i>Aphelocoma coerulescens</i> )		X
Poor-will ( <i>Phalaenoptilus nuttallii</i> )	X	
Bewick's Wren ( <i>Thryomanes bewickii</i> )	X	
California Thrasher ( <i>Toxostoma redivivum</i> )	X	
Rufous-sided Towhee ( <i>Pipilo erythrophthalmus</i> )	X	
Orange-crowned Warbler ( <i>Vermivora celata</i> )	X	
<b>REPTILES</b>		
Western Fence Lizard ( <i>Sceloporus occidentalis</i> )	X	
Striped Racer ( <i>Masticophis lateralis</i> )	X	
Western Rattlesnake ( <i>Crotalus viridis</i> )	X	
Southern Alligator Lizard ( <i>Gerrhonotus multicarinatus</i> )	X	
Coast Horned Lizard ( <i>Phrynosoma coronatuna</i> )	X	
<b>INVERTEBRATES</b>		
Ringlet ( <i>Coenonympha tullia</i> )	X	
Common Checkspot ( <i>Euphydryas chalcedona</i> )	X	
Leanira Checkerspot ( <i>Melitaea leanira</i> )	X	
Bramble Hairstreak ( <i>Calophrys dumetorum</i> )	X	
Mormon Metalmark ( <i>Apodemia mormo</i> )	X	
Ceanothus Silk Moth ( <i>Platysamia euryalus</i> )	X	
Another Silk Moth ( <i>Saturnia walterorum</i> )	X	
Gray Hairstreak ( <i>Strymon adenostomatis</i> )	X	
Hedgerow Hairstreak ( <i>Strymon saepium</i> )	X	
Arota Copper ( <i>Lycaena arota</i> )	X	
Callippe Fritillary ( <i>Speyeria callippe</i> )	X	
Flat-headed Borer or Buprestid ( <i>Acmaeodera mariposa</i> )	X	
California Timema ( <i>Timema californica</i> )	X	
<b>AMPHIBIANS</b>		
Pacific Tree Frog ( <i>Hyla regilla</i> )	X	
Introduced Bullfrog ( <i>Rana calesbiana</i> )	X	

Source: San Diego County, EIR for Palomar Airport Master Plan.

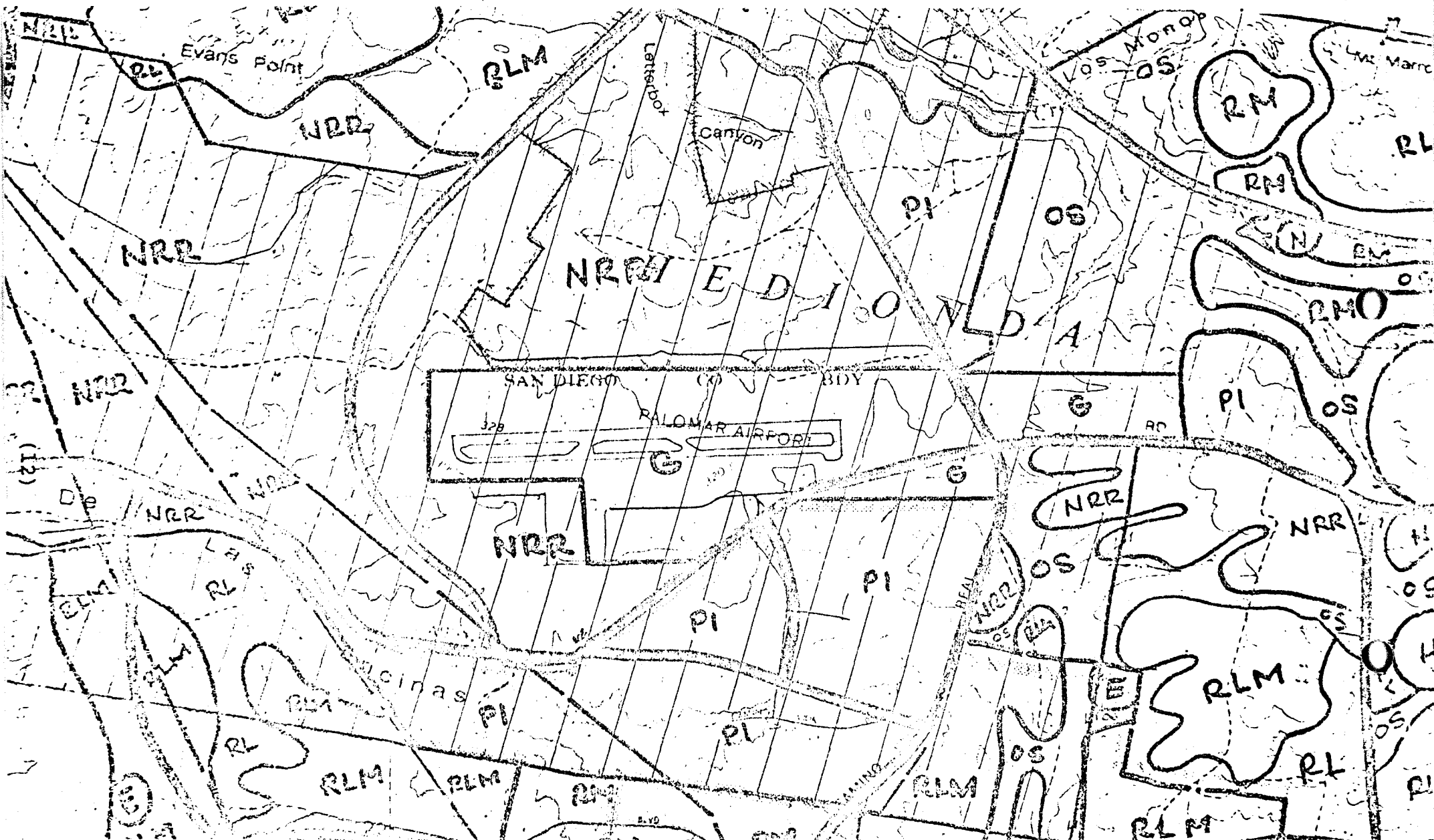
Figure 6 Plant Life Checklist

Plant Species	Location*	Abundance**
California Wormwood or Sagebrush ( <i>Artemisia californica</i> )	UC	C
White Sage ( <i>Salvia apiana</i> )	UC	C
Black Sage ( <i>Salvia mellifera</i> )	UC	C
Encelia ( <i>Encelia farinosa</i> )	UC	C
Yerba Santa ( <i>Eriodictyon californica</i> )	UC	C
Eriophyllum ( <i>Eriophyllum confertiflorum</i> )	UC	C
California Buckwheat ( <i>Eriogonum fasciculatum</i> )	UC	C
Lemonade-berry ( <i>Rhus integrifolia</i> )	UC	I
Prickly pears ( <i>Opuntia</i> spp.)	UC	C
Our Lord's Candle ( <i>Yucca whipplei</i> )	UC	I
Chamise ( <i>Adenostoma fasciculatum</i> )	UC	I
Scrub Oak ( <i>Quercus dumosa</i> )	UC	C
Foothill Ash ( <i>Fraxinus dipetala</i> )	UC	I
Hard Tack ( <i>Cercocarpus betuloides</i> )	UC	C
Wild Lilacs ( <i>Ceanothus cordulatus</i> , <i>C. greggii</i> , <i>C. leucodermis</i> , <i>C. megacarpus</i> , <i>C. crassifolius</i> , etc)	UC	C
Holly-leaf Cherry ( <i>Prunus ilicifolia</i> )	UC	I
Bear Bush ( <i>Garrya fremontii</i> )	UC	I
Quinine Bush ( <i>Garrya flavescens</i> )	UC	I
Manzanitas ( <i>Arctostaphylos pungens</i> , <i>A. pringlei</i> , <i>A. glauca</i> , <i>A. glandulosa</i> , etc)	UC	I
Toyon ( <i>Heteromeles arbutifolia</i> )	UC	I
Sugarbush ( <i>Rhus ovata</i> )	SD	I
Willows ( <i>Salix</i> spp.)	SD	C
Common Tule ( <i>Scirpus acutus</i> )	SD	C
California Bulrush ( <i>Scirpus californicus</i> )	SD	I

\* UC - UNCONSOLIDATED AND DISTURBED  
SD - STREAMSIDE AND DISTURBED

\*\* A - ABUNDANT  
C - COMMON  
I - INFREQUENT

Source: San Diego County, EIR for  
Palomar Airport Master Plan.



RL: Residential Low Density  
 RLM: Residential Low Medium Density  
 RM: Residential Medium Density  
 N : Neighborhood Commercial  
 PI: Planned Industrial

E: Elementary School  
 OS: Open Space  
 NRR: Non-Residential Reserve  
 G: Governmental Facilities  
 [Hatched Box]: Special Treatment Area



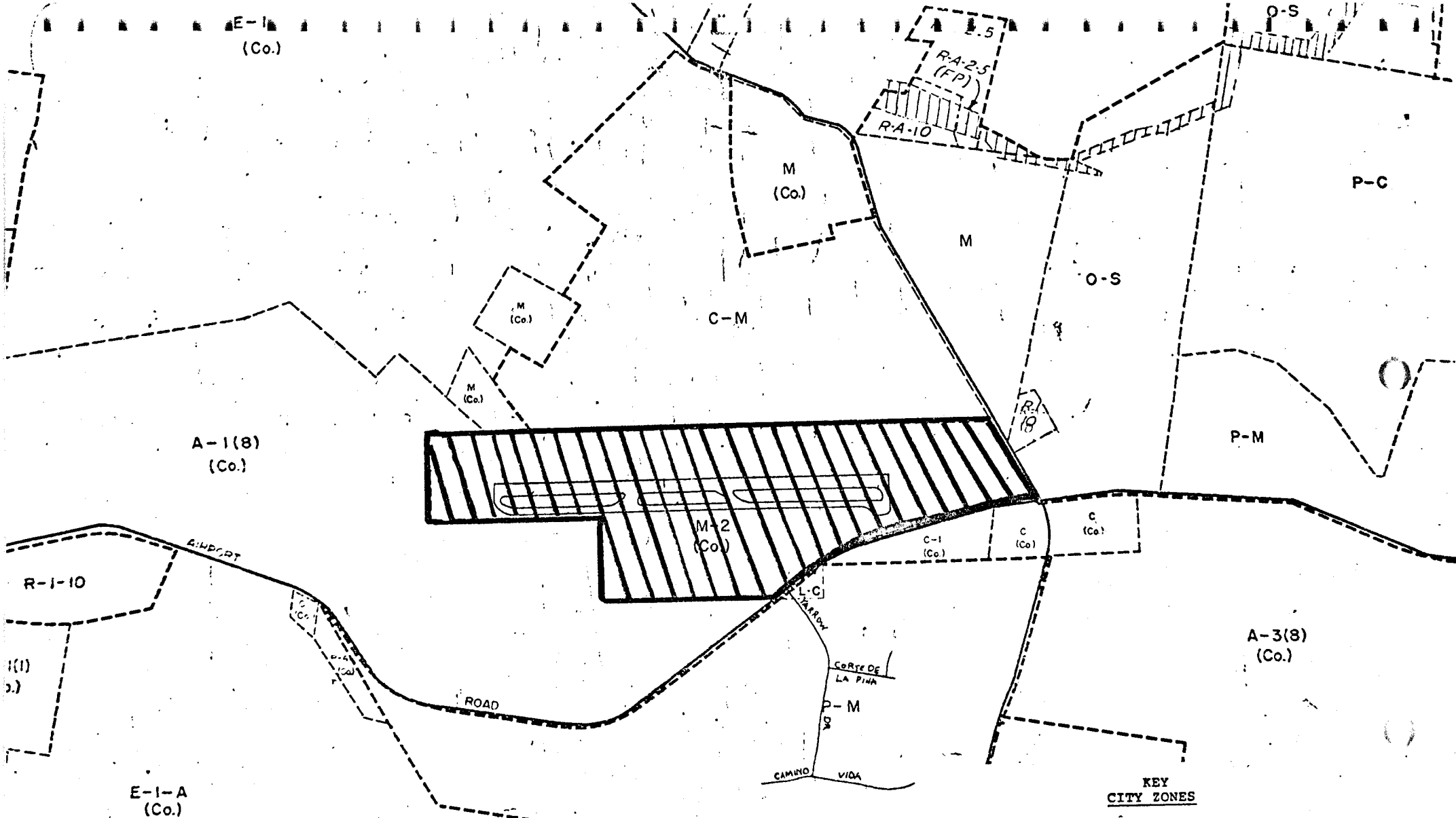


Figure 8,  
Existing Zoning

P. 13

## 2. Socio - Economic Characteristics

The Palomar Airport Master Plan contains a separate socio-economic analysis (dated 9-19-75) on the existing and planned future operations at the airport. That analysis concluded that the enlarged airport would have an overall benefit of increasing safety, increasing the local tax base, and decreasing fuel use and travel costs.

The socio-economic effects of the airport's operation primarily benefit the region served by the airport: Carlsbad, San Marcos, Vista, San Dieguito, Fallbrook and Oceanside.

## 3. Community Services

- a. Water Service - The airport is within the Carlsbad Municipal Water District Service boundary. The Palomar Airport Master Plan EIR contains a description of water service availability in Section 2.3. That report concludes that the existing water facilities are adequate for present requirements, and planned expansions will meet future needs.
- b. Sewer Service - The present sewage flow for Palomar Airport is 5,000 gallons per day. Effluent is discharged through an 8" main to the Buena trunkline, which runs parallel to Palomar Airport Road to the Encina Treatment Plant. There is adequate line (transmission) capacity to handle existing and anticipated sewage flow from the airport.

Sewer service is provided on the basis of a contract between the County of San Diego and the City of Carlsbad. The contract allows Palomar Airport to discharge up to 10,000 gallons per day into the Buena trunk line. This right to discharge is for an indefinite period of time, but may be terminated after 90 day's notice at the discretion of either party.

The City of Carlsbad has recently enacted a six month moratorium on building permits involving sewer connections and discretionary permits (including annexations) because the City is expected to soon fill its legal capacity at the Encina Treatment Plant. The City specifically exempted the annexation of Palomar Airport from this moratorium. It is uncertain at this time whether the City will be able in the future to provide sewage transmission and treatment services in excess of existing flow. However, in that the City is already providing sewer service to Palomar Airport, this uncertainty would exist regardless of annexation.

- c. Schools - The airport is within the Carlsbad Unified School District boundaries. Present enrollment is 4,358 students for grades K-12. No school sites are planned for locations near the airport and the flight path because of potential noise and safety hazards.

- d. Police Protection - The property presently is provided police protection service by the County Sheriff's Department. The nearest Sheriff's Office is at a site near Encinitas Blvd. and El Camino Real, which is approximately 8½ miles from the airport. At the present time, the Carlsbad Police Department responds to emergency calls from the airport control tower (i.e., in case of crash or disabled aircraft). Assistance from the Carlsbad Police Department is performed on a courtesy basis approximately 6-10 times annually.
- e. Fire Protection - The County has no fire protection service available to serve the airport except for one crash rescue truck kept on site. The City supplements the onsite equipment with fire fighting personnel and equipment from both La Costa and Station #3. Response time from both of these stations is approximately 3 minutes. Since Carlsbad provides this service simply as a courtesy to the County, there is no provision for back-up assistance. For instance, if fires occurred simultaneously at a location within the City service area and at the airport, the City would be obligated to provide priority service to the property which it is legally required to serve. Since the airport is not within the legal service area boundaries of the City, the City could not request assistance from another jurisdiction under the City's existing mutual aid agreement. The City Fire Department responds to approximately five calls to the airport annually. The existing water mains onsite are not adequate for fire protection purposes. These mains are proposed to be upgraded as part of planned expansions to the airport.
- f. Health Care and Emergency Medical Services - Ambulance service is provided by the City of Carlsbad to the airport on the same informal basis as police and fire service. An ambulance can be dispatched from Stations #2 (La Costa) or #3 (Chestnut and El Camino Real) to the site within approximately 3 minutes. Accident victims are transported to Tri-City Hospital, located 8 miles from the airport.
- g. Solid Waste Disposal - Solid waste disposal service is currently provided by McDougal Sanitation Company, which also provides the service to properties within the City limits. The McDougal Company deposits the refuse in the Gopher Canyon landfill in Bonsall. The County proposes to open the new San Marcos landfill in April 1978. The proposed land fill is approximately 7 miles from the airport.
- h. Public Utilities/Energy
- Palomar Airport is served by 12Kv distribution facilities flowing from the Batiquitos substation, roughly two miles south of the airport. Gas service is provided from a two inch gas main adjacent to Palomar Airport Road and a four inch gas main running within El Camino Real. Palomar Airport does not consume a significant amount of natural gas and electricity relative to neighboring uses. The existing facilities are adequate for present airport use and should be adequate to serve the planned expansion of the airport.

4. Visual Quality/Aesthetics - The site possesses no special visual or aesthetic qualities. Surrounding chaparral and oak woodland areas may be preceived by people as aesthetically pleasing. The rolling topography surrounding the airport is also generally regarded as attractive.

5. Archaeology - The airport and surrounding areas were surveyed in August and September 1974 by an archaeologist with the San Diego County Engineering Department. Two archaeological sites were discovered in the clear zone area east of El Camino Real. The details of this survey are contained in pages 33-37 of the Palomar Airport Master Plan EIR. A map of archaeological sites on and around the airport property is contained in Figure 9.

6. Circulation/Ground Access - Palomar Airport is served by two arterial roadways and a limited number of collector streets. The entrance to the airport (Aircraft Road) was widened in 1974 and an access road through Palomar Airport Business Park (Yarrow Drive) was extended shortly thereafter. A detailed access study for the existing airport and planned expansions is contained in Appendix A of the Palomar Airport Master Plan (William L. Pereira Associates, 1975).

7. Noise - The existing noise attributable to the airport results from aircraft operations and related automobile traffic. The existing and projected noise levels of the airport's operations (100 CNR Contour) are shown in Figure 10. Tables II and III depict Expected Response to Composite Noise Rating Levels and Land Use Compatibility for Aircraft Noise. Pages 19-24 of the Palomar Airport Master Plan EIR discuss acoustic conditions in the vicinity of the airport.

#### Section IV. Significant Environmental Effects

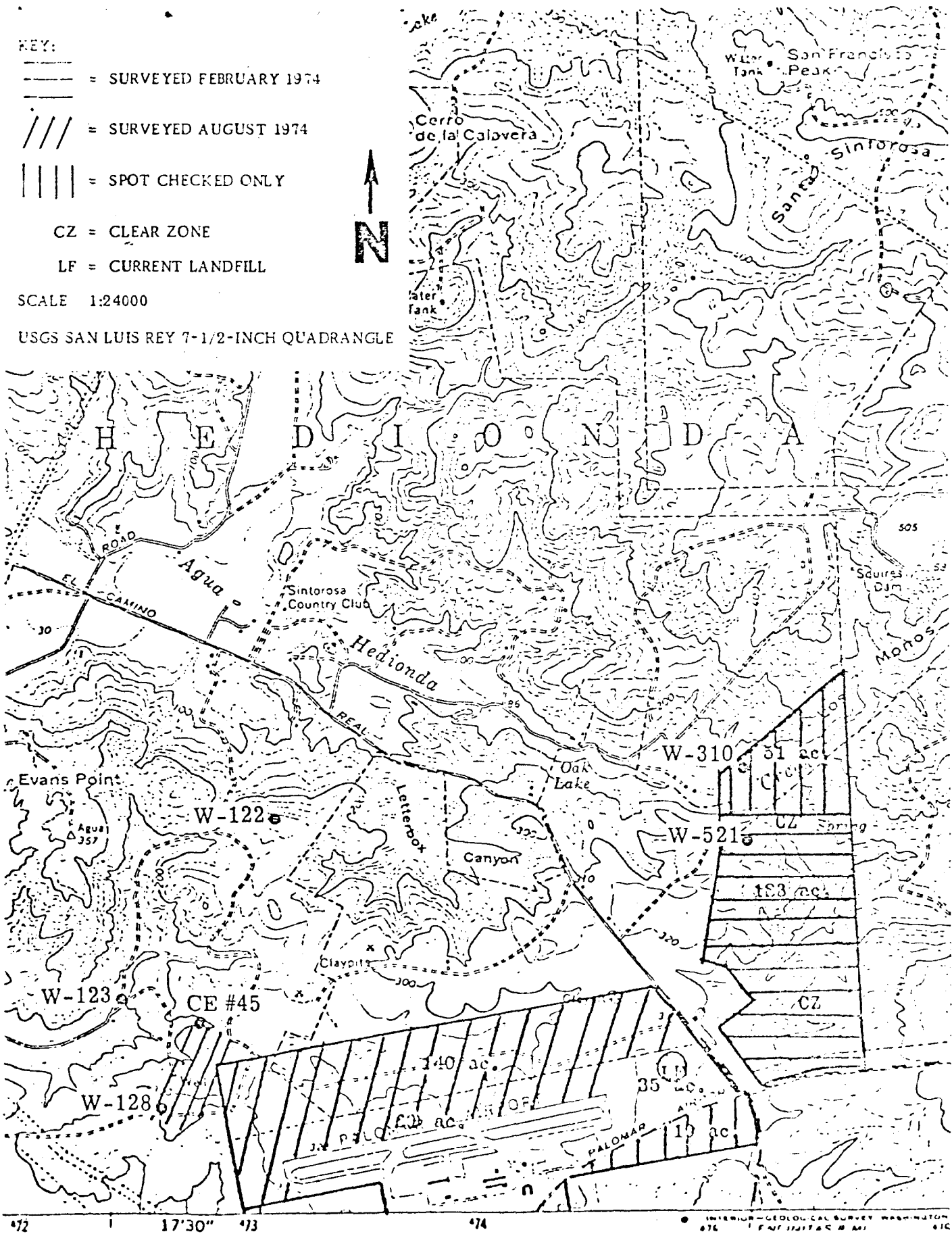
##### Effects

The only significant adverse effect expected to occur as a result of annexation will be an annual loss of revenues to the County, estimated as follows:\*

Sales Tax	\$ 13,050
Aircraft Personal Property Tax (County's share of this tax would de- crease by 33%).	14,836
<hr/>	
TOTAL	\$ 27,886

Inasmuch as the airport's operations will not change as a result of the annexation no impacts on the physical environment will result. Conceivably, if the airport did not annex and the City discontinued its assistance with police, fire and emergency medical services, the airport's protective/emergency services would be severely hampered.

\* Based on 1975-1976 Fiscal Year Revenues.



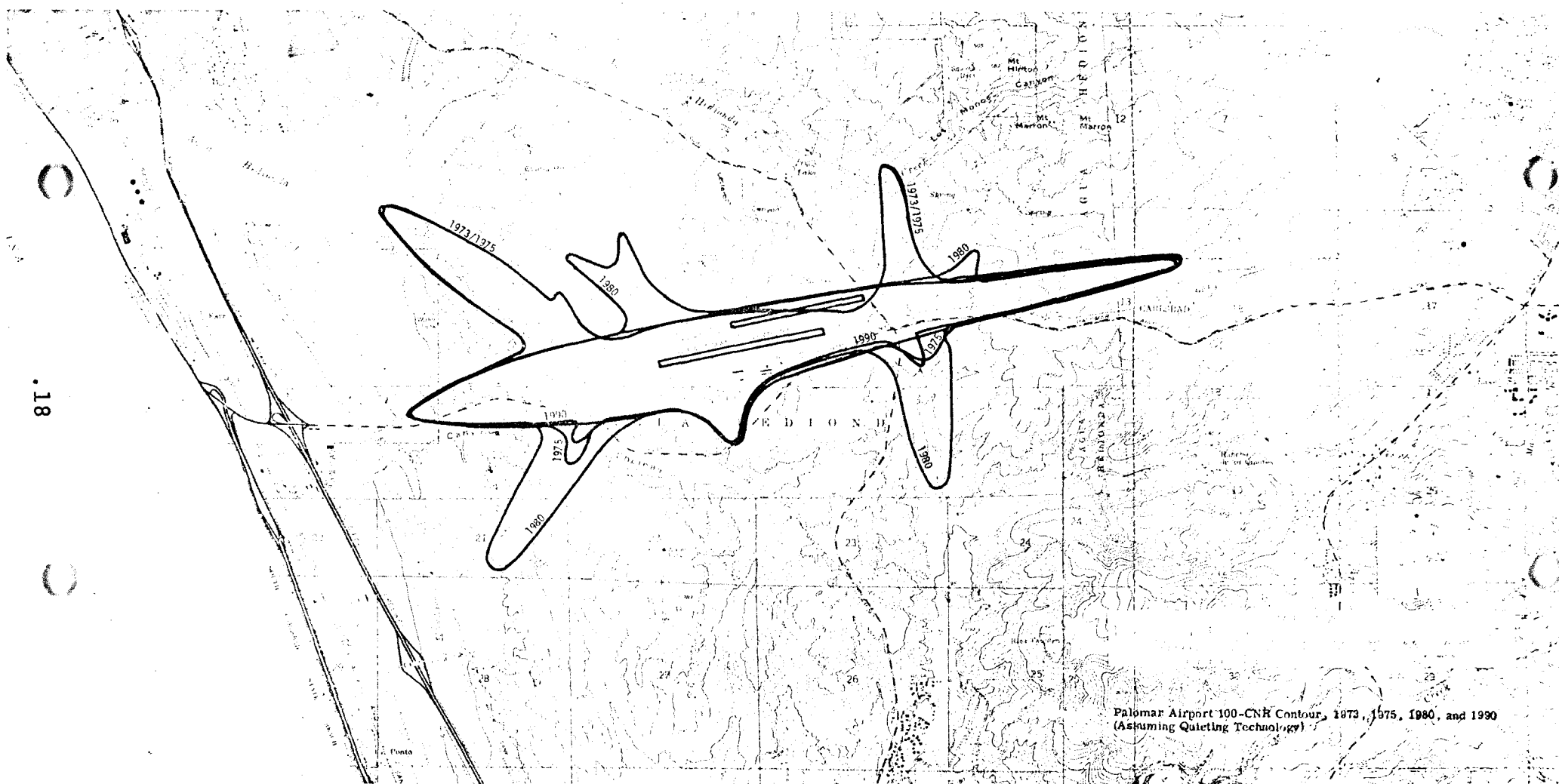


FIGURE 10: Palomar Airport 100-CNR Contour, 1973, 1975, 1980  
(Assuming Quieting Technology).

**Table II Chart for Estimating Response of Residential Communities from Composite Noise Rating**

Composite Noise Rating		CNR Zone	Description of Expected Response
Takeoffs and Landings	Runups		
Less than 100	Less than 80	1	Essentially no complaints would be expected. The noise may, however, interfere occasionally with certain activities of the residents.
100 to 115	80 to 95	2	Individuals may complain, perhaps vigorously. Concerted group action is possible.
Greater than 115	Greater than 95	3	Individual reactions would likely include repeated, vigorous complaints. Concerted group action might be expected.

**Table III Land Use Compatibility Chart for Aircraft Noise**

Composite Noise Rating			Land Use Compatibility								
			Residential	Commercial	Hotel, Motel	Offices, Public Buildings	Schools, Hospitals, Churches	Theatres, Auditoriums	Outdoor Amphitheatres, Theatres	Outdoor Recreational (Nonspectator)	Industrial
Takeoffs and Landings	Runups	CNR Zone									
Less than 100	Less than 80	1	Satis	Satis	Satis	Satis	Note (C)	Notes (A, C)	Note (A)	Satis	Satis
100 to 115	80 to 95	2	Note (B)	Satis	Note (C)	Note (C)	Note (C)	Notes (A, C)	Note (A)	Satis	Satis
Greater than 115	Greater than 95	3	Unsat	Note (C)	Note (C)	Unsat	Unsat	Unsat	Unsat	Satis	Note (C)

Notes: (A) - A detailed noise analysis should be undertaken by qualified personnel for all indoor or outdoor music auditoriums and all outdoor theatres.  
 (B) - Case history experience indicates that individuals in private residences may complain, perhaps vigorously. Concerted group action is possible.  
 (C) - An analysis of building noise reduction requirements should be made and needed noise control features should be included in the building design.

**Table IV Palomar Airport Annual Aircraft Operations**

Year	Total	Single Engine	Twin Engine	Jet
1973	201,000	160,800	38,190	2,010
1975	232,000	185,600	44,080	2,320
1980	259,000	204,611	49,209	5,180
1990	402,000	301,500	88,440	12,060

**Table V Peak Vehicular Traffic**

Year	Peak Hourly Vehicular Traffic
1973	102
1975	124
1980	174
1990	368

In this instance, the County could provide police, fire, and emergency medical services by other methods, but this couldn't be accomplished as efficiently or economically as use of existing City services.

#### Section V. Measures to Mitigate Significant Effects

1. The adverse economic impact to the County will be offset by:
  - a. An improvement in the level of police, fire and emergency medical services;
  - b. A decrease in insurance costs due to improved services and a lower fire rating.
  - c. Increasing revenues from user fees.
2. Because the airport is operated by a governmental agency, the City will gain no authority as a result of annexation over the land uses which occur on the property. The need to coordinate planning for the airport with surrounding properties has been recognized, and the County has encouraged the City's review of plans for the airport. Efforts to make the airport compatible with the surrounding area can be enhanced by:
  - a. Upgrading of the landscaping on the bare slopes adjacent to Palomar Airport Road to mitigate the aesthetic impacts on surrounding properties. Native or drought-resistant plants should be used to mitigate water consumption.
  - b. The County continuing to enlist the City's active participation in the planning and design of future airport facilities.

#### Section VI Environmental Effects Which Cannot Be Avoided

There are no significant adverse impacts associated with the annexation of the airport which are unavoidable.

#### Section VII Effects Found Not To Be Significant

##### A. Physical Environment

The annexation will have no effect on the physical environment. All physical impacts of the airport's existing and planned operations have been covered in the Palomar Airport Master Plan EIR.

##### B. Biological Environment

The annexation will not impact the biological environment. Biological impacts of the airport's existing operation and planned expansion are discussed in the Palomar Airport Master Plan EIR.

##### C. Human Environment

The annexation will have no effect on airport noise, energy consumption



land use, archaeology, visual quality, archaeology traffic circulation, water service or sewer service.

#### Section VIII. Alternatives

Since the airport is an existing use which will not be significantly altered as a result of annexation, the possible alternatives are limited to the following:

##### A. No Annexation (Services Provided on Present Basis)

This alternative would:

- Prevent the loss of revenues to the County;
- Keep police, fire and emergency medical protection services at the present minimum level;
- Cause the City to expend money for services for which no revenues are received;
- Allow continued existence of a County island.

##### B. No Annexation (City to Discontinue Police, Fire and Emergency Medical Service)

This alternative would:

- Preclude City expenditures for services;
- Decrease the level of protective services available;
- Increase the County's costs for extending police, fire and ambulance services;
- Increase the insurance costs for the Airport;
- Allow continued existence of a County island.

##### C. No Annexation (City to provide police, fire and emergency medical services on a contract basis)

This alternative would:

- Increase administrative costs for executing and periodically updating a contract;
- Possibly change the distribution of costs and revenues for provision of services;
- Improve the level of services available to the Airport;
- Allow the continued existence of a County island.

#### D. Increase Area to be Annexed

This alternative would:

- Be in violation of the City's sewer moratorium ordinance;
- Allow the annexation of properties for which the City has inadequate sewer service capabilities;
- Reduce the existing County island;
- Increase property taxes on undeveloped and agricultural lands which have no immediate development potential under the City's General Plan.

#### Section IX Relationship Between Short-term Use and Long-term Productivity

In the short-term, the airport has been able to function adequately with the protective services presently available on an informal basis. However, with the growth of the airport, these services are becoming less and less satisfactory. Annexation appears to be the most feasible method for improving existing services in the short-term, and planning for expansion of those services in the long-term concurrent with growth of the airport.

#### Section X. Irreversible Environmental Changes

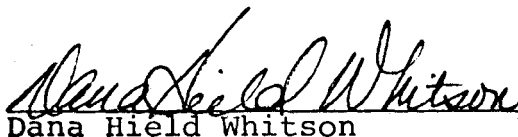
There will be no irreversible environmental changes as a result of the annexation of the airport.

#### Section XI Growth Inducing Impacts

The annexation of the airport will have a minimal growth inducing effect. In that all adjacent properties except a 156 acre parcel west of the airport are already contiguous to City boundaries, the annexation could enable only one annexation. That adjacent property is shown on the City's General Plan as "Non Residential Reserve", meaning that it is not appropriate for residential use and that--- based on need, availability of services and relationship to surrounding areas --- the property is not ready for non-residential development.

#### Section XII Certification

To the best of my knowledge, this report represents an accurate analysis of the potential significant environmental effects of the proposed project.

  
Dana Hield Whitson

PROJECT PLANNER

  
James C. Hagaman  
PLANNING DIRECTOR

Section XIII. Agencies and Persons Consulted

City of Carlsbad

Frank Mannen, Administrative Assistant

Capt. Wally Rossall, Police Department

Battalion Chief Alex Wolenchuck, Fire Department.

County of San Diego

Lovell C. Hurlbut, Airport Manager

Palomar Airport

Environmental Analysis Division

San Diego Gas & Electric - Mike Dudley

DHW:ar

(26)

CITY OF CARLSBADAGENDA BILL NO. 3798 - Supplement #2Initial: zm  
Dept. Hd. \_\_\_\_\_DATE: November 1, 1977C. Atty. VFBDEPARTMENT: City ManagerC. Mgr. BSubject: PALOMAR AIRPORT ANNEXATIONStatement of the Matter

The City Council at its September 6, 1977 meeting, certified EIR 387 for the annexation of Palomar Airport. The Council asked for additional information concerning the benefits and liabilities of the proposed annexation.

The attached report to the City Manager discusses the benefits and liabilities of the proposed annexation as well as the extent of the City's control of the airport.

Exhibit

Report to City Manager dated September 29, 1977 with attachments

Recommendation

If the Council desires to proceed with the annexation, instruct staff to file an application with the Local Agency Formation Commission.

Council action

11-1-77 Council agreed to proceed with the annexation and instructed staff to file an application with the Local Agency Formation Commission.

DATE: SEPTEMBER 29, 1977  
TO: CITY MANAGER  
FROM: Administrative Assistant  
SUBJECT: IMPACT OF PALOMAR AIRPORT ANNEXATION

At its September 6, 1977 meeting, the Carlsbad City Council certified EIR-387 for the Palomar Airport annexation. During Council discussion, questions were asked concerning the benefits of annexation to the City and what liabilities the City would be accepting. The Council discussed the possible cost of improving Palomar Airport Road and questioned what control, if any, the City would have over future changes to the airport by the County.

The following report will consider the points raised during Council discussion and also provide revised estimates of the revenues which would accrue to the City upon annexation of the airport.

#### BENEFITS OF ANNEXATION

##### Increased Revenues

As indicated in a report to the City Manager dated October 20, 1976 (copy attached), the primary benefit of annexing the airport was the increased revenues which would accrue to the City. The revenue figures in the October 20, 1976 report were based on 1975-76 fiscal year revenues. A revised revenue estimate based on 1976-77 fiscal year revenues is summarized below:

Sales Tax	\$26,012
Airport Personal Property Tax	26,020
Possessory Interest Tax	8,304
Business License Tax	<u>1,020</u>
	\$61,356

##### Greater Control Over the Airport

Government Code Section 65402(b) provides that the County shall not acquire real property for any public purpose, nor dispose of any real property, nor construct or authorize a public

Page 2

September 29, 1977

Subject: Impact of Palomar Airport Annexation

building or structure within the corporate limits of the City, if the City has an adopted general plan, until the location, purpose and extent of such acquisition, disposition, or such building or structure have been submitted to and reported upon by the planning agency having jurisdiction as to conformity with the adopted general plan.

In addition, Public Utilities Code Section 21661.6 requires that prior to acquisition of land by the County for the purpose of expanding or enlarging an existing publicly owned airport, the County shall submit a plan to the City Council. The plan shall show in detail the airport-related uses and other uses proposed for the property to be acquired. Upon approval of the plan, property acquisition may begin. The use of the property so acquired shall thereafter conform to the approved plan, and any variance from such plan, or changes proposed therein, shall be submitted to the City Council for approval. Furthermore, the County Board of Supervisors has adopted a policy (F-6) that states, "Permits shall be secured from any incorporated city in the county within which county projects or construction is to be carried on."

When the County began proceedings to acquire land for a clear zone at the northeast corner of El Camino Real and Palomar Airport Road, the requirements of the aforementioned statutes were met. On January 15, 1974, the Carlsbad City Council approved Resolution No. 3331 which found the acquisition and proposed use of 231 acres located at the northeast corner of Palomar Airport Road and El Camino Real was in conformity with the General Plan. On the same date, Resolution No. 3332 was adopted which approved the expansion of the airport (as required by Public Utilities Code Section 21661.6) by the acquisition of the aforementioned acreage.

On April 1, 1975, the City Council reviewed the proposed Palomar Airport Master Plan. The Master Plan provides guidance for the ultimate development of the airport as well as the layout and use of the proposed expansion area, most of which is already within

September 29, 1977

Subject: Impact of Palomar Airport Annexation

the City. There is no indication that the City Council either approved or disapproved the Airport Master Plan. However, the staff was directed to prepare a statement reflecting the Council's position on the proposed plan. In a letter dated April 16, 1975 to the County Board of Supervisors, the Council stated its position that the airport should remain a general aviation facility and that additional services, such as police, fire, and additional sewer capacity would not be available prior to annexation.

As indicated above, before the County may begin acquisition of land for the expansion or enlargement of the airport within the City of Carlsbad, a General Plan conformity finding pursuant to Government Code 65402 is required. The County has, by letter dated September 20, 1977, requested the City to make such a finding. In addition, the County must meet the requirements of Public Utilities Code Section 21661.6 before acquiring property within the City for expansion or enlargement of the airport. The Airport Master Plan could be construed as the plan required to be submitted by Section 21661.6. However, until the Master Plan, or some other plan, is approved by the City, the County would not be complying with the requirements of Section 21661.6. Upon approval of the plan called for in Section 21661.6, the County would be required to conform to the plan. Any changes or variances from the approved plan would have to be brought to the City Council for approval. It is the view of City staff, as well as County Department of Airports staff, that the governmental facilities constructed at the airport would not be subject to City zoning regulations but would need to conform to the approved plan. However, improvements constructed by lessees of the County would be subject to City zoning and building regulations. If the Board of Supervisors continues its Policy F-6, the construction of County facilities at the airport would also be subject to the building regulations of the City.

September 29, 1977

Subject: Impact of Palomar Airport Annexation

Through the requirements of state law and the current policy of the County Board of Supervisors, the City of Carlsbad will have a fairly high degree of control over the development of Palomar Airport. If the existing airport (that portion proposed for annexation) remains in the unincorporated area, the City's control will only extend to the proposed expansion area currently within City limits. If the current City boundaries remain, a situation will be created which will eventually find half the airport in the City and the other half in the County. Such a situation would likely create confusion for potential developers and future lessees of the County and may tend to retard the growth of the airport. Municipal services would not be supplied uniformly at the airport if a split jurisdiction situation were to exist.

#### LIABILITIES OF ANNEXATION

The City would be required to supply a number of services to the airport upon annexation. In the October 20, 1976 report to the City Manager, the services to be supplied by the City were briefly discussed. Further analysis of service demand placed upon the City by the annexation of the airport has not indicated a need to change any of the information in the October 20, 1976 report. Based upon a limited history and insufficient data, it is not possible to quantify the costs of supplying police or fire service with any degree of validity. Estimates would be arbitrary and could vary widely depending on certain assumptions being made. Nonetheless, estimates have been prepared of the cost of supplying police and fire service to the airport.

Fire service will be provided from existing fire stations and annexation will not require specific additional manpower or equipment to provide adequate fire protection. Although annexation of the airport will not require an additional direct expenditure to continue the existing level of fire protection, it would be appropriate to allocate costs to indicate the airport's share of overall fire protection cost. If we allocate costs of fire protection among land uses, approximately 30% of the developed land in the City is in uses similar to the land use at the airport. If we assign 30% of the annual fire budget for servicing developed nonresidential land an allocation of \$264,909 for the 1977-78 fiscal year would result.



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September 29, 1977

Subject: Impact of Palomar Airport Annexation

A cost per acre for providing fire protection for developed non-residential land can then be calculated and would result in a cost of approximately \$165 per acre. Multiplying the per acre figure times the 256 acres in the proposed annexation would indicate an approximate cost of \$42,240 for airport fire protection based on the same service level as for other developed nonresidential land uses.

Providing police service at the airport would not require an immediate increase in staff or equipment but would incrementally add to the need for an expanded Police Department. The Chief of Police indicates that the airport should not initially create a significant demand for police service. It is estimated that the demand for police service will average from one to two hours a day at the airport. This time estimate includes routine patrol, assistance during emergencies, investigation of specific complaints, and all other services. Based on an approximate cost of \$18 per hour for police service, the cost of police protection at the airport would range from \$6,500 to \$13,000. The Chief of Police would estimate the cost at approximately \$10,000 annually.

If the County desires police and fire service at a higher level (such as crash and rescue services) than normally provided to adjacent industrial areas, the City could charge the County directly for such service.

It should be noted that private lessees of the County would be paying City property taxes on the lessee's possessory interest and private improvements. These lessees would be receiving the same level of police and fire service as adjacent industrial users on privately owned land. Although the County would not pay property taxes on its governmental facilities, police and fire service would be provided at the same level as for adjacent property.

Sewer, water, and trash hauling are based on user chargers and, hopefully, are self-supporting. The cost of enforcing the business

Page 6  
September 29, 1977  
Subject: Impact of Palomar Airport Annexation

license ordinance should be minimal and more than offset by the revenue derived. No significant demand for leisure services should be created by the annexation of the airport.

In the area of public works maintenance, the maintenance of streets and other public improvements within the airport would remain the responsibility of the County. The City of Carlsbad would become responsible for the maintenance of that portion of Palomar Airport Road that lies adjacent to the airport. Palomar Airport Road is not developed to full City standards as a prime arterial. The City Engineer has estimated that it would cost approximately \$810,000 to bring that section of Palomar Airport Road adjacent to the airport up to full City standards. Although Palomar Airport Road will eventually need to be developed to full standards, it is not necessary to require improvements as a condition of annexation. The City Engineer indicates that it is not likely that additional travel lanes or major improvement to the road will be required within the next five years. Dedication of right of way and street improvements can be required as adjacent property develops. As the airport itself expands, it is reasonable to expect the County to contribute to the construction of improvements on Palomar Airport Road due to the increased traffic generated by the airport. Road improvements may also be financed through assessment district proceedings. Since Palomar Airport Road is a regionally significant arterial, when traffic volumes increase, it may be possible to finance improvements using FAU funds or a combination of funding sources may be utilized.

Although the cost of improving Palomar Airport Road to full City standards will be substantial, it is not a cost that will be borne entirely by the City. In fact, in accordance with existing City policies, most of the improvements would not be directly financed by the City.

  
FRANK N. MANNEN  
Administrative Assistant

FNM:ldg

(16)

CITY OF CARLSBADAGENDA BILL NO. 3798-Supplement #3DATE: OCTOBER 3, 1978DEPARTMENT: CITY MANAGERInitial: zmDept. Hd. zmC. Atty. VFBC. Mgr. R

Subject:

PALOMAR AIRPORT (SOUTH CARLSBAD NO. 1.24) ANNEXATIONStatement of the Matter

At its September 11, 1978 meeting, the Local Agency Formation Commission (LAFCO) adopted a resolution approving the annexation of Palomar Airport to the City of Carlsbad. The annexation of the Airport will be processed in accordance with the requirements of the Municipal Organization Act of 1977, which substantially revised the annexation process.

The next step in the annexation process involves the adoption of a resolution by the Carlsbad City Council initiating proceedings. The resolution will establish a time and date for a public hearing to hear protests to the annexation. Since the airport annexation involves only one landowner and is an uninhabited territory, the only protest possible would be from the County of San Diego.

Upon conclusion of the public hearing, the City Council may order the territory annexed if written protests have not been filed by the owners of more than fifty (50) percent of the total assessed value of land and improvements within the territory to be annexed.

ExhibitResolution No. 5547.

Resolution of Local Agency Formation Commission Approving a Proposed Annexation of Territory to the City of Carlsbad - "Palomar Airport (South Carlsbad No. 1.24) Annexation"

Recommendation

Adopt Resolution No. 5547, setting a public hearing on the proposed annexation.

Council Action:

10-3-78 Council adopted Resolution No. 5547, initiating proceedings for the Palomar Airport (South Carlsbad No. 1.24) Annexation to the City Carlsbad, and setting the matter to public hearing.

1 RESOLUTION NO. 5547

2 A RESOLUTION OF THE CITY COUNCIL OF THE  
3 CITY OF CARLSBAD, CALIFORNIA INITIATING  
4 PROCEEDINGS FOR THE PALOMAR AIRPORT (SOUTH  
CARLSBAD NO. 1.24) ANNEXATION TO THE CITY  
OF CARLSBAD.

5 WHEREAS, the City of Carlsbad, California made application to  
6 the Local Agency Formation Commission for the annexation of Palomar  
7 Airport to the City of Carlsbad; and

8 WHEREAS, the Local Agency Formation Commission has designated  
9 the proposed annexation as "Palomar Airport (South Carlsbad No.1.24)  
10 Annexation to the City of Carlsbad" and a description of the  
11 exterior boundaries of the territory to be annexed is attached  
12 hereto as Attachment 'A'; and

13 WHEREAS, the Local Agency Formation Commission has determined  
14 that the territory to be annexed is uninhabited in its resolution-  
15 making determination; and

16 WHEREAS, the territory to be annexed is part of a large un-  
17 incorporated island completely surrounded by the City of Carlsbad  
18 and Carlsbad is the only agency which will be able to supply a  
19 complete range of municipal services to the airport; and

20 WHEREAS, as a condition of annexation the Local Agency  
21 Formation Commission in its Resolution approving the proposed  
22 annexation required the description of the territory proposed for  
23 annexation to be modified to conform with Attachment 'A'.

24 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City  
25 of Carlsbad as follows:

- 26 1. That the above recitations are true and correct.

27 /////

/////

28 /////

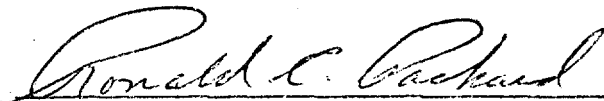
/////

1           2. That the City Council of the City of Carlsbad will hold a  
2 public hearing at 7:30 p.m. on November 7, 1978 in the City Council  
3 Chambers, 1200 Elm Avenue, Carlsbad, California, to receive and  
4 hear protests to the proposed annexation.

5           3. That any owner of land within the territory proposed to be  
6 annexed may file a written protest against the annexation with the  
7 City Clerk, City of Carlsbad, 1200 Elm Avenue, Carlsbad, California  
8 92008 at any time prior to the conclusion of the City Council's  
9 hearing on the proposed annexation.

10           PASSED, APPROVED AND ADOPTED at a regular meeting of the  
11 Carlsbad City Council held the 3rd day of October,  
12 1978 by the following vote, to wit:

13           AYES:     Councilmen Packard, Skotnicki, Anear, Lewis and  
14                                 Councilwoman Casler  
15           NOES:     None  
16           ABSENT:   None

  
RONALD C. PACKARD, Mayor

17 ATTEST:

18   
19 ALETHA L. RAUTENKRANZ, City Clerk

20 (SEAL)  
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All those portions of Lots A, F and G of Rancho Agua Hedionda, in the County of San Diego, State of California, According to Map Thereof No. 823 filed in the County Recorder's Office of San Diego County November 16, 1896, Lying within the following described boundaries:

Beginning at the point of intersection of the Westerly line of that certain 90.00 foot strip of land described as Parcel 68374-A in deeds to the County of San Diego, California, recorded March 12, 1970 at File/Page No. 44690 and File/Page 44691, Official Record of San Diego County and shown on map of San Diego County Road Survey No. 1800-1, (El Camino Real), filed in the Office of the County Engineer of said County, with the Southerly line of that certain parcel of land designated "Palomar Airport" on Sheet 1 of Record of Survey Map No. 6493, filed in the Office of the County Recorder of said County, said point of beginning being a point in the arc of a 1955.00 foot radius curve concave Westerly, a radial line to said point bears North 83°49'00" East;

1. Thence along said Southerly line of Palomar Airport South 79°07'43" West, (Record South 79°42'00" West) to the Southeasterly line of Road Survey No. 1534 (Palomar Airport Road) Map on file in said County Engineer's Office;
2. Thence Southwesterly along said southeasterly line to an angle point in the boundary of the City of Carlsbad as established by their Resolution No. 3275 adopted November 20, 1973 by the City Council of Said City;
3. Thence South 10°18'00" East along said city boundary to the Southeasterly line of road survey 1534-66 (Palomar Airport Road) map on file in said County Engineer's Office being an angle point in the boundary of the City of Carlsbad as established by their Ordinance No. 1172 adopted October 16, 1974 by the City Council of said City;
4. Thence Southwesterly along said southeasterly line to the southerly boundary of said Palomar Airport;

ATTACHMENT 'A' OF RESOLUTION NO. 5547

5. Thence along the boundary of said Palomar Airport as follows:

- a. South  $79^{\circ} 07' 43''$  West, 2043.72 feet;
- b. North  $10^{\circ} 52' 17''$  West, 1000.13 feet;
- c. South  $79^{\circ} 07' 43''$  West, 2000.00 feet;
- d. North  $10^{\circ} 52' 17''$  West, 1000.14 feet;
- e. North  $79^{\circ} 07' 43''$  East, 6857.35 feet more or less to the westerly line of road Survey No. 1534 (El Camino Real) map of file in said County Engineer's Office being an angle point in the boundary of the City of Carlsbad as established by their Ordinance No. 1101 adopted March 7, 1967 by the City Council of Said City;

6. Thence South  $38^{\circ}45'17''$  East (Record South  $38^{\circ} 41'$  East) along said westerly line to the Easterly prolongation of the Southerly line of said Road Survey No. 1534;

7. Thence Easterly along said prolongation to the easterly line of said road Survey 1800-1;

8. Thence Southerly along said easterly line to a line which bears North  $83^{\circ}49'00''$  East from the Point of Beginning.

9. Thence South  $83^{\circ} 49' 00''$  West to the Point of Beginning.

ATTACHMENT 'A' OF RESOLUTION NO. 5547

RESOLUTION OF LOCAL AGENCY FORMATION COMMISSION  
APPROVING A PROPOSED ANNEXATION OF TERRITORY  
TO THE CITY OF CARLSBAD

"Palomar Airport (South Carlsbad No. 1.24) Annexation

On motion of Commissioner Moore, seconded by Commissioner McClellan, the following resolution is adopted:

WHEREAS, an application for approval of a proposal for the initiation of proceedings for the annexation of territory to the City of Carlsbad (hereinafter referred to as the City) has been filed with this Commission (Local Agency Formation Commission Reference No. CA77-50 ) as provided for by Government Code Section 54791; and

WHEREAS, the executive officer of this Commission has filed his report relative to said proposed annexation, which report has been reviewed and considered by this Commission; NOW THEREFORE

BE IT RESOLVED THAT THIS COMMISSION HEREBY FINDS, DETERMINES AND ORDERS as follows:

1. The hearing was held on the date set therefor and due notice of said hearing was given in the manner required by law.
2. At the hearing the Commission called for, heard and considered all interested parties and read and considered the report of the executive officer.
3. The territory proposed to be annexed as originally described in the application for approval is as described in Exhibit A attached hereto.



4. The description of the boundaries of the Territory to be annexed is not definite and certain, but may be made so if modified to conform to Exhibit B attached hereto.

5. The description of the boundaries of the Territory -- conform(s) to lines of assessment and ownership.

6. The Territory includes 256 acres and is un inhabited.

7. The Territory proposed to be annexed is hereby designated the "Palomar Airport "South Carlsbad No. 1.24)Annexation"

8. The Commission certifies that it has reviewed and considered the information contained in the EIR prepared by the City of Carlsbad.

9. The Commission hereby approves the proposed annexation subject to the conditions, if any, stated on Exhibit C attached hereto and incorporated herein.

10. The City of Carlsbad is authorized to initiate proceedings in compliance with this resolution.

11. The executive officer of this Commission is directed to mail and file certified copies of this resolution as required by law.

PASSED AND ADOPTED by the Local Agency Formation Commission of the  
County of San Diego this 11th day of September, 1978,

by the following vote:

AYES: Commissioners Chapman, Gorton, Karn, Lake  
(for Morgan), McClellan and Moore

NAYS: None

ABSENT: Commissioners Hamilton and Morgan

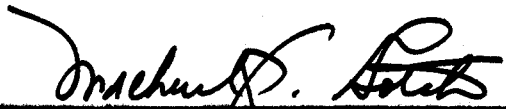
ABSTAINING: None

\* \* \* \* \*

STATE OF CALIFORNIA)  
)  
COUNTY OF SAN DIEGO)

I, MICHAEL J. GOTCH, Executive Officer of the Local Agency Formation  
Commission of the County of San Diego, State of California, hereby  
certify that I have compared the foregoing copy with the original  
resolution adopted by said Commission at its regular meeting on  
September 11, 1978, which original resolution is now on  
file in my office; that same contains a full, true and correct  
transcript therefrom and of the whole thereof.

Witness my hand and seal this 11th day of September, 1978.

  
MICHAEL J. GOTCH, Executive Officer  
Local Agency Formation Commission

"Palomar Airport Annexation" to the City of Carlsbad

DESCRIPTION OF SOUTH CARLSBAD ANNEXATION No. 1.24  
to the CITY OF CARLSBAD, NOVEMBER 15, 1976.

All those portions of Lots "F" and "G", Rancho Agua Hedionda, in the County of San Diego, State of California, according to map thereof No. 823, filed in the Office of the County Recorder of said County November 16, 1896, described as follows:

Beginning at Corner No. 3 of said Lot G as designated on Record of Survey Map No. 6493, filed in the Office of the County Recorder of San Diego County;

1. Thence South  $7^{\circ} 34' 10''$  West a distance of 351.95 feet to the Easterly prolongation of the Southerly line of the land designated Palomar Airport on said Record of Survey No. 6493;
2. Thence South  $79^{\circ} 07' 43''$  West a distance of 2302.04 feet, more or less, to a point of intersection with the Southeasterly right of way line of Road Survey 1534-66 (Palomar Airport Road) filed in the Office of the County Engineer of said County;
3. Thence South  $54^{\circ} 26' 52''$  West along said Southeasterly right of way line of Road Survey 1534-66 a distance of 255.62 feet;
4. Thence continuing along said Southeasterly right of way line, South  $53^{\circ} 19' 36''$  West a distance of 736.95 feet to the beginning of a tangent 1937.00 foot radius curve concave Southeasterly;
5. Thence Southwesterly along said curve through a central angle of  $4^{\circ} 33' 24''$  an arc distance of 154.05 feet to the point of intersection with the Easterly prolongation of the Southerly boundary of said Palomar Airport;

6. Thence along the boundary of said Palomar Airport as follows:
  - a. South  $79^{\circ} 07' 43''$  West, 2043.72 feet;
  - b. North  $10^{\circ} 52' 17''$  West, 1000.13 feet;
  - c. South  $79^{\circ} 07' 43''$  West, 2000.00 feet;
  - d. North  $10^{\circ} 52' 17''$  West, 1000.14 feet;
  - e. North  $79^{\circ} 07' 43''$  East, 6890.80 feet to the Northeasterly boundary of said Lot "G" as shown on Record of Survey Map No. 6493;
7. Thence along said Northeasterly boundary South  $38^{\circ} 45' 17''$  East, 1319.60 feet to Corner No. 3 of Lot "G", said Corner being the POINT OF BEGINNING.

Containing therein  $256.43 \pm$  acres.

All those portions of Lots A, F and G of Rancho Agua Hedionda, in the County of San Diego, State of California, According to Map Thereof No. 823 filed in the County Recorder's Office of San Diego County November 16, 1896, Lying within the following described boundaries:

Beginning at the point of intersection of the Westerly line of that certain 90.00 foot strip of land described as Parcel 68374-A in deeds to the County of San Diego, California, recorded March 12, 1970 at File/Page No. 44690 and File/Page 44691, Official Record of San Diego County and shown on map of San Diego County Road Survey No. 1800-1, (El Camino Real), filed in the Office of the County Engineer of said County, with the Southerly line of that certain parcel of land designated "Palomar Airport" on Sheet 1 of Record of Survey Map No. 6493, filed in the Office of the County Recorder of said County, said point of beginning being a point in the arc of a 1955.00 foot radius curve concave Westerly, a radial line to said point bears North 83°49'00" East;

1. Thence along said Southerly line of Palomar Airport South 79°07'43" West, (Record South 79°42'00" West) to the Southeasterly line of Road Survey No. 1534 (Palomar Airport Road) Map on file in said County Engineer's Office;
2. Thence Southwesterly along said southeasterly line to an angle point in the boundary of the City of Carlsbad as established by their Resolution No. 3275 adopted November 20, 1973 by the City Council of Said City;
3. Thence South 10°18'00" East along said city boundary to the Southeasterly line of road survey 1534-66 (Palomar Airport Road) map on file in said County Engineer's Office being an angle point in the boundary of the City of Carlsbad as established by their Ordinance No. 1172 adopted October 16, 1974 by the City Council of said City;
4. Thence Southwesterly along said southeasterly line to the southerly boundary of said Palomar Airport;

5. Thence along the boundary of said Palomar Airport as follows:

- a. South 79° 07' 43" West, 2043.72 feet;
- b. North 10° 52' 17" West, 1000.13 feet;
- c. South 79° 07' 43" West, 2000.00 feet;
- d. North 10° 52' 17" West, 1000.14 feet;
- e. North 79° 07' 43" East, 6857.35 feet more or less to the westerly line of road Survey No. 1534 (El Camino Real) map of file in said County Engineer's Office being an angle point in the boundary of the City of Carlsbad as established by their Ordinance No. 1101 adopted March 7, 1967 by the City Council of Said City;

6. Thence South 38°45'17" East (Record South 38° 41' East) along said westerly line to the Easterly prolongation of the Southerly line of said Road Survey No. 1534;

7. Thence Easterly along said prolongation to the easterly line of said road Survey 1800-1;

8. Thence Southerly along said easterly line to a line which bears North 83°49'00" East from the Point of Beginning.

9. Thence South 83° 49' 00" West to the Point of Beginning.

Approved by the Local Agency Formation  
Commission of San Diego

SEP 11 1978

*Michael J. Litch*  
Executive Officer of said Commission

EXHIBIT B  
Page 2 of 2

Ref:

CA77-50

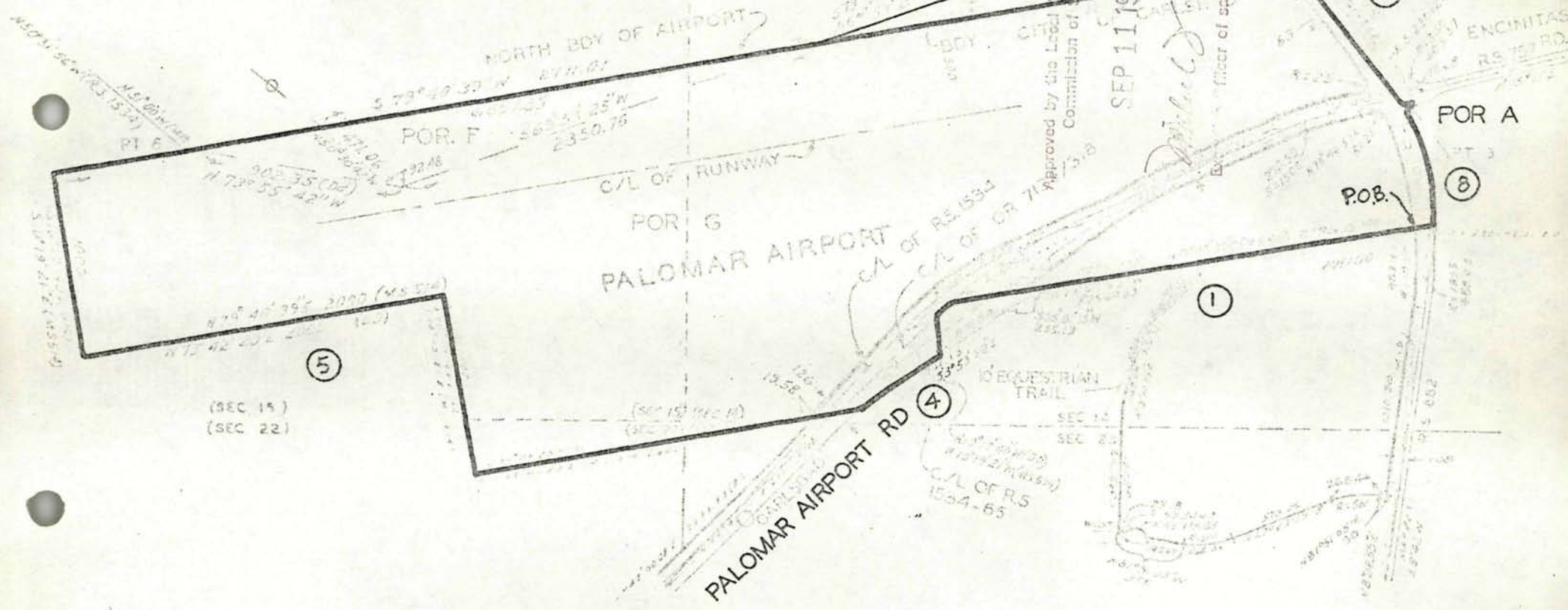
CONDITION(S)

The description of the boundaries shall be modified to conform to Exhibit B attached hereto.

EXHIBIT C



# MAP 823- RANCHO AGUA HEDIONDA



DATE: 12-23-77	MAPPING DIVISION	LAFCO: CA77-50
SCALE: 1"=800'	SAN DIEGO COUNTY ASSESSORS OFFICE	AREA: 256± AC
T.R.A. PAGE: 66 E & F	PALOMAR AIRPORT ANNEXATION	B/L: 213-02
DRAWN BY: L.J.B.	TO THE	THOMAS BROTHERS: 19-E2
	CITY OF CARLSBAD	



CITY OF CARLSBAD

AGENDA BILL NO. 3798 - Supplement No. 4

DATE: November 7, 1978

DEPARTMENT: CITY MANAGER

Initial: jm

Dept. Hd.

C. Atty. VKB

C. Mgr. R

Subject: PALOMAR AIRPORT (SOUTH CARLSBAD NO. 1.24) ANNEXATION

Statement of the Matter

At its October 3, 1978 meeting, the City Council adopted Resolution No. 5547, setting a public hearing to hear protests to the proposed annexation of Palomar Airport to the City of Carlsbad. The hearing has been properly noticed and is scheduled to be held at 7:30 p.m. on November 7, 1978 in the Carlsbad City Council Chambers.

At the hearing, the City Council shall hear and receive any oral and written protests, objections, or evidence which shall be made, presented, or filed. Any owner of land within the territory to be annexed may file a written protest against the annexation.

Upon conclusion of the hearing, the City Council shall determine the value of written protests filed and not withdrawn. Not less than thirty (30) days after the conclusion of the hearing on protests, the City Council shall adopt a resolution making findings regarding the value of written protests filed and not withdrawn and take one of the following actions:

1. Terminate proceedings if written protests have been filed and not withdrawn by the owners of land and improvements who own not less than fifty percent (50%) of the total assessed value of land and improvements within the territory.
2. Order the territory annexed if written protests have been filed and not withdrawn by owners of land and improvements who own less than fifty percent (50%) of the total assessed value of land and improvements within the territory.

Exhibit

Resolution No. 5547.

Recommendation

Hold public hearing. Upon conclusion of hearing, close the public hearing and continue this item to the Council Meeting of December 19, 1978 at which time the Council may adopt a resolution making findings regarding the value of protests and order the territory annexed or terminate proceedings.

Council action:

11-7-78 Council directed staff to return at the meeting of December 19, 1978, with an appropriate Resolution approving the annexation, said resolution to contain the appropriate findings with regard to the written protests received.

RESOLUTION NO. 5547

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, CALIFORNIA INITIATING  
PROCEEDINGS FOR THE PALOMAR AIRPORT (SOUTH  
CARLSBAD NO. 1.24) ANNEXATION TO THE CITY  
OF CARLSBAD.

WHEREAS, the City of Carlsbad, California made application to  
the Local Agency Formation Commission for the annexation of Palomar  
Airport to the City of Carlsbad; and

WHEREAS, the Local Agency Formation Commission has designated  
the proposed annexation as "Palomar Airport (South Carlsbad No.1.24)  
Annexation to the City of Carlsbad" and a description of the  
exterior boundaries of the territory to be annexed is attached  
hereto as Attachment 'A'; and

WHEREAS, the Local Agency Formation Commission has determined  
that the territory to be annexed is uninhabited in its resolution-  
making determination; and

WHEREAS, the territory to be annexed is part of a large un-  
incorporated island completely surrounded by the City of Carlsbad  
and Carlsbad is the only agency which will be able to supply a  
complete range of municipal services to the airport; and

WHEREAS, as a condition of annexation the Local Agency  
Formation Commission in its Resolution approving the proposed  
annexation required the description of the territory proposed for  
annexation to be modified to conform with Attachment 'A'.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City  
of Carlsbad as follows:

1. That the above recitations are true and correct.

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1        2. That the City Council of the City of Carlsbad will hold a  
2 public hearing at <sup>7:30</sup>~~6:00~~ p.m. on November 7, 1978 in the City Council  
3 Chambers, 1200 Elm Avenue, Carlsbad, California, to receive and  
4 hear protests to the proposed annexation.

5        3. That any owner of land within the territory proposed to be  
6 annexed may file a written protest against the annexation with the  
7 City Clerk, City of Carlsbad, 1200 Elm Avenue, Carlsbad, California  
8 92008 at any time prior to the conclusion of the City Council's  
9 hearing on the proposed annexation.

10        PASSED, APPROVED AND ADOPTED at a regular meeting of the  
11 Carlsbad City Council held the \_\_\_\_\_ day of \_\_\_\_\_,  
12 1978 by the following vote, to wit:

13        AYES:

14        NOES:

15        ABSENT:

16  
17 ATTEST:

\_\_\_\_\_  
RONALD C. PACKARD, Mayor

18  
19 ALETHA L. RAUTENKRANZ, City Clerk

20 (SEAL)  
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All those portions of Lots A, F and G of Rancho Agua Hedionda, in the County of San Diego, State of California, According to Map Thereof No. 823 filed in the County Recorder's Office of San Diego County November 16, 1896, Lying within the following described boundaries:

Beginning at the point of intersection of the Westerly line of that certain 90.00 foot strip of land described as Parcel 68374-A in deeds to the County of San Diego, California, recorded March 12, 1970 at File/Page No. 44690 and File/Page 44691, Official Record of San Diego County and shown on map of San Diego County Road Survey No. 1800-1, (El Camino Real), filed in the Office of the County Engineer of said County, with the Southerly line of that certain parcel of land designated "Palomar Airport" on Sheet 1 of Record of Survey Map No. 6493, filed in the Office of the County Recorder of said County, said point of beginning being a point in the arc of a 1955.00 foot radius curve concave Westerly, a radial line to said point bears North 83°49'00" East;

1. Thence along said Southerly line of Palomar Airport South 79°07'43" West, (Record South 79°42'00" West) to the Southeasterly line of Road Survey No. 1534 (Palomar Airport Road) Map on file in said County Engineer's Office;
2. Thence Southwesterly along said southeasterly line to an angle point in the boundary of the City of Carlsbad as established by their Resolution No. 3275 adopted November 20, 1973 by the City Council of Said City;
3. Thence South 10°18'00" East along said city boundary to the Southeasterly line of road survey 1534-66 (Palomar Airport Road) map on file in said County Engineer's Office being an angle point in the boundary of the City of Carlsbad as established by their Ordinance No. 1172 adopted October 16, 1974 by the City Council of said City;
4. Thence Southwesterly along said southeasterly line to the southerly boundary of said Palomar Airport;

ATTACHMENT 'A' OF RESOLUTION NO. \_\_\_\_\_

5. Thence along the boundary of said Palomar Airport as follows:

- a. South 79° 07' 43" West, 2043.72 feet;
- b. North 10° 52' 17" West, 1000.13 feet;
- c. South 79° 07' 43" West, 2000.00 feet;
- d. North 10° 52' 17" West, 1000.14 feet;
- e. North 79° 07' 43" East, 6857.35 feet more or less to the westerly line of road Survey No. 1534 (El Camino Real) map of file in said County Engineer's Office being an angle point in the boundary of the City of Carlsbad as established by their Ordinance No. 1101 adopted March 7, 1967 by the City Council of Said City;

6. Thence South 38°45'17" East (Record South 38° 41' East) along said westerly line to the Easterly prolongation of the Southerly line of said Road Survey No. 1534;

7. Thence Easterly along said prolongation to the easterly line of said road Survey 1800-1;

8. Thence Southerly along said easterly line to a line which bears North 83°49'00" East from the Point of Beginning.

9. Thence South 83° 49' 00" West to the Point of Beginning.

ATTACHMENT 'A' OF RESOLUTION NO. 11273

7

CITY OF CARLSBADAGENDA BILL NO. 3798-Supplement #5Initial: DM

Dept. Hd. \_\_\_\_\_

DATE: December 19, 1978C. Atty. VFBDEPARTMENT: CITY MANAGERC. Mgr. RSubject:PALOMAR AIRPORT (SOUTH CARLSBAD NO. 1.24) ANNEXATIONStatement of the Matter

At its November 7, 1978 meeting, the City Council held a public hearing to hear protests to the proposed annexation of Palomar Airport to the City of Carlsbad. No written protests were filed.

In order to complete the annexation, the Council needs to make a finding regarding the value of written protests filed and take action to order the Airport annexed. Exhibit No. 2 is a statement of the City Clerk indicating that no written protests were filed by landowners within the territory to be annexed. By adopting the attached Resolution (Exhibit No. 1), the Council may make the required findings and order the airport annexed.

Exhibit

1. Resolution No. 5637 making findings and ordering annexation.
2. Statement of City Clerk regarding protests.

Recommendation

Adopt Resolution No. 5637.

Council action:

12-19-78 Council adopted Resolution 5637, making findings regarding value of protests and ordering the annexation of Palomar Airport.

RESOLUTION NO. 5637

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF CARLSBAD, CALIFORNIA MAKING FINDINGS  
REGARDING VALUE OF PROTESTS AND ORDERING THE  
ANNEXATION OF PALOMAR AIRPORT (SOUTH CARLSBAD  
NO. 1.24) TO THE CITY OF CARLSBAD.

WHEREAS, the City Council of the City of Carlsbad held a  
duly noticed public hearing to hear and receive any oral and  
written protests, objections, or evidence regarding the proposed  
annexation; and

WHEREAS, no written protests were filed prior to the  
conclusion of the hearing; and

WHEREAS, the Local Agency Formation Commission in its  
resolution approving the annexation required the description of  
the exterior boundaries of the territory to be annexed be modified  
to conform with Attachment 'A' attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the  
City of Carlsbad as follows:

1. That the above recitations are true and correct.
2. That no written protests were filed.
3. That the description of the exterior boundaries of the  
territory to be annexed have been modified to conform to  
Attachment 'A'.

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1        4. That the territory described in Attachment 'A' is hereby  
2 ordered annexed to the City of Carlsbad.

3        5. That the City Clerk is hereby directed to transmit a  
4 certified copy of this resolution to the Executive Officer of the  
5 Local Agency Formation Commission.

6        PASSED, APPROVED AND ADOPTED at a regular meeting of the  
7 City Council on the 19th day December, 1978 by  
8 the following vote, to wit:

9        AYES:        Councilmen Packard, Skotnicki, Anear, Lewis and  
10                      Councilwoman Casler

10        NOES:        None

11        ABSENT:    None

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14

  
RONALD C. PACKARD, Mayor

15 ATTEST:

16   
17 ALETHA L. RAUTENKRANZ, City Clerk

18 (SEAL)

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All those portions of Lots A, F and G of Rancho Agua Hedionda, in the County of San Diego, State of California, According to Map Thereof No. 823 filed in the County Recorder's Office of San Diego County November 16, 1896, Lying within the following described boundaries:

Beginning at the point of intersection of the Westerly line of that certain 90.00 foot strip of land described as Parcel 68374-A in deeds to the County of San Diego, California, recorded March 12, 1970 at File/Page No. 44690 and File/Page 44691, Official Record of San Diego County and shown on map of San Diego County Road Survey No. 1800-1, (El Camino Real), filed in the Office of the County Engineer of said County, with the Southerly line of that certain parcel of land designated "Palomar Airport" on Sheet 1 of Record of Survey Map No. 6493, filed in the Office of the County Recorder of said County, said point of beginning being a point in the arc of a 1955.00 foot radius curve concave Westerly, a radial line to said point bears North 83°49'00" East;

1. Thence along said Southerly line of Palomar Airport South 79°07'43" West, (Record South 79°42'00" West) to the Southeasterly line of Road Survey No. 1534 (Palomar Airport Road) Map on file in said County Engineer's Office;
2. Thence Southwesterly along said southeasterly line to an angle point in the boundary of the City of Carlsbad as established by their Resolution No. 3275 adopted November 20, 1973 by the City Council of Said City;
3. Thence South 10°18'00" East along said city boundary to the Southeasterly line of road survey 1534-66 (Palomar Airport Road) map on file in said County Engineer's Office being an angle point in the boundary of the City of Carlsbad as established by their Ordinance No. 1172 adopted October 16, 1974 by the City Council of said City;
4. Thence Southwesterly along said southeasterly line to the southerly boundary of said Palomar Airport;

ATTACHMENT 'A' OF RESOLUTION NO. 5637,

5. Thence along the boundary of said Palomar Airport as follows:

- a. South 79° 07' 43" West, 2043.72 feet;
- b. North 10° 52' 17" West, 1000.13 feet;
- c. South 79° 07' 43" West, 2000.00 feet;
- d. North 10° 52' 17" West, 1000.14 feet;
- e. North 79° 07' 43" East, 6857.35 feet more or less to the westerly line of road Survey No. 1534 (El Camino Real) map of file in said County Engineer's Office being an angle point in the boundary of the City of Carlsbad as established by their Ordinance No. 1101 adopted March 7, 1967 by the City Council of Said City;

6. Thence South 38°45'17" East (Record South 38° 41' East) along said westerly line to the Easterly prolongation of the Southerly line of said Road Survey No. 1534;

7. Thence Easterly along said prolongation to the easterly line of said road Survey 1800-1;

8. Thence Southerly along said easterly line to a line which bears North 83°49'00" East from the Point of Beginning.


9. Thence South 83° 49' 00" West to the Point of Beginning.

ATTACHMENT 'A' OF RESOLUTION NO. 5637

DATE: NOVEMBER 27, 1978  
TO: CITY COUNCIL  
FROM: City Clerk  
SUBJECT: WRITTEN PROTESTS - PALOMAR AIRPORT  
(SOUTH CARLSBAD NO. 1.24) ANNEXATION

On November 7, 1978, the City Council held a public hearing on the above-referenced annexation.

No written protests against the annexation were filed by any landowner within the territory to be annexed prior to the conclusion of said hearing.

  
ALETHA L. RAUTENKRANZ  
City Clerk  
City of Carlsbad

ALR:vm

## CITY OF CARLSBAD

AGENDA BILL NO. 6322DATE: August 5, 1980DEPARTMENT: City Clerk

Initial:

Dept.Hd. alrC. Atty. VFBC. Mgr. jaSubject: INITIATIVE PETITIONStatement of the Matter

An initiative petition has been processed in accordance with requirements of the California Elections Code. The signatures have been examined per Section 3708 of the Elections Code, and the petition has been certified as to sufficiency.

According to Section 4010 of the Elections Code, Council must now take one of the following actions:

1. Introduce the ordinance without alteration;

or

2. Immediately order a special election.

If Council so desires, Ordinance No. 9558 may be introduced.

If Council desires to call a special election, Resolution No. ~~6322~~ and No. ~~6324~~ may be adopted.

Exhibits

1. Ordinance No. 9558
2. Resolution No. ~~6322~~, calling the special election.
3. Resolution No. ~~6322~~, requesting the consolidation of the election with the presidential general election to be held on November 4, 1980.
4. Memorandum from City Clerk dated August 5, 1980.

Recommendation

None

Fiscal Impact

The cost of a special election combined with the presidential general election would be approximately \$5,000.

Council Action:

8-5-80 Council introduced Ordinance No. 9558.

8-12-80 Council adopted Ordinance No. 9558.

ORDINANCE NO. 9558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING TITLE 21, CHAPTER 21.44 OF THE CARLSBAD MUNICIPAL CODE BY THE ADDITION OF SECTION 21.44.015 TO REQUIRE VOTER AUTHORIZATION FOR THE EXPANSION OF ANY AIRPORT IN THE CITY OF CARLSBAD.

The City Council of the City of Carlsbad, California does ordain as follows:

SECTION 1: That Title 21, ~~Chapter 21.44~~ of the Carlsbad Municipal Codes is amended by the addition of Section 21.44.015 which reads as follows:

"21.44.015 Voter authorization required for airport expansion. (a) The City Council of the City of Carlsbad shall not approve any zone change, general plan amendment or any other legislative enactment necessary to authorize expansion of any airport in the City of Carlsbad nor shall the City of Carlsbad commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of the qualified electors of the City of Carlsbad voting at an election for such purposes.

(b) This section was proposed by initiative petition and adopted by the vote of the City Council without submission to the voters and it shall not be repealed or amended except by a vote of the people."

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in the Carlsbad Journal within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council, held on the 5th day of August, 1980, and thereafter

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///

1 PASSED, APPROVED AND ADOPTED at <sup>an adjourned</sup> ~~✓~~ regular meeting of said  
2 City Council, held on the 12th day of August, 1980, by  
3 the following vote, to wit:

4 AYES: Council Members Packard, Casler, Anear, Lewis and Kulchin

5 NOES: None

6 ABSENT: None

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9 RONALD C. PACKARD, Mayor

10 ATTEST:

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12 ALETHA L. RAUTENKRANZ, City Clerk

13 (SEAL)  
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1 RESOLUTION NO. \_\_\_\_\_

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
3 OF CARLSBAD, CALIFORNIA, ORDERING, CALLING,  
4 PROVIDING FOR AND GIVING NOTICE OF A SPECIAL  
5 MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON  
6 NOVEMBER 4, 1980, FOR THE PURPOSE OF SUBMITTING  
7 TO THE QUALIFIED VOTERS OF SAID CITY AN ORDINANCE  
8 RELATING TO REQUIRING VOTER AUTHORIZATION FOR  
9 EXPANSION OF AIRPORTS, CONSOLIDATING SAID ELECTION  
10 WITH THE PRESIDENTIAL GENERAL ELECTION TO BE HELD  
11 ON SAID DATE.

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12 WHEREAS, an initiative petition was processed in accordance  
13 with the California Elections Code; and

14 WHEREAS, the signatures have been verified in accordance  
15 with Section 3708 of the California Elections Code; and

16 WHEREAS, the petition has been certified as sufficient;  
17 and

18 WHEREAS, the City Council of the City of Carlsbad has  
19 determined to submit the ordinance to the qualified voters of  
20 the City of Carlsbad;

21 NOW, THEREFORE, the City Council of the City of Carlsbad,  
22 California, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER  
23 as follows:

24 Section 1. That a special election be held and the same  
25 is hereby called to be held in said City on November 4, 1980, for  
26 the purpose of submitting to the qualified voters of said City an  
27 ordinance hereinafter set forth relating to requiring voter  
28 authorization for expansion of airports.

Section 2. The ordinance submitted to the voters shall be  
as follows:

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1 "The City Council of the City of Carlsbad shall not approve any  
2 zone change, general plan amendment or any other legislative enact-  
3 ment necessary to authorize expansion of any airport in the City  
4 of Carlsbad nor shall the City of Carlsbad commence any action or  
5 spend any funds preparatory to or in anticipation of such  
6 approvals without having been first authorized to do so by a  
7 majority of the qualified electors of the City of Carlsbad voting  
8 at an election for such purposes."

9 Section 3. That the polls for said election shall be opened  
10 at seven o'clock A.M. of the day of said election and shall remain  
11 open continuously from said time until eight o'clock P.M. of the  
12 same day, when said polls shall be closed, except as provided in  
13 Section 14301 of the Elections Code of the State of California.

14 Section 4. That on the ballots to be used at said special  
15 election, in addition to any other matters required by law, there  
16 shall be printed substantially the following:

17			
18	<u>ORDINANCE:</u> The City Council of the City of 19 Carlsbad shall not approve any zone change, 20 general plan amendment or any other legislative 21 enactment necessary to authorize expansion of any 22 airport in the City of Carlsbad nor shall the 23 City of Carlsbad commence any action or spend any 24 funds preparatory to or in anticipation of such 25 approvals without having been first authorized 26 to do so by a majority vote of the qualified 27 electors of the City of Carlsbad voting at an 28 election for such purposes.	YES	
		NO	

1       Section 5. That a cross (+) placed in the voting square  
2 after the word "YES" in the manner hereinbefore provided shall be  
3 counted in favor of the adoption of the ordinance. A cross (+)  
4 placed in the voting square after the word "NO" in the manner  
5 hereinbefore provided shall be counted against the adoption of the  
6 ordinance.

7       Section 6. That the special election hereby called for the  
8 date hereinbefore specified shall be and is hereby ordered  
9 consolidated with the presidential general election to be held  
10 on said date, and within said city the precincts, polling places  
11 and officers of election for the special municipal election hereby  
12 called shall be the same as those provided for said presidential  
13 general election. The Board of Supervisors of San Diego County  
14 is hereby requested to order the consolidation of the special  
15 municipal election hereby called with said presidential general  
16 election, and said Board of Supervisors is hereby authorized to  
17 canvass the returns of said special municipal election, and said  
18 elections shall be held in all respects as if there were only one  
19 election, and only one form of ballot, namely, the ballots used  
20 at said general election, shall be used. Said Board of Supervisors  
21 shall certify the results of the canvass of the returns of said  
22 special municipal election to the City Council of the City of  
23 Carlsbad which shall thereafter declare the results thereof. The  
24 ordinance submitted by this resolution shall be designated on the  
25 ballot by a letter printed on the left margin of the square  
26 containing the description of the measure, as provided in Section  
27 10218 of the Elections Code.

28       Section 7. That notice of the time and place of holding

1 said election is hereby given and the City Clerk is hereby  
2 authorized, instructed and directed to give such further or  
3 additional notice of said election in time, form and manner as  
4 required by law.

5 Section 8. That the City Clerk shall certify to the passage  
6 and adoption of this Resolution; shall enter the same in the book  
7 of original Resolutions of said City; and shall make a minute of  
8 the passage and adoption thereof in the records of the proceedings  
9 of the City Council of said City, in the minutes of the meeting  
10 at which the same is passed and adopted.

11 Section 9. That this Resolution shall take effect  
12 immediately.

13 PASSED, APPROVED AND ADOPTED at a regular meeting of the  
14 City Council of the City of Carlsbad held on the \_\_\_\_ day of  
15 \_\_\_\_\_, 1980, by the following vote, to wit:

16 AYES:

17 NOES:

18 ABSENT:

19

\_\_\_\_\_  
RONALD C. PACKARD, Mayor

20

ATTEST:

21

22

23 ALETHA L. RAUTENKRANZ, City Clerk

24 (SEAL)

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28

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS TO CONDUCT THE ELECTION OF THE CITY OF CARLSBAD ON TUESDAY, NOVEMBER 4, 1980, AND TO CONSOLIDATE THAT ELECTION WITH THE PRESIDENTIAL GENERAL ELECTION TO BE HELD ON THE SAME DAY.

WHEREAS, the City of Carlsbad has called a Special Election to be held in this City of Carlsbad on November 4, 1980; and

WHEREAS, Section 439.1 of the Administrative Code of the County of San Diego authorizes the Registrar of Voters of the County of San Diego to render specified services relating to the conduct of an election to any city or district which has by resolution requested the Board of Supervisors to permit the Registrar to render the services, subject to requirements set forth in that section; and

WHEREAS, the City Council of the City of Carlsbad called an election to be held on the same day in the same territory that is in part the same; and

WHEREAS, pursuant to Part 2.5 (commencing with Section 23300) Division 14 of the Elections Code the Board of Supervisors has authority to consolidate public district, city, county, or other political subdivision elections with each other and with a statewide election to be held on the same day; NOW THEREFORE

BE IT RESOLVED that pursuant to the above-cited provisions, the Board of Supervisors of the County of San Diego is hereby requested to permit the Registrar of Voters to perform and render all services and proceedings incidental to and connected with the conduct of the subject election of the City of Carlsbad, with

1 the cooperation and assistance of the City Clerk, such services  
2 to include, but not to be limited to the following activities  
3 as are appropriate to the subject election:

4 1. Furnish a tabulation of the number of registered  
5 voters in each precinct.

6 2. Examine the signatures on nomination papers or  
7 petitions of candidates for public office.

8 3. Establish voting precincts, secure locations for  
9 polling places, secure the services of election officers for  
10 each precinct as required by law, and furnish a list of precincts,  
11 polling places, and election officers for filing in the Office  
12 of the City Clerk.

13 4. Prepare and furnish to the election officers necessary  
14 election supplies for the conduct of the election.

15 5. Cause to be translated, as appropriate, and printed  
16 the requisite number of sample ballots, official ballots, polling  
17 place slips, rosters, tally sheets, and other necessary forms.

18 6. Furnish and address the envelopes necessary to mail  
19 sample ballots to the registered voters of the City of Carlsbad.

20 7. Insert the sample ballots and other printed matter  
21 into envelopes for mailing, and cause the same to be mailed,  
22 as required by law.

23 8. Assemble the election material and supplies into  
24 ballot bags and make necessary arrangements for their delivery  
25 to the various precincts.

26 9. Distribute absent voter ballots as required by law.

27 10. Receive the returns of the elections and supplies.

28 11. Sort and assemble the election material and supplies in

1 preparation for the canvassing of the returns of the election.

2 12. Canvass the returns of the election, including the  
3 absent voter ballots.

4 13. Furnish a tabulation of the number of votes given in  
5 each precinct.

6 14. Make all arrangements and take the necessary steps to  
7 pay the members of the precinct boards, the polling place rentals,  
8 the persons returning the ballot bags, and to pay all other costs  
9 of the election incurred as the result of services performed for  
10 the City of Carlsbad and pay for the election officials the amounts  
11 prescribed by the Board of Supervisors of the County of San Diego.

12 BE IT FURTHER RESOLVED that the exact form of the Ordinance  
13 to appear on the ballot and to be submitted to the voters is  
14 as follows:

15 The City Council of the City of Carlsbad shall not  
16 approve any zone change, general plan amendment  
17 or any other legislative enactment necessary to  
18 authorize expansion of any airport in the City of  
19 Carlsbad nor shall the City of Carlsbad commence  
20 any action or spend any funds preparatory to or  
in anticipation of such approvals without having  
been first authorized to do so by a majority vote  
of the qualified electors of the City of Carlsbad  
voting at an election for such purposes.

21 BE IT FURTHER RESOLVED that the Board of Supervisors of  
22 the County of San Diego is hereby requested to consolidate this  
23 election with the Presidential General Election to be held on  
24 the same day, in the same territory, or in territory that is in  
25 part the same.

26 BE IT FURTHER RESOLVED that if this consolidation is or-  
27 dered, then pursuant to Section 23306 (and Section 23314, when  
28 applicable) of the Elections Code, (a) the election shall be

1 held in all respects as if there were only one election; (b)  
2 only one form of ballot shall be used; and (c) the Registrar of  
3 Voters of the County of San Diego shall canvass the returns  
4 of the subject election as part of the canvass of the returns  
5 of the election or elections consolidated hereby.

6  
7 BE IT FURTHER RESOLVED that if this consolidation is or-  
8 dered, then pursuant to Section 23305 (and Section 23314, when  
9 applicable) of the Elections Code within the territories affected  
10 by this order of consolidation, the election precincts, polling  
11 places, voting booths and polling hours shall, in every case  
12 be the same, and there shall be only one set of election officers  
13 in each of the precincts.

14 BE IT FURTHER RESOLVED that the County of San Diego shall  
15 be reimbursed in full for the services performed by the Registrar  
16 of Voters for this City of Carlsbad upon presentation of a bill  
17 therefor and that this City of Carlsbad agrees to indemnity and  
18 to save free and harmless the County, its officers, agents and  
19 employees from expense or liability, including reasonable  
20 attorneys fees, as a result of an election contest arising after  
21 conduct of this election.

22 BE IT FURTHER RESOLVED AND ORDERED that the City Clerk is  
23 hereby directed to deliver forthwith certified copies of this  
24 resolution to the Clerk of the Board of Supervisors of the County  
25 of San Diego, and to the Registrar of Voters of the County of  
26 San Diego.

27 / / / / /

28 / / / / /

1 PASSED, APPROVED AND AODPTED at a regular meeting of the  
2 City Council of the City of Carlsbad held on the \_\_\_\_\_ day  
3 of \_\_\_\_\_, 1980, by the following vote, to wit:  
4

5 AYES:

6 NOES:

7 ABSENT:  
8  
9

\_\_\_\_\_  
10 RONALD C. PACKARD, Mayor

11 ATTEST:  
12  
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\_\_\_\_\_  
14 ALETHA L. RAUTENKRANZ, City Clerk  
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16 (SEAL)  
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MEMORANDUM

DATE: August 5, 1980  
TO: CITY COUNCIL  
FROM: City Clerk  
SUBJECT: INITIATIVE PETITION

An initiative petition was filed with the City Clerk on Monday, July 21, 1980.

Upon initial examination of the signatures, I determined that the number of signatures, prima facie, was in excess of the number required for filing a petition.

The signatures were then verified in accordance with Section 3708 of the California Elections Code, and the sufficiency of the petition is certified.

The City Attorney has reviewed the form of the petition and has indicated said petition meets the requirements of the Elections Code.

The next step in the process is detailed in Section 4010 of the Elections Code. It states that the legislative body shall either:

- (a) Introduce the Ordinance without alteration at the regular meeting at which it is presented and adopt the Ordinance within 10 days after it is presented; or
- (b) Immediately order a special election, to be held not less than 74 nor more than 89 days after the date of the order, at which the ordinance, without alteration shall be submitted to a vote of the voters of the City.

If Council chooses to call a special election, it could be combined with the presidential general election to be held November 4, 1980.

Attached to the agenda bill are the documents which would allow Council to proceed with either action. If Council desires option (a), the Ordinance may be introduced. If Council prefers option (b), it would be necessary to adopt the Resolutions.

LEE RAUTENKRANZ,  
City Clerk

LR:adm

# City of Carlsbad

COUNCIL

Meeting of: CARLSBAD CITY COUNCIL (Regular Meeting)  
 Date of Meeting: August 5, 1980  
 Time of Meeting: 6:00 P.M.  
 Place of Meeting: City Council Chambers

# 241

PACKARD  
 CASLER  
 ANEAR  
 LEWIS  
 KULCHIN

CALL TO ORDER was made by Mayor Packard at 6:01 P.M.

ROLL CALL was taken by the City Clerk:

INVOCATION was given by Mayor Packard.

PLEDGE OF ALLEGIANCE was led by Council Member, Ann J. Kulchin.

## APPROVAL OF MINUTES:

Minutes of the Regular Meeting, held July 15, 1980, were approved as corrected.

## PRESENTATION:

Mayor Packard read and presented a Resolution to the Carlsbad Bobby Sox Minor League Allstars in recognition of their outstanding achievement in sports and in honor of exemplary representation of Carlsbad youth.

The Resolution was accepted by Gloria Girard, Manager of the Bobby Sox who then invited the Bobby Sox to present Council Members with an honorary hat.

## CONSENT CALENDAR:

Mayor Packard indicated he had received a Request to Speak regarding Item No. 3 and a Request to Speak regarding Item No. 7, and removed those two items from the Consent Calendar.

Council Member Anear requested that Item No. 9 be removed from the Consent Calendar.

The following Items, with the exception of Items No. 3, 7 and 9, were approved by one motion, affirming the action of the Consent Calendar:

### 1. WAIVER OF ORDINANCE TEXT READING.

Council waived the reading of the text of all ordinances and resolutions before Council at this meeting.

### (50) 2. AB #6037 - RATIFICATION OF DEMANDS.

Council ratified demands against the City in the amount of \$1,702,180.90 for the period July 10, 1980 through July 25, 1980; and payroll demands in the amount of \$229,490.04 for the period July 7, 1980 through July 20, 1980.

### (99) 4. AB #6299 - Supplement #1 - CT 80-17/CP-83, SALEEN.

Council adopted Resolution No. 6253, approving with conditions tentative subdivision map (CT 80-17) for a 16 unit condominium project and approving condominium permit (CP-83) for said project on property generally located on the southside of Unicornio Street at Cacatua Street.

Present X X X X  
 Absent X

Motion X X X X  
 Ayes X X X X

Motion X X X X  
 Ayes X X X X

August 5, 1980

242

KULCHIN  
LEWIS  
ANEAR  
CASTLER  
PACKARD

- (106) 5. AB #5904 - Supplement #2 - UNDERGROUND UTILITY DISTRICT NO. 7 - CARLSBAD BOULEVARD.

Council adopted Resolution No. 6254, setting the time to be ready to connect to underground electric system in underground utility district No. 7.

- (74) 6. AB #6308 - RENEWAL OF COOPERATIVE PERSONNEL SERVICES AGREEMENT.

(45)

Council adopted Resolution No. 6255, authorizing the City Manager to sign an agreement with the State of California, California State Personnel Board, Cooperative Personnel Services Division, for the purpose of performing employee screening examination services for the City of Carlsbad.

- (70) 8. AB #3552 - Supplement #15 - MAGEE PARK CONTRACT 1069.

(45)

Council accepted the work and directed the City Clerk to record the Notice of Completion and release the bonds 35 days after recordation.

- (92) 10. AB #6311 - STEP 3 ENGINEERING SERVICES FOR PHASE III UPGRADING AND ENLARGEMENT OF ENCINA.

(45)

Council adopted Resolution No. 6256, approving and agreeing to a Master Agreement for step 3 engineering services between Vista Sanitation District and Brown & Caldwell for Phase III enlargement and upgrading of the Encina Water Pollution Control Facility.

- (81) X 11. AB #6287 - Supplement #1 - ACCEPTANCE OF DONATION OF SHAPELL SALES OFFICE.

Council adopted Resolution No. 6257, accepting the donation of a building from Shapell Industries of San Diego, Inc., formerly used as a sales office for their Monarch Hills project.

- (83) 12. AB #6071 - Supplement #3 - RECOATING ELLERY RESERVOIR - CONTRACT NO. 1078.

(45)

Council accepted the work and directed the City Clerk to record the Notice of Completion and release the bonds 35 days after recordation.

- (29) X 13. AB #6312 - AMENDMENT OF THE 1980-81 BUDGET WATER POLLUTION.

Council amended the 1980-81 budget to reflect expenditures of \$247,511 for water pollution, rather than \$230,000 as previously approved, and adopted Resolution No. 6258, authorizing the transfer of funds for the amendment of the 1980-81 water pollution budget for operation of the Encina Water Pollution Control Facility.

August 5, 1980

243

KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

- (70) 14. AB #6265 - MAGEE HOUSE  
(45)

Council adopted Resolution No. 6266, amending an agreement between the City of Carlsbad and the Carlsbad Senior Citizens' Association for use of certain property commonly known as the Magee House. Council also adopted Resolution No. 6267, approving an agreement between the City of Carlsbad and the Carlsbad Historical Society for use of the Magee House.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

- (99) 3. AB #6298 - Supplement #1 - CT 80-16/CP-74 SANDY.

Council recognized Joe Sandy, P.O. Box 590, Carlsbad. Mr. Sandy requested Council consideration of a continuance of this matter to afford applicant and staff the opportunity to discuss an adjustment to Condition No. 19 relating to the maximum selling price. Mr. Sandy explained the \$75,000 maximum selling price agreed to by the applicant represented approximately 80% of the median price range of existing home sales at the present time. In this regard, the applicant was desirous of linking the maximum selling price of these units to the median price range at the time of sale. Mr. Sandy concluded this would allow flexibility in sales price, either up or down, depending upon the market at the time of sale, and would protect both the applicant and the interests of the City.

Following brief discussion, Council directed this matter returned to staff for further study in accordance with Mr. Sandy's remarks.

Motion  
Ayes

X  
X X X X

- (74) 7. AB #6309 - REPORT TO COUNCIL ON CLASSIFICATION CHANGES REQUESTED BY CCEA/AFSCME Local 978.

Council recognized A. J. Skotnicki, 3535 Bedford Circle, Carlsbad, CA. Mr. Skotnicki indicated he desired to address Council with regard to the position of Deputy City Clerk only. Mr. Skotnicki stated the City Clerk, as an elected official, is responsible for appointing a deputy. In view that a deputy assumes the responsibilities to act and direct in the Clerk's absence, it would be in the best interests of the City that the position be recognized commensurately as more than a secretarial position.

Council accepted the report, with the exception of the position of Deputy City Clerk, directing a further study of such position.

Motion  
Ayes

X  
X X X X

- (63) 9. AB #6310 - AMENDMENT TO AGREEMENT - SERRA  
(45) COOPERATIVE LIBRARY SYSTEM.

\*\*\*\*\* See Page 15 Council Member Anear indicated he requested removal of this item to express the opinion that permission to borrow books without penalty was a policy decision to be made by Council, rather than the governing body of Serra Cooperative Library System, which consists of librarians of each member agency. Furthermore, 40% of the persons borrowing from the Carlsbad Library were not residents of the City of Carlsbad.

August 5, 1980

244

KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

Council Member Casler acknowledged such concerns, indicating, however, since the Serra System had determined to not charge, if Council imposed a charge the advantages of the City's membership may be affected. In this regard, Council Member Casler expressed an interest in a report investigating the effects of withdrawing from the Serra System.

Council adopted the following Resolution:

RESOLUTION NO. 6265, AUTHORIZING  
AND DIRECTING EXECUTION OF THE  
SIXTH AMENDMENT TO JOINT EXERCISE  
OF POWERS AGREEMENT IN REGARD TO  
THE SERRA COOPERATIVE LIBRARY SYSTEM.

Motion  
Ayes  
Noes

X X  
X X  
X

ORDINANCES FOR INTRODUCTION:

- (47) 15. AB #6197 - Supplement #4 - GRADING  
ORDINANCE.

In response to Council inquiry, the City Engineer indicated the Construction Industry Federation had expressed satisfaction with the resolution of their concerns, as discussed at the prior meeting.

Council introduced the following Ordinance:

ORDINANCE NO. 8086, AMENDING TITLE  
11, OF THE CARLSBAD MUNICIPAL CODE  
BY THE ADDITION OF CHAPTER 11.06  
SETTING FORTH PROVISIONS FOR EXCAVATION  
AND GRADING.

Motion  
Ayes

X X  
X X X X

PUBLIC HEARINGS:

- (72) 16. AB #6297 - PARKING RESTRICTIONS ON  
CARLSBAD BOULEVARD.

The City Engineer presented the staff report, summarizing the relation of this matter to Councils' desire to provide additional beach parking. With the aid of wall map exhibits, Mr. Evans illustrated location of Tierra del Oro and Shore Drive to the portion of Carlsbad Boulevard where parking is currently restricted, and explained drainage problems from the Encina plant which currently prevent parking on the east side of Carlsbad Boulevard.

Mayor Packard then opened the public hearing at 7:44 P.M. and extended the invitation to speak.

Council recognized Ted Richmond, a representative of San Diego Gas & Electric Company, who expressed concerns re parked vehicles which obstruct the entrance to the Encina power plant. In response to inquiry, Mr. Richmond expressed the opinion the situation would be improved by providing parking on the east side of Carlsbad Boulevard, with correction of drainage problems.

# City of Carlsbad

Page 5

COUNCIL

August 5, 1980

245

KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

Council recognized George Carston, 5026 Tierra del Oro, Carlsbad who expressed the opinion the area along Carlsbad Boulevard in the vicinity of Tierra del Oro and Shore Drive was used for parking by persons visiting Cannon Park. In this regard, Mr. Cartston stated if the City were to allow parking there, the City would be liable for injury to any persons attempting to cross Carlsbad Boulevard to enter the park. Mr. Carston further suggested prohibiting recreational vehicles which occupy more than one space.

Council then recognized Ed Valentine, 5019 Tierra del Oro, Carlsbad, who expressed the opinion if parking were allowed in the area referenced by Mr. Carsten the problems would be greater than those which originally prompted the current parking restrictions.

Council recognized Bill Clements, 5021 Tierra del Oro, Carlsbad who expressed the opinion if parking were allowed in the subject area, it would contribute to illegal trespass and crime thereby increasing the cost to the City to police and protect homes in the area.

Since no one else wished to speak, the public hearing was closed at 7:01 P.M.

In response to Council inquiry, the City Attorney indicated any question of liability should have no bearing on Council deliberations re removal of parking restrictions. Council Member Casler indicated many other persons in the beach area are impacted by public beach parking.

Mayor Packard expressed the opinion the City should expend the funds necessary to provide parking on the east side of Carlsbad Boulevard prior to allowing parking around residences. Council then discussed methods of maximizing the efficiency of parking through striping the street for access, posting signs limiting time of parking and providing trash containers to encourage proper disposal of litter.

Council Member Casler indicated the parking situation needed to be resolved immediately and removing parking restrictions in the vicinity of Tierra del Oro and Shore Drive was the most expeditious method of doing so.

A motion was made and seconded to adopt Ordinance No. 3119, with directions to staff to implement the controls discussed by Council. The motion failed for lack of majority.

Motion  
Ayes  
Noes

X  
X X  
X X

August 5, 1980

246

KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

Council adopted the following Ordinance:

Motion  
Ayes

X X X X X

ORDINANCE NO. 3119, AMENDING TITLE 10, CHAPTER 10.40 BY THE AMENDMENT OF SECTION 10.40.042 OF THE CARLSBAD MUNICIPAL CODE TO REVISE PARKING RESTRICTIONS ON CERTAIN PARTS OF CARLSBAD BOULEVARD, with the change on Page 1, commencing at line 17 to include restrictions on Carlsbad Boulevard between Tierra del Oro and Shore Drive.

It was additionally the consensus of Council that the matter of parking between Tierra del Oro and Shore Drive be placed on the next Agenda for consideration by a full Council.

- (99) 17. AB #6313 - CT 80-13/CP-68 - APPLICANT: MAHIN/CRISMAN.

The staff report was presented by the Planning Director who, with the aid of wall map exhibits depicting the project design, explained the development and design standard deficiencies of the project. Mr. Hagaman also noted the density was inconsistent with the General Plan.

Mayor Packard opened the public hearing at 7:30 P.M. and extended the invitation to speak.

Council recognized the applicant, Jeff Crisman, 3485 Valley, Carlsbad, who indicated the history of the matter was chronicled in the material which he distributed to Council. Mr. Crisman expressed the opinion the deficiencies were correctable and that the inconsistencies in the General Plan zoning needed to be brought into line in order to allow the applicant to achieve the desired objective of providing affordable housing for low and moderate income persons.

Since no one else wished to speak, the public hearing was closed at 7:37 P.M.

Council acknowledged concerns re inconsistencies in underlying zones and discussed efforts re the General Plan zoning consistency project.

Council directed the City Attorney to prepare the necessary documents to deny CT 80-13/CP-68, as per Planning Commission Resolution 1662.

Motion  
Ayes

X X X X

- (99) 18. AB #6314 - CT 80-25/CP-104 APPLICANT: ANDEN GROUP.

The staff report was presented by the Planning Director who, with the aid of wall map exhibits depicting location and design of the project, detailed the contents of the July 9, 1980 Memorandum to the Planning Commission.

Mayor Packard opened the public hearing at 7:45 P.M. and extended the invitation to speak.



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KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

Council recognized Mike Roston, 2632 Abedul, Carlsbad, who indicated he was a partner in the Anden Group, the applicant for the Meadowbrook project. Mr. Roston expressed agreement with staff recommendations.

Council recognized Dale Naegle, San Diego, CA., who indicated he was the architect for this project. Mr. Naegle gave a slide presentation illustrating the conceptual landscaping plans, comparative architectural designs and surrounding area.

Council recognized Wilbur Stevenson, 2939 Cacatua, Carlsbad. Mr. Stevenson expressed concern with the future density in the area, specifically the additional 100 units proposed by the applicant at a later time.

Council recognized Ken Adams, 3002 Unicornio, Carlsbad, who requested clarification re equestrian trails.

The Planning Director responded this condition was related to a condition of the "Rancheros" project which provides for a connecting equestrian trail, either at Melrose or Unicornio, if the City desires the same.

Since no one else wished to speak, the public hearing was closed at 7:57 P.M.

In response to Council discussion, the Planning Director referenced a letter from Mike Roston dated July 31, 1980 which responded to concerns from residents impacted by this project. Also, Mr. Paul Graham, representing the La Costa Land Company, remarked from the audience that the plans to widen Alga between El Camino and Alicante, as stated in Mr. Roston's letter, were currently in the plan check stage. Mr. Graham his principle was making every effort to accomplish these improvements as soon as possible.

Council directed the City Attorney to prepare the necessary documents approving CT 80-25/CP-104 as per Planning Commission Resolution No. 1666, with inclusion of conditions in accordance with the contents of Mr. Roston's July 31, 1980 letter.

Motion

Ayes

X  
X X X X

(99) 19. AB #6318 - CT 79-28/CP-105 APPLICANT: MOLA

The staff report was presented by the Planning Director who, with the aid of wall map exhibits depicting project location and design, described project amenities.

Mayor Packard opened the public hearing at 8:07 P.M. and extended the invitation to speak.

Council recognized Ted Richmond, representing San Diego Gas & Electric Company who inquired if the applicant had obtained the necessary easement from SDG&E.



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KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

Council recognized Frank Mola, 417 Main Street, Huntington Beach, CA who indicated the easement was in the process of being granted, subject to negotiation of necessary agreements.

There being no further desire to speak, the public hearing was closed at 8:08 P.M.

With regard to Condition No. 41 of Planning Commission Resolution 1665, Council Member Aneear expressed the opinion the City police department should enforce the no parking restrictions on the north side of the street to ensure adequate access for emergency vehicles.

The City Manager responded one of the advantages of private streets is that the City is not required to provide maintenance and policing. Mr. Aleshire additionally indicated allowing private streets for these reasons was an established Council policy. The City Engineer additionally explained the width of the street, the amount of room which would be required for parking on the south side and indicated if parking restrictions on the north side were violated, there would remain sufficient width to allow emergency vehicle access.

Council directed the City Attorney to prepare the necessary documents approving CT 79-28/CP-105, as per Planning Commission Resolution 1665.

Motion  
Ayes  
Noes

X					
X	X				X
		X			

(99) 20. AB #6319 - CT 77-8(A)/CP-45 APPLICANT: MOLA.

The staff report was presented by the Planning Director who, with the aid of wall map exhibits depicting the location and design, described the project amenities and their respective locations.

Mayor Packard opened the public hearing at 8:20 P.M. and extended the invitation to speak.

Council recognized Frank Mola, 417 Main Street, Huntington Beach, CA who indicated he would be happy to respond to any questions.

Since no one else wished to speak, the public hearing was closed at 8:20 P.M.

Council directed the City Attorney to prepare the necessary documents approving CT 77-8(A)/CP-45, as per Planning Commission Resolution 1663.

Motion  
Ayes

X					
X	X	X			X

RECESS

Mayor Packard announced recess at 8:21 P.M. and Council reconvened at 8:33 P.M. with four Members.

(85) 21. AB #6315 - EIR 80-3 CARLSBAD INDUSTRIAL PARK.

The Planning Director introduced the item, explaining the necessary steps in approving the industrial park project.

August 5, 1980

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KULCHIN  
LEWIS  
ANEAR  
CASTLER  
PACKARD

The staff report was presented by Charles Grimm who, with the aid of transparencies and slides, explained the area addressed by the EIR and illustrated the existing environment.

Mr. Grimm also explained the vernal pools would be maintained by the applicant in open space until precise mitigation measures were decided by the Army Corp of Engineers, who have jurisdiction over same. With regard to the 105 acres of open space, as reflected in the EIR, Mr. Grimm explained a satellite sewer plant, as proposed would reduce this acreage to 87. Any impact on endangered plant species that may exist in the area would be considered in a site-specific EIR for any plant.

Mayor Packard opened the public hearing at 8:44 P.M. and extended the invitation to speak.

Council recognized Bernie Fipp, principal of the Koll Company, with offices in Carlsbad and San Diego. Mr. Fipp recommended Council certification of the EIR.

Since no one else wished to speak, Mayor Packard closed the public hearing at 8:45 P.M.

Council certified EIR 80-3 as meeting the spirit and intent of the Environmental Protection Act of 1970.

Motion  
Ayes

X X X X

(57) 22. AB #6327 - GENERAL PLAN AMENDMENT GP-50(A)  
APPLICANT: KOLL.

The staff report was presented by Charles Grimm, who detailed the contents of the July 23, 1980 Memorandum to the City Manager.

Mayor Packard opened the public hearing at 8:49 P.M. and extended the invitation to speak.

Council recognized Bernie Fipp, principal of the Koll Company who requested Council approval.

Since no one else wished to speak, the public hearing was closed at 8:50 P.M.

For the record, the Planning Director indicated the Resolution, adopted by the Planning Commission recommending Council approval, No. 1651, had been inadvertently omitted from the Council Agenda Packets.

Council directed the City Attorney to prepare necessary documents approving GPA-50(A), per Planning Commission Resolution 1651.

Motion  
Ayes

X X X X

(57) 23. AB #6320 - GENERAL PLAN AMENDMENT GPA-50(B)  
ECKE.

The staff report was presented by the Planning Director as contained in the Statement of the Matter.

Mayor Packard opened the public hearing at 8:55 P.M. Since no one wished to speak, the public hearing was closed.

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KULCHIN  
LEWIS  
ANEAR  
CASTLER  
PACKARD

Council directed the City Attorney to prepare the necessary documents approving GPA-50(B), as per Planning Commission Resolution No. 1653.

Motion  
Ayes

X X X X

(112) 24. AB #6258 - Supplement #2 - WEED ABATEMENT COST REPORT CONFIRMATION.

The City Manager presented a report on the matter.

In response to Council inquiry, Mr. Aleshire indicated the \$10 administrative fee applied only to those persons from whom authorization had been given to the City to clean up property. The fee for those persons failing to respond and requiring the City to proceed with tax liens is \$60.00.

Mayor Packard opened the public hearing at 8:53 P.M. There being no protesting responses, the public hearing was closed.

Council adopted the following Resolution:

Motion  
Ayes

X X X X

RESOLUTION NO. 6259, CONFIRMING THE REPORT OF THE UTILITIES/MAINTENANCE DIRECTOR SHOWING COST OF WEED ABATEMENT AGAINST EACH PARCEL OF LAND IN SAID REPORT, CONFIRMING THE COST AND PROVIDING FOR COLLECTION THE REGULAR TAX BILL.

(28) SPECIAL MEETING OF HOUSING AND REDEVELOPMENT COMMISSION.

Council adjourned at 8:54 P.M. to a Special Meeting of the Housing and Redevelopment Commission.

Council reconvened at 9:00 P.M. with four Members present.

DEPARTMENTAL AND CITY MANAGER REPORTS:

Engineering

(93) 25. AB #6316 - LAKE CALAVERA HILLS REQUEST FOR ASSIGNMENT OF 142 EDU'S FROM ENCINA CAPACITY.

A brief staff report was presented by the City Manager.

Council adopted the following Resolution:

Motion  
Ayes

X X X X

RESOLUTION NO. 6260, APPROVING THE TEMPORARY ASSIGNMENT OF 142 EDU'S OF ENCINA SEWER CAPACITY TO CT 76-12.

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KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

- (92) 26. AB #6317 - LAKE CALAVERA HILLS SEWER SERVICE AREA - PLANNING AND BUILDING MORATORIA.

The City Manager presented the staff report.

Council directed the City Attorney to prepare the necessary documents implementing the staff recommendations to lift the Planning and Building Moratoria in the Lake Calavera Hills Sewer Service Area.

Motion  
Ayes

X X X X

27. NUMBER NOT USED

- (47) 28. AB #5861 - Supplement #2 -MASTER DRAINAGE PLAN - FINANCIAL ANALYSIS.

The staff report was presented by the City Engineer who, with the aid of wall map exhibits illustrating the alternative approaches discussed in his July 25, 1980 Memorandum, explained the pros and cons of same.

Council recognized Bob Ladwig, of Rick Engineering, 3088 Pio Pico, Carlsbad. Mr. Ladwig expressed approval of the staff recommendation, inquiring, however, if a developer could provide his own drainage.

The City Engineer responded affirmatively.

Following brief discussion, Council directed staff to prepare the necessary documents to implement the Master Plan of Drainage in accordance with the recommended approach creating 13 districts.

Motion  
Ayes

X X X X

- (92) 29. AB #6326 - PALOMAR WASTE WATER RECLAMATION FACILITY.

The staff report was presented by the City Manager who explained the relationship of this item to the Carlsbad Pacific Business Park project.

Council recognized Bernie Fipp, principal of the Koll Company, who presented Council with checks for \$20,000, and indicated 89% of property owners in the subject area had contributed. He also presented a petition signed by all contributors, with the exception of La Costa Land Company, which petition requested construction of the improvements and a feasibility study to be conducted as to an assessment district, which study would be funded by the \$20,000.

The City Attorney advised acceptance of the offer did not constitute an approval of any plant, or approval of any assessment district -- merely acceptance of an offer to conduct a study.

Council authorized the Mayor to the sign the agreement to conduct the feasibility study for Assessment District 80-1.

Motion  
Ayes

X X X X

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KULCHIN  
LEWIS  
ANEAR  
CASTLER  
PACKARD

- (68) 30. AB #6321 - AGREEMENT WITH SENIOR CITIZENS'  
(45) ASSOCIATION AND CONSIDERATION OF ADDITIONAL  
APPROPRIATIONS.

The staff report was presented by the City Manager.

Council Member Anear expressed concerns that the request for additional funds was in part predicated on the assumption that the Bingo operations would be self-supporting. Council Member Anear indicated his knowledge of Bingo operations was that they frequently failed as a result of a lack of volunteers. In this regard, he suggested the initial equipment be rented rather than purchased.

In response, Council recognized Jack Jimnick, President of the Association, 258 Beech Street, Carlsbad. Mr. Jimnick indicated the possibility of renting equipment had not been investigated, however, assured Council there would be sufficient volunteers to operate the Bingo games.

Council adopted the following Resolution:

RESOLUTION NO. 6261, APPROVING AN  
AGREEMENT BETWEEN THE CITY OF CARLSBAD  
AND THE CARLSBAD SENIOR CITIZENS'  
ASSOCIATION AND AUTHORIZING THE MAYOR  
TO EXECUTE SAID AGREEMENT.

Motion  
Ayes

X X X X

Council adopted the following Resolution:

RESOLUTION NO. 6262, AUTHORIZING  
THE TRANSFER OF FUNDS FOR SENIOR  
CITIZENS' PROGRAMS, with the  
additional direction to staff  
investigate the possibility of  
renting the initial Bingo equipment.

Motion  
Ayes

X X X X

City Clerk

- (48) 31. AB #6322 - INITIATIVE PETITION

The staff report was presented by the City Clerk, who explained the random sampling method formulated by the Secretary of State to determine the sufficiency of qualified signatures. The Clerk indicated that based on the results of the sampling, the petition has been certified.

Council discussion reflected their feeling that if the matter were placed on the ballot, it would be approved by the voters.

A Request to Speak having been filed, Council recognized Guy Casey, 2122 Subdia Terrace, Carlsbad. Mr. Casey indicated action by Council as suggested in their discussion would be an opportunity to save the cost of an election and would reflect an acknowledgment by Council of the desires of the people.

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KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

Mayor Packard questioned the effects, if any, of adoption of the ordinance on the approved Master Plan of the airport.

The City Attorney responded the County would only need Council approval of expansion if same involved the acquisition of additional property, in which case, the adopted ordinance would require prior voter approval. Any expansion of existing property would not be affected.

Council introduced the following Ordinance:

ORDINANCE NO. 9558, AMENDING TITLE 21, CHAPTER 21.44 OF THE CARLSBAD MUNICIPAL CODE BY THE ADDITION OF SECTION 21.44.015 TO REQUIRE VOTER AUTHORIZATION FOR THE EXPANSION OF ANY AIRPORT IN THE CITY OF CARLSBAD.

- (31) 32. AB #6325 - TRANSFER OF BUSINESS LICENSE OPERATIONS TO FINANCE DEPARTMENT.

The City Manager presented a brief report on the matter.

Council introduced the following Ordinance:

ORDINANCE NO. 6061, AMENDING TITLE 5 OF THE CARLSBAD MUNICIPAL CODE BY THE AMENDMENT OF VARIOUS SECTIONS TO CHANGE THE TITLE OF THE PERSON RESPONSIBLE FOR BUSINESS LICENSE COLLECTION.

Central Services

- (69) 33. AB #6303 - PARKS & RECREATION COMMISSION APPOINTMENT.

Mayor Packard announced his intention to reappoint Barbara Donovan to the Parks & Recreation Commission.

- (103) 34. AB #6304 - TRAFFIC SAFETY COMMISSION APPOINTMENT.

Council adopted the following Resolution:

RESOLUTION NO. 6250, APPOINTING A MEMBER TO THE CITY OF CARLSBAD TRAFFIC SAFETY COMMISSION (such member being Wesley Terry for a term expiring July, 1982.)

CITY COUNCIL ADDITIONAL BUSINESS:

Assembly Bill 1143

Mayor Packard referenced the letter from Larry Bagley, Mayor of Oceanside, requesting Council endorsement of AB 1143 re state funds to assist with beach erosion.

Council directed this item be added to the current Agenda.

Motion  
Ayes

X X X X

Motion  
Ayes

X X X X

Motion  
Ayes

X X X X

Motion  
Ayes

X X X X

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KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

- (62) Council endorsed Assembly Bill No. 1443.

Motion  
Ayes

X X X X

Proposed Water Merger - Carlsbad Municipal Water District & Costa Real Municipal Water District.

Mayor Packard referenced a letter requesting that each party appoint two members to a committee to discuss ways and means of putting together a public utilities type of commission.

It was the consensus of Council that Council Members Anear and Lewis, as the previously-appointed Council steering committee for the water merger, also act as requested.

Jac

The City Manager distributed copies of a letter from Dennis Reid, Encina General Manager, which advised that state funds have been cut off as a result of the inspection maintenance requirements of the State which have not been met. Mr. Aleshire indicated Mr. Reid urged that all Cities take action to have the funds reinstated.

NCTD

Mayor Packard reported on the special meetings re negotiation of salaries and benefits. He additionally reported on the results of the review of the request of residents at Lanakai Mobilehome Park to re-establish direct pick up and drop off to the Park. Mayor Packard indicated the review concluded the number of passengers from Lanakai did not justify such request.

Historical Society

Council Member Casler reported on the agreement of the Historical Society to allow the Senior Citizens to use one room of Magee House until completion of the Old City Hall.

Library

Council Member Casler reported on the library summer programs.

- (48) Proposition re Low Income Housing

The City Manager advised the Council that if they desired to place the referenced proposition on the November 4, 1980 ballot, they would need to take action by August 19, 1980.

Council directed staff to prepare the necessary documents to place the matter on the ballot as general authorization for "not to exceed 250 units on scattered sites throughout the City for low income senior citizens."

Motion  
Ayes

X X X X

# City of Carlsbad

COUNCIL

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August 5, 1980

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KULCHIN  
LEWIS  
ANEAR  
CASLER  
PACKARD

## (25) Annexation Tax-Split Issue

Following explanation of the matter by the City Manager, Council directed this item be placed on this Agenda.

Motion  
Ayes

X X X X

Council adopted the following Resolution:

Motion  
Ayes

X X X X

RESOLUTION NO. 6263, URGING THE  
LEAGUE OF CALIFORNIA CITIES TO  
INTRODUCE LEGISLATION TO PROVIDE  
CITIES WITH AN EQUITABLE PRO RATA  
SHARE OF PROPERTY TAXES UPON  
ANNEXATION OF UNINCORPORATED  
TERRITORY .

Council adopted the following Resolution:

Motion  
Ayes

X X X X

RESOLUTION NO. 6264, URGING THE  
SAN DIEGO COUNTY BOARD OF SUPERVISORS  
TO ADOPT A POLICY TO SHARE PROPERTY  
TAXES ON AN EQUITABLE BASIS WITHIN  
ANNEXED AREAS.

## EXECUTIVE SESSION

Council adjourned to an Executive Session at 10:33 P.M. for the purpose of discussing personnel and litigation matter.

Council reconvened at 11:04 P.M. and the Mayor announced personnel and litigation had been discussed and the following action would be taken:

- (35) Council authorized Roger Krauel to represent the City of Carlsbad in the case of "Dautrich v. The Board of Administration of the Public Employees' Retirement System" and authorized the City Attorney to pay for that representation from his professional services account.

Motion  
Ayes

X X X X

## ADJOURNMENT

By proper motion, Council adjourned at 11:05 P.M. to Tuesday, August 12, 1980 at 7:00 P.M. in the City Council Chambers.

Respectfully submitted,

*Aletha L. Rautenkranz*  
ALETHA L. RAUTENKRANZ  
CITY CLERK

Anita D. Murphy,  
Recording Secretary

\*\*\*\* Council Member Anear requested a correction to reflect his remarks regarding permission to borrow books without a penalty pertained to non-residents.



## ORDINANCE NO. 9558

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING TITLE 21, CHAPTER 21.44 OF THE CARLSBAD MUNICIPAL CODE BY THE ADDITION OF SECTION 21.44.015 TO REQUIRE VOTER AUTHORIZATION FOR THE EXPANSION OF ANY AIRPORT IN THE CITY OF CARLSBAD.

The City Council of the City of Carlsbad, California does ordain as follows:

SECTION 1: That Title 21, Chapter 21.44 of the Carlsbad Municipal Codes is amended by the addition of Section 21.44.015 which reads as follows:

"21.44.015 Voter authorization required for airport expansion. (a) The City Council of the City of Carlsbad shall not approve any zone change, general plan amendment or any other legislative enactment necessary to authorize expansion of any airport in the City of Carlsbad nor shall the City of Carlsbad commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of the qualified electors of the City of Carlsbad voting at an election for such purposes.

(b) This section was proposed by initiative petition and adopted by the vote of the City Council without submission to the voters and it shall not be repealed or amended except by a vote of the people."

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in the Carlsbad Journal within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council, held on the 5th day of August, 1980, and thereafter

///  
///  
///  
///

VINCENT F. BIONDO, JR.  
CITY ATTORNEY - CITY OF CARLSBAD  
1200 ELM AVENUE  
CARLSBAD, CALIFORNIA 92008

1 PASSED, APPROVED AND ADOPTED at <sup>an adjourned</sup> ~~a~~ regular meeting of said  
2 City Council, held on the 12th day of August, 1980, by  
3 the following vote, to wit:

4 AYES: Council Members Packard, Casler, Anear, Lewis and Kulchin

5 NOES: None

6 ABSENT: None

7  
8   
RONALD C. PACKARD, Mayor

9 ATTEST:

10  
11   
12 ALETHA L. RAUTENKRANZ, City Clerk

13 (SEAL)  
14  
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16  
17  
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28

## PLANNING COMMISSION RESOLUTION NO. 1699

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO OPERATE THE EXISTING PALOMAR AIRPORT FACILITY ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF PALOMAR AIRPORT ROAD AND EL CAMINO REAL.

APPLICANT: COUNTY OF SAN DIEGO - DEPARTMENT OF TRANSPORTATION

CASE NO: CUP-172

WHEREAS, verified application has been filed with the City of Carlsbad and referred to the Planning Commission; and

WHEREAS, said verified application constitutes a request as provided by Title 21 of the Carlsbad Municipal Code; and

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on the 24th day of September, 1980, hold a duly noticed to consider said application on property described as:

That portion of Palomar Airport lying within Lot "G" of Rancho Agua Hedionda, in the City of Carlsbad, in the County of San Diego, State of California, according to Map thereof No. 823, filed in the Office of the County Recorder of said County.

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to CUP-172.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Commission recommends APPROVAL of CUP-172, based on the following findings and subject to the following conditions:

1 Findings:

- 2 1) That the requested use is compatible with existing uses or  
3 to uses specifically permitted in the zone in which the  
4 proposed use is to be located.
- 5 2) That the site for the intended use is adequate in size  
6 and shape to accommodate the use.
- 7 3) That all of the yards, setbacks, walls, fences, landscaping,  
8 and other features necessary to adjust the requested use to  
9 existing or permitted future uses in the neighborhood will  
10 be provided and maintained.
- 11 4) That the street system serving the proposed use is adequate  
12 to properly handle all traffic generated by the proposed use.

13 Conditions

- 14 1) Approval is granted for CUP-172 as shown on Exhibit "A",  
15 dated January 14, 1980 and Table 1 dated September 24,  
16 1980, incorporated by reference and on file in the Planning  
17 Department. Development shall occur substantially as  
18 shown unless otherwise noted in these conditions.
- 19 2) This project is approved upon the express condition that  
20 building permits will not be issued for development of  
21 the subject property unless the City Engineer determines  
22 that sewer facilities are available at the time of appli-  
23 cation for such sewer permits and will continue to be  
24 available until time of occupancy.
- 25 3) Any signs proposed for this development shall be designed  
26 in conformance with the City's Sign Ordinance and shall  
27 require review and approval by the Planning Department  
28 prior to installation of such signs.
- 29 4) Trash receptacle areas shall be enclosed by a 6 foot high  
30 masonry wall with gates pursuant to city standards. Loca-  
31 tion of said receptacles shall be approved by the Planning  
32 Department.
- 33 5) All roof appurtenances, including air conditioners, shall  
34 be architecturally integrated and shielded from view from  
35 adjacent properties and streets to the satisfaction of the  
36 Planning Department and Building Department.
- 37 6) Approval of this request shall not excuse compliance with  
38 all sections of the Zoning Ordinance and all other appli-  
39 cable city ordinances in effect at time of building permit  
40 issuance.

- 1 7) At the conclusion of the CPO Palomar Comprehensive Land  
2 Use Plan and the San Diego County Airport Noise and Land  
3 Use Compatibility study, the Planning Director shall bring  
4 this application back to the Planning Commission for their  
5 review. At that time, the Planning Commission has the  
6 discretion to set the matter back to public hearing where  
7 they may add, amend or delete any conditions relating to  
8 the airport use and development standards.
- 9 8) The permitted uses for Palomar Airport are limited to those  
10 as outlined in Table 1, dated September 24, 1980, and  
11 incorporated herein by reference. Approval of any uses  
12 not specifically listed in Table 1 and/or expansion of  
13 the airport facility shall require an amendment to the  
14 Conditional Use Permit.
- 15 9) Unless otherwise stated herein, all rules and regulations  
16 of the M Zone shall apply.
- 17 10) This Conditional Use Permit is expressly conditioned  
18 upon the approval of ZC-208 by the City Council.
- 19 11) The existing designation of the airport as a General  
20 Aviation Basic Transport Airport shall not change unless  
21 an amendment to this CUP is approved by the Planning Com-  
22 mission.
- 23 12) At the time of the issuance of any building permits for  
24 new construction or alterations to existing structures, each  
25 private individual lessee shall pay a public facility fee  
26 pursuant to City Council Policy No. 17, dated August 29,  
27 1979, on file with the City Clerk and incorporated by  
28 reference.

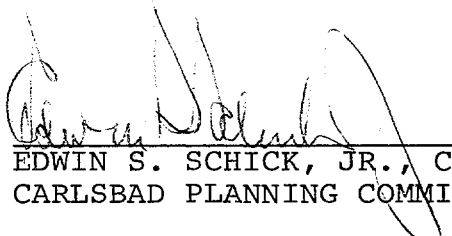
PASSED, APPROVED AND ADOPTED at a regular meeting of the  
Planning Commission of the City of Carlsbad, California, held  
on the 24th day of September, 1980, by the following vote,  
to wit:

21 AYES: Commissioner Schick, Jose, Larson, Leeds, Friestedt,  
22 and Rombotis.

23 NOES: None.

24 ABSENT: Commissioner Marcus.

25 ABSTAIN: None.

  
EDWIN S. SCHICK, JR., Chairman  
CARLSBAD PLANNING COMMISSION

27 ATTEST:

28   
JAMES C. HAGAMAN, Secretary  
CARLSBAD PLANNING COMMISSION

TABLE 1

September 24, 1980

I. The following uses are permitted by this Conditional Use Permit without the need for additional discretionary review:

a. Structures and Facilities

Airport structures and facilities that are necessary to the operation of the airport and to the control of air traffic in relation thereto, include, but are not necessarily limited to, the following:

- (1) Taxiways and parking aprons, including lighting.
- (2) Aircraft hangars, tie-down areas and maintenance buildings.
- (3) Air traffic control towers and facilities.
- (4) Navigational aid equipment and structures.
- (5) Airport administration buildings, which may also include airport passenger terminal facilities.
- (6) Airport passenger terminal buildings and airtels, and facilities which may include as uses incidental thereto, consumer service establishments, including automobile rentals, retail shops normally operated for the convenience of the users of terminal facilities.
- (7) Heliports.
- (8) Aviation fuel farms.
- (9) Automobile parking lots and structures.
- (10) Buildings for housing operations and equipment necessary to the maintenance, security and safety of the airport.

b. Commercial Activities

Commercial aviation activities as follows:

- (1) Aviation flight and ground schools, including pilot and student equipment sales.
- (2) Aircraft sales, including radio and navigational equipment, parts, supplies and accessory equipment.

- (3) Aircraft hangar and tie-down rentals.
- (4) Aircraft leasing, rental and charter.
- (5) Airframe, engine, radio, navigational and accessory equipment repair, maintenance and modification.
- (6) Aircraft ground support equipment repair, maintenance and modification.
- (7) Aircraft cleaning services.
- (8) Aircraft painting.
- (9) Aviation fuel facilities.
- (10) Aircraft and engine mechanic schools.
- (11) Airlines, scheduled and non-scheduled.
- (12) Air taxi and air ambulance services.
- (13) Air freight terminals and trans-shipment facilities.
- (14) Aerial crop dusting and spraying enterprises.
- (15) Aerial fire fighting.
- (16) Aerial photography and surveying.
- (17) Parachute rigging sales and service.

II. The following uses are allowed if the Planning Commission determines that they are consistent with the airport facility:

- a. Incidental eating and drinking establishments
- b. Incidental commercial, professional office and/or industrial uses not specifically mention in Section I a and b provided that such uses are permitted in and are consistent with the intent of the M Zone.

III. The following uses are allowed if the Planning Director determines they are consistent with and related to the airport facility:

- a. Signs - Identification, directional and safety signs.
- b. A single-family dwelling occupied exclusively by a caretaker or superintendent of such use and his family.

BH:jt

# CITY OF CARLSBAD — AGENDA BILL

22/45 Exhibit 13  
(31)

<b>AB#</b> 7681-#1	<b>TITLE:</b> REQUEST TO COUNTY FOR A JOINT POWERS AGREEMENT LIMITING OPERATIONS AT MCCLELLAN-PALOMAR AIRPORT	<b>DEPT. HD.</b> _____
<b>MTG.</b> 4/3/84		<b>CITY ATTY</b> VFB
<b>DEPT.</b> Council		<b>CITY MGR.</b> _____

## RECOMMENDED ACTION:

That the City Council adopt Resolution No. 7558, requesting San Diego County to enter into a Joint Powers Agreement limiting operations at McClellan-Palomar Airport.

## STATEMENT OF MATTER:

The City Council is on record that the operations of the airport shall be limited to that of general purpose aviation. The attached Resolution would request that the County of San Diego, who owns and operates the airport, to enter into a Joint Powers Agreement with Carlsbad and other affected cities to limit the level of operations and the nature of airport facilities.

## FISCAL IMPACT:

None

## ATTACHMENTS:

Resolution No. 7558, requesting Joint Powers Agreement regarding McClellan-Palomar Airport.

APPROVED  
COUNCIL ACTION: APPROVED



RESOLUTION REQUESTING JOINT POWERS AGREEMENT  
REGARDING McCLELLAN-PALOMAR AIRPORT

WHEREAS, there is substantial concern among the citizens of this City concerning possible expansion of the McClellan-Palomar Airport by an increase in operations or improvement in airport facilities which would thereby lead to an increase in airport noise and greater safety risks to the detriment of the citizenry; and

WHEREAS, there is substantial confusion as to the intent of the County of San Diego, the proprietor of the McClellan-Palomar Airport, regarding possible expansion of the airport or increases in the level of operations. In particular some county officials have disclaimed any intent to expand the airport while at the same time the Board of Supervisors on January 31, 1984 granted approval to Air Resorts, Inc. to commence scheduled commuter air service using 45 passenger Convair 440's.

NOW THEREFORE, be it resolved that:

1. The City of Carlsbad requests the County of San Diego to enter into a joint powers agreement pursuant to Government Code section 6500 et seq. with the City and other affected cities to formally define and limit

the level of operations and nature of airport facilities through a binding agreement enforceable by all parties; and

2. The provisions of such a joint powers agreement and binding agreement should include:

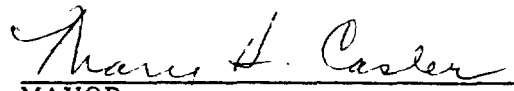
a. Retention of the McClellan-Palomar Airport as a general aviation facility;

b. Provisions preventing expansion of airport facilities such as the addition of a second runway, extension of the existing runway, or upgrading of airport facilities such as fire rescue facilities, fencing, parking or land acquisition in order to obtain a Certificate of Operation from the FAA;

c. Abandonment of the conditional authorization to begin scheduled commuter air service; and

d. Provisions for a maximum SENEL in any residential area of 78 dBA.

Adopted this 3rd day of <sup>April</sup> 1984 by vote of  
5 aye and 0 no.

  
MAYOR

22/45 (22)

## CITY OF CARLSBAD — AGENDA BILL

AB# 7681-#2  
 MTG. 7/2/85  
 DEPT. C.A.

## TITLE:

PALOMAR AIRPORT JOINT POWERS  
 AGREEMENT

DEPT. HD.       CITY ATTY. VFBCITY MGR. JA

## RECOMMENDED ACTION:

The City Council adopt Resolution No. 8104. approving the Palomar Airport Joint Powers Agreement.

ITEM EXPLANATION

The Cities of Carlsbad, Oceanside, San Marcos, Vista have been negotiating for some time with Supervisor Eckert, and County Officials regarding a proposed joint powers agreement for Palomar Airport. We think those negotiations have been successfully completed and that an agreement is ready for adoption by the City Council. After all the cities have approved it, it will be submitted to the Board of Supervisors for their approval.

The agreement provides that the County may not expand Palomar Airport without the unanimous consent of the Cities. The Cities are obligated to recognize the airport influence area as shown on the comprehensive airport land use plan and incorporated into their respective General Plans.

FISCAL IMPACT

If the County wishes to expand the airport and the Cities refuse to consent and if that results in the County being liable for damages the City will be jointly and severably libable with the County. The City would be responsible for its proportionate share of the damages which could be paid at a rate of no more than \$10,000 per year. It is not possible to predict whether or not this provision will ever result in any costs to the City.

EXHIBITS

Resolution No. 8104

Joint Exercise of Powers Agreement

COUNCIL ACTION:

7-2-85 Staff was directed to put the matter on the agenda for July 16, 1985.  
 7-16-85 Continued until further notice.

RESOLUTION NO. 8104

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA APPROVING A JOINT POWERS AGREEMENT WITH THE COUNTY OF SAN DIEGO AND THE CITIES OF OCEANSIDE, VISTA, SAN MARCOS AND CARLSBAD CONCERNING McCLELLAN-PALOMAR AIRPORT.

WHEREAS, the County of San Diego and the cities of Oceanside, Vista, San Marcos and Carlsbad have reached an agreement regarding McClellan-Palomar Airport operations,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad as follows:

1. That certain agreement between the County of San Diego and the cities of Oceanside, Vista, San Marcos and Carlsbad regarding McClellan-Palomar Airport operations marked Exhibit A and made a part hereof, is hereby approved.

2. That the Mayor of the City of Carlsbad is hereby authorized and directed to execute said agreement for and on behalf of the City of Carlsbad.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad, California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 1985 by the following vote, to wit:

AYES:

NOES:

ABSENT:

MARY H. CASLER, Mayor

ATTEST:

ALETHA L. RAUTENKRANZ, City Clerk

JOINT EXERCISE OF POWERS AGREEMENT BETWEEN  
THE COUNTY OF SAN DIEGO AND THE CITIES OF  
CARLSBAD, OCEANSIDE, SAN MARCOS AND VISTA

THIS AGREEMENT made and entered into this \_\_\_\_\_ day  
of \_\_\_\_\_, 1985, by and between the COUNTY OF SAN DIEGO,  
State of California, a political subdivision of the State of  
California, hereinafter referred to as "COUNTY" and the Cities of  
CARLSBAD, OCEANSIDE, SAN MARCOS, and VISTA, all municipal corpora-  
tions of the State of California, hereinafter referred to as  
"CITIES".

W I T N E S S E T H:

WHEREAS, the COUNTY owns an airport in northern San Diego  
County known as the McClellan-Palomar Airport (hereinafter referred  
to as the "Airport") which was ~~acquired from the federal government~~  
~~with a deed restriction that it used for airport purposes; and~~  
constructed in part with County funds along with a Federal Aviation  
Grant. A condition for receiving said Grant provided that the  
Airport be utilized for airport purposes; and

WHEREAS, the CITIES have a concern that the Airport will be  
expanded in a manner which would lead to an increase in Airport  
noise; and

WHEREAS, the Airport does not have an incompatible land use as  
defined by State Noise Standards; and

WHEREAS, the Airport has been granted a limited Airport Operat-  
ing Certificate by the Federal Aviation Administration; and

WHEREAS, the COUNTY has eliminated the second runway from the  
Airport master plan; and

LMH:rcl  
6/24/85

WHEREAS, the COUNTY has eliminated any extension in length of the single runway from the Airport master plan; and

WHEREAS, the COUNTY constructed the ~~single-runway~~ Airport to specifications for a maximum gross aircraft weight of ~~60,000~~ 70,000 pounds on the runway; and

WHEREAS, the Federal Aviation Administration had concurred in the elimination of the second runway, deletion of a runway extension in length and a gross aircraft limitation of ~~60,000~~ 70,000 pounds on the runway; and

WHEREAS, the COUNTY has the authority to monitor aircraft noises; and

WHEREAS, the COUNTY and each City has the authority to establish, own, operate and expand an airport; and

WHEREAS, the Airport is situated within the City limits of the City of Carlsbad and under Public Utilities Code Section 21661.6 the City of Carlsbad would have to approve any plan to acquire land within its corporate boundaries to expand or enlarge the Airport; and

WHEREAS, the existing development of the Airport and its vicinity makes it impractical for COUNTY to consider the expansion of the Airport; and

WHEREAS, the CITIES are desirous of obtaining from COUNTY a long term and binding commitment that the Airport will not be expanded without the unanimous consent of the CITIES; and

WHEREAS, in order to ensure that this agreement is binding upon future boards and councils, COUNTY and CITIES desire to embody their

respective commitments in this Joint Exercise of Powers Agreement with the understanding that all parties to this Agreement have the powers, unless otherwise determined by a court of competent jurisdiction, the exercise of which is contemplated by this Agreement.

NOW, THEREFORE, be agreed by the CITIES and the COUNTY that:

1. This Joint Exercise of Powers Agreement hereinafter referred to as "Agreement" is made under the provisions of Article I, Chapter 5, Division 7, Title 1 (commencing with Section 6500 of the Government Code of the State of California), and is made for the express purpose of (a) carrying out the intentions of of the COUNTY and the CITIES as expressed in the recitals to this Agreement; (b) enabling the CITIES and COUNTY to engage in collective activities to provide for the continued operation of the Airport and the provision of airport services to the North San Diego County area; and (c) provide for collective action in order to minimize the risk of any possible liability of either of the CITIES or COUNTY for damages caused by noise caused by aircraft overflights. The purposes of this Agreement shall be accomplished and the powers shall be exercised in the manner set forth below.
2. THE COUNTY AGREES IT WILL:
  - (a) Not apply for a full Airport Operating Certificate without the unanimous consent of the CITIES.
  - (b) Not construct a second runway at the Airport without the unanimous consent of the CITIES.

- (c) Not extend the length of the runway at the Airport without the unanimous consent of the CITIES.
- (d) Not increase the maximum gross aircraft weight limitation of ~~60,000~~ 70,000 pounds at the runway of the Airport without the unanimous consent of the CITIES.
- (e) Operate the Airport in compliance with state or federally mandated noise standards.
- (f) Continue, for a period of one (1) year, to monitor aircraft noise, including Single Event Noise Exposure Levels (SENEL), in at-the Airport Referral Area as described in the Palomar Airport Comprehensive Land Use Plan, identify noise sensitive areas and include them in the Airport's voluntary noise abatement program, and update the pilot education program for noise abatement procedures.  
~~for one- (1)-year-and-~~ Thereafter, the County will monitor noise only if (a) the COUNTY, in its sole discretion, determines it to be beneficial; or (b) the CITIES agree to pay for the cost of monitoring.

3. THE CITIES AGREE THEY INDIVIDUALLY AND COLLECTIVELY WILL:

- (a) Not become involved in or interfere with the daily operations or administration of the Airport and will limit involvement in administrative policy matters to those permitted by this Agreement.
- (b) Recognize the Airport Influence Area (as shown on the Comprehensive Airport Land Use Plan), incorporate it into each of their general plans, and otherwise comply with the



provisions of Article 3.5 (commencing with Section 21670), Chapter 4, Part 1, Division 9 of the Public Utilities Code of the State of California, providing for airport land use commissions.

- (c) Recognize that COUNTY-owned industrial park and Fixed Base Operator facilities on Airport property are not in any way affected by this Agreement.
- (d) Cooperate in insuring that the Airport continues to provide air transportation and fixed base aviation services to all citizens of the north county area.
- (e) Recognize that this Agreement does not in any way affect the rights and duties of the COUNTY under any Agreement with the State of California or the United States Government or agencies thereof, or any tenant of the Airport.

4. IT IS MUTUALLY AGREED AS FOLLOWS:

- (a) Administrators of this Agreement, one for each of the public agencies participating, are as follows:

County of San Diego	-	Director Department of Public Works 5555 Overland Avenue Building 2 San Diego, CA 92123
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City of Carlsbad	-	
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City of Oceanside	-	
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City of San Marcos -

City of Vista -

- (b) Notices given by a party to this Agreement to any other party shall be in writing and addressed to the party's administrator specified herein.
- (c) This Agreement may be amended only upon the prior written approval of the Board of Supervisors and the city councils of CITIES.
- (d) Execution of this Agreement by the parties may be by separate copies, and once a copy is executed by each party, the Agreement shall become binding upon all parties as if all had executed the same copy.
- (e) The terms, covenants and conditions of this Agreement shall be binding upon the successors of each party unless otherwise ordered by a court of competent jurisdiction. But so long as a party to this Agreement remains in existence, its rights and obligations hereunder shall not be assigned or in any way transferred to another without the prior written consent of all other parties hereto.
- (f) In the event legal action is brought to enforce the terms of this Agreement, the successful party or parties shall

be entitled to reasonable attorney's fees and other costs in amounts to be fixed by the court.

(g) Except as otherwise provided in this Agreement, the COUNTY shall continue to operate and manage the Airport within its discretion as it has done heretofore. If any party to this Agreement believes that any other party is in breach of this Agreement before taking any steps to institute a litigation the matter shall be submitted to the administrators of this Agreement who shall attempt to resolve the problem in the spirit of good faith and cooperation. If after that process any party to this Agreement remains convinced that another party is in breach of this Agreement they shall submit their position in writing to the other party and give the other party a reasonable period of time to remedy the alleged breach before any litigation can be instituted.

(h) Some duties and obligations created by this Agreement are to be jointly exercised by the parties. However, certain provisions of this Joint Powers Agreement anticipate primary performance by one of the parties with the role of the others limited to support and assistance. This Agreement also provides that the undertakings of the parties are to be performed at different times and that once performed cannot be undone. It is also understood that the agreement contemplates the performance of many duties which are special unique and that the value of performance

cannot be assessed in terms of money or monetary damages. In light of the foregoing it is agreed that injunctive relief is the only appropriate and adequate remedy in the event of a breach of this Agreement.

- (i) Each party shall immediately notify the other of any litigation or claim challenging the validity, legality or enforceability of any provision of this Agreement.
- (j) The parties expressly acknowledge and agree that they shall be jointly and severally liable for any liability that may arise where the County wishes to take action under Section 2 subsections (a), (b), (c) or (d) of this Agreement but CITIES refuse to consent to such action. COUNTY agrees to allow contribution by each city of its share of any such liability limited to the rate of no more than \$10,000 per year until each city's pro rata share is paid in full.

- 5. This Agreement sets forth the entire understanding of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, their official seals to be hereto affixed, as of the date first written above:

CITY OF CARLSBAD

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_

CITY OF OCEANSIDE

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_

CITY OF SAN MARCOS

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_

CITY OF VISTA

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_

COUNTY OF SAN DIEGO

By \_\_\_\_\_  
Porter D. Cremans, Clerk  
Board of Supervisors

ATTEST:

# CIT OF CARLSBAD — AGEND. BILL

Exhibit 15

15

<b>AB#</b> <u>7681-#3</u> <b>MTG.</b> <u>10/29/85</u> <b>DEPT.</b> <u>CA</u>	<b>TITLE:</b> PALOMAR AIRPORT JOINT POWERS AGREEMENT	<b>DEPT. HD.</b> _____ <b>CITY ATTY</b> <u>VFB</u> <b>CITY MGR.</b> _____
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## RECOMMENDED ACTION:

The City Council adopt Resolution No. 8249 approving the Palomar Airport Joint Powers Agreement.

## ITEM EXPLANATION

On April 3, 1984 The Council adopted Resolution No. 7558 requesting San Diego County to enter into a joint powers agreement limiting expansion at McClellan-Palomar Airport.

The cities of Carlsbad, Oceanside, San Marcos and Vista have been negotiating for some time with Supervisor Eckert, and County officials regarding the agreement. Council Member Lewis thinks those negotiations have been successfully completed and that the agreement is ready for adoption by the City Council. All the cities may not approve it. However, it is the City's intention to submit it to the Board of Supervisors for their approval so that the agencies who are satisfied can move ahead.

The agreement provides that the County may not expand Palomar Airport without the unanimous consent of the cities. The cities are obligated to recognize the airport influence area as shown on the comprehensive airport land use plan and incorporated into their respective general plans.

## FISCAL IMPACT

If the County wishes to expand the airport and the cities refuse to consent and if that results in the County being liable for damages the City will be jointly and severably liable with the County. The City would be responsible for its proportionate share of the damages which could be paid at a rate of no more than \$10,000 per year. It is not possible to predict whether or not this provision will ever result in any costs to the City.

## EXHIBITS

Resolution No. 7558  
 Resolution No. 8249  
 Joint Exercise of Powers Agreement

COUNCIL ACTION: APPROVED

RESOLUTION REQUESTING JOINT POWERS AGREEMENT  
REGARDING McCLELLAN-PALOMAR AIRPORT

WHEREAS, there is substantial concern among the citizens of this City concerning possible expansion of the McClellan-Palomar Airport by an increase in operations or improvement in airport facilities which would thereby lead to an increase in airport noise and greater safety risks to the detriment of the citizenry; and

WHEREAS, there is substantial confusion as to the intent of the County of San Diego, the proprietor of the McClellan-Palomar Airport, regarding possible expansion of the airport or increases in the level of operations. In particular some county officials have disclaimed any intent to expand the airport while at the same time the Board of Supervisors on January 31, 1984 granted approval to Air Resorts, Inc. to commence scheduled commuter air service using 45 passenger Convair 440's.

NOW THEREFORE, be it resolved that:

1. The City of Carlsbad requests the County of San Diego to enter into a joint powers agreement pursuant to Government Code section 6500 et seq. with the City and other affected cities to formally define and limit

the level of operations and nature of airport facilities through a binding agreement enforceable by all parties; and

2. The provisions of such a joint powers agreement and binding agreement should include:

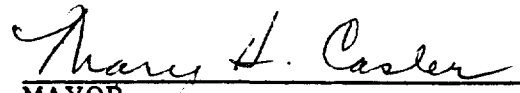
a. Retention of the McClellan-Palomar Airport as a general aviation facility;

b. Provisions preventing expansion of airport facilities such as the addition of a second runway, extension of the existing runway, or upgrading of airport facilities such as fire rescue facilities, fencing, parking or land acquisition in order to obtain a Certificate of Operation from the FAA;

c. Abandonment of the conditional authorization to begin scheduled commuter air service; and

d. Provisions for a maximum SENEL in any residential area of 78 dBA.

Adopted this 3rd day of <sup>April</sup> 1984 by vote of  
5 aye and 0 no.

  
MAYOR



*City Clerk*

1200 ELM AVENUE  
CARLSBAD, CA 92008-1989

City Council Office



TELEPHONE  
(619) 438-5599

## City of Carlsbad

October 30, 1985

Paul Eckert  
Fifth District Supervisor  
Room 335 County Administration Center  
1600 Pacific Highway  
San Diego, California 92101

Dear Supervisor Eckert:

The City Council of the City of Carlsbad at their meeting of October 29, 1985 unanimously approved the Palomar Airport Joint Powers Agreement. We would appreciate knowing your timetable for submitting the agreement to the San Diego County Board of Supervisors.

Again, let me express our City's appreciation to you for your help in this pioneer effort in city-county cooperation. I look forward to hearing from you.

Very truly yours,

  
CLAUDE LEWIS  
Council Member

rmh

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA APPROVING A JOINT POWERS AGREEMENT WITH THE COUNTY OF SAN DIEGO CONCERNING MCCLELLAN-PALOMAR AIRPORT.

WHEREAS, the County of San Diego and the City of Carlsbad have reached an agreement regarding McClellan-Palomar Airport expansion,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad as follows:

1. That certain agreement between the County of San Diego and the cities of Oceanside, San Marcos and Carlsbad regarding McClellan-Palomar Airport operations marked Exhibit A and made a part hereof, is hereby approved.

2. That the City's approval shall be effective even if the other cities do not choose to participate.

3. That the Mayor of the City of Carlsbad is hereby authorized and directed to execute said agreement for and on behalf of the City of Carlsbad.

4. That the City of Carlsbad requests that the Board of Supervisors approve the agreement.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad, California, held on the 29th day of October, 1985 by the following vote, to wit:

AYES: Council Members Casler, Lewis, Kulchin, Chick and Pettine

NOES: None

ABSENT: None

*Mary H. Casler*  
MARY H. CASLER, Mayor

ATTEST:

*Aletha L. Rautekra*  
ALETHA L. RAUTENKRANZ, City Clerk

JOINT EXERCISE OF POWERS AGREEMENT BETWEEN  
THE COUNTY OF SAN DIEGO AND THE CITIES OF  
CARLSBAD, OCEANSIDE, AND SAN MARCOS

THIS AGREEMENT made and entered into this \_\_\_\_\_ day  
of \_\_\_\_\_, 1985, by and between the COUNTY OF SAN DIEGO,  
State of California, a political subdivision of the State of  
California, hereinafter referred to as "COUNTY" and the Cities of  
CARLSBAD, OCEANSIDE, and SAN MARCOS, all municipal corporations of  
the State of California, hereinafter referred to as "CITIES".

W I T N E S S E T H:

WHEREAS, the COUNTY owns an airport in northern San Diego  
County known as the McClellan-Palomar Airport (hereinafter referred  
to as the "Airport") which was constructed in part with County funds  
along with a Federal Aviation Grant. A condition for receiving said  
Grant provided that the Airport be utilized for airport purposes;  
and

WHEREAS, the CITIES have a concern that the Airport will be  
expanded in a manner which would lead to an increase in Airport  
noise; and

WHEREAS, the Airport does not have an incompatible land use as  
defined by State Noise Standards; and

WHEREAS, the Airport has been granted a limited Airport Operat-  
ing Certificate by the Federal Aviation Administration; and

WHEREAS, the COUNTY has eliminated the second runway from the  
Airport master plan; and

WHEREAS, the COUNTY has eliminated any extension in length of  
the single runway from the Airport master plan; and

LMH:rcl  
10/1/85

WHEREAS, the Federal Aviation Administration had concurred in the elimination of the second runway and deletion of a runway extension in length; and

WHEREAS, the COUNTY has the authority to monitor aircraft noises; and

WHEREAS, the COUNTY and each City has the authority to establish, own, operate and expand an airport; and

WHEREAS, the Airport is situated within the City limits of the City of Carlsbad and under Public Utilities Code Section 21661.6 the City of Carlsbad would have to approve any plan to acquire land within its corporate boundaries to expand or enlarge the Airport; and

WHEREAS, the existing development of the Airport and its vicinity makes it impractical for COUNTY to consider the expansion of the Airport; and

WHEREAS, the CITIES are desirous of obtaining from COUNTY a long term and binding commitment that the Airport will not be expanded without the unanimous consent of the CITIES; and

WHEREAS, in order to ensure that this agreement is binding upon future boards and councils, COUNTY and CITIES desire to embody their respective commitments in this Joint Exercise of Powers Agreement with the understanding that all parties to this Agreement have the powers, unless otherwise determined by a court of competent jurisdiction, the exercise of which is contemplated by this Agreement.

NOW, THEREFORE, be agreed by the CITIES and the COUNTY that:

1. This Joint Exercise of Powers Agreement hereinafter referred to as "Agreement" is made under the provisions of Article I, Chapter 5, Division 7, Title 1 (commencing with Section 6500 of the Government Code of the State of California), and is made for the express purpose of (a) carrying out the intentions of of the COUNTY and the CITIES as expressed in the recitals to this Agreement; (b) enabling the CITIES and COUNTY to engage in collective activities to provide for the continued operation of the Airport and the provision of airport services to the North San Diego County area; and (c) provide for collective action in order to minimize the risk of any possible liability of either of the CITIES or COUNTY for damages caused by noise caused by aircraft overflights. The purposes of this Agreement shall be accomplished and the powers shall be exercised in the manner set forth below.

2. THE COUNTY AGREES IT WILL:

- (a) Not apply for a full Airport Operating Certificate without the unanimous consent of the CITIES.
- (b) Not construct a second runway at the Airport without the unanimous consent of the CITIES.
- (c) Not extend the length of the runway at the Airport without the unanimous consent of the CITIES.
- (d) Not permit the maximum gross aircraft weight to exceed 60,000 pounds without the unanimous consent of the CITIES.
- (e) Operate the Airport in compliance with state or federally mandated noise standards.

(f) Continue, for a period of one (1) year, to monitor aircraft noise, including Single Event Noise Exposure Levels (SENEL), in the Airport Referral Area as described in the Palomar Airport Comprehensive Land Use Plan, identify noise sensitive areas and include them in the Airport's voluntary noise abatement program, and update the pilot education program for noise abatement procedures. Thereafter, the County will monitor noise only if (a) the COUNTY, in its sole discretion, determines it to be beneficial; or (b) the CITIES agree to pay for the cost of monitoring.

3. THE CITIES AGREE THEY INDIVIDUALLY AND COLLECTIVELY WILL:

- (a) Not become involved in or interfere with the daily operations or administration of the Airport and will limit involvement in administrative policy matters to those permitted by this Agreement.
- (b) Recognize the Airport Influence Area (as shown on the Comprehensive Airport Land Use Plan), incorporate it into each of their general plans, and otherwise comply with the provisions of Article 3.5 (commencing with Section 21670), Chapter 4, Part 1, Division 9 of the Public Utilities Code of the State of California, providing for airport land use commissions.
- (c) Recognize that COUNTY-owned industrial park and Fixed Base Operator facilities on Airport property are not in any way affected by this Agreement.

- (d) Cooperate in insuring that the Airport continues to provide air transportation and fixed base aviation services to all citizens of the north county area.
- (e) Recognize that this Agreement does not in any affect the rights and duties of the COUNTY under any Agreement with the State of California or the United States Government or agencies thereof, or any tenant of the Airport.

4. IT IS MUTUALLY AGREED AS FOLLOWS:

- (a) Administrators of this Agreement, one for each of the public agencies participating, are as follows:

County of San Diego	-	Director Department of Public Works 5555 Overland Avenue Building 2 San Diego, CA 92123
---------------------	---	---

City of Carlsbad	-
------------------	---

City of Oceanside	-
-------------------	---

City of San Marcos	-
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- (b) Notices given by a party to this Agreement to any other party shall be in writing and addressed to the party's administrator specified herein.

- (c) This Agreement may be amended only upon the prior written approval of the Board of Supervisors and the city councils of CITIES.
- (d) Execution of this Agreement by the parties may be by separate copies, and once a copy is executed by each party, the Agreement shall become binding upon all parties as if all had executed the same copy.
- (e) The terms, covenants and conditions of this Agreement shall be binding upon the successors of each party unless otherwise ordered by a court of competent jurisdiction. But so long as a party to this Agreement remains in existence, its rights and obligations hereunder shall not be assigned or in any way transferred to another without the prior written consent of all other parties hereto.
- (f) In the event legal action is brought to enforce the terms of this Agreement, the successful party or parties shall be entitled to reasonable attorney's fees and other costs in amounts to be fixed by the court.
- (g) Except as otherwise provided in this Agreement, the COUNTY shall continue to operate and manage the Airport within its discretion as it has done heretofore. If any party to this Agreement believes that any other party is in breach of this Agreement before taking any steps to institute a litigation the matter shall be submitted to the administrators of this Agreement who shall attempt to resolve the problem in the spirit of good faith and cooperation.



If after that process any party to this Agreement remains convinced that another party is in breach of this Agreement they shall submit their position in writing to the other party and give the other party a reasonable period of time to remedy the alleged breach before any litigation can be instituted.

- (h) Some duties and obligations created by this Agreement are to be jointly exercised by the parties. However, certain provisions of this Joint Powers Agreement anticipate primary performance by one of the parties with the role of the others limited to support and assistance. This Agreement also provides that the undertakings of the parties are to be performed at different times and that once performed cannot be undone. It is also understood that the agreement contemplates the performance of many duties which are special unique and that the value of performance cannot be assessed in terms of money or monetary damages. In light of the foregoing it is agreed that injunctive relief is the only appropriate and adequate remedy in the event of a breach of this Agreement.
- (i) Each party shall immediately notify the other of any litigation or claim challenging the validity, legality or enforceability of any provision of this Agreement.
- (j) The parties expressly acknowledge and agree that they shall be jointly and severally liable for any liability that may arise where the County wishes to take action

under Section 2 subsections (a), (b), (c) or (d) of this Agreement but CITIES refuse to consent to such action. COUNTY agrees to allow contribution by each city of its share of any such liability limited to the rate of no more than \$10,000 per year until each city's pro rata share is paid in full.

5. This Agreement sets forth the entire understanding of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their proper officers thereunto duly authorized, their official seals to be hereto affixed, as of the date first written above:

CITY OF CARLSBAD

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_

CITY OF OCEANSIDE

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_

CITY OF SAN MARCOS

By \_\_\_\_\_

ATTEST:

\_\_\_\_\_

COUNTY OF SAN DIEGO

By \_\_\_\_\_

KATHRYN A. NELSON, Clerk  
Board of Supervisors

ATTEST:

10/14/2005 08:27 FAX 760 804 3756

PAC COAST AV INSURANCE

001

Schedule M.R.  
 C.U.P. → Sept 24, 1980  
 M.U.P. → ??

## CITY OF CARLSBAD

1200 CARLSBAD VILLAGE DRIVE  
 CARLSBAD, CALIFORNIA 92008-1889  
 (619) 434-2891  
 FAX: (619) 434-8367



RONALD R. BALL  
 CITY ATTORNEY

KAREN J. HIRATA  
 DEPUTY CITY ATTORNEY

May 3, 1993

Robert P. Olislagers, CAE  
 Airport Manager  
 Department of Public Works  
 McClellan-Palomar Airport  
 2198 Palomar Airport Road  
 Carlsbad, California 92008

RE: OPERATION OF CARLSBAD MUNICIPAL CODE SECTION 21.53.015  
 REQUIRING SUBMISSION OF CERTAIN QUESTIONS TO CITY VOTERS PRIOR  
TO CITY COUNCIL LEGISLATIVE ACTION FOR AIRPORT EXPANSION

Dear Mr. Olislagers:

Based on our discussions over the last several months and your report entitled, "McClellan-Palomar Airport" Terminal Development and Space Needs Analysis dated February 15, 1993, I understand the county is contemplating accommodating those needs in a number of ways including the following options:

1. "Construct facilities at the present Palomar Airport site which calls for demolition of current facilities on the site and construction of new facilities in their place. Due to the relative small size, consideration will be given to the cost of a multi-story facility to accommodate the terminal and parking."
2. Acquisition of a new site contiguous to the airport boundaries for construction. This alternative calls for the acquisition of airport adjacent property and the location of a new terminal and parking facilities on it. This alternative will allow phasing of air carrier operations separate from general aviation operations.
3. It is my further understanding that the county is considering acquiring two lots (lots 42 and 50 shown on the attached site plan for the Carlsbad Airport center) at the westerly end of the runway for clear zone purposes.

The question presented is whether or not any or all of these alternatives will require submittal to City voters.

The site plan, land uses and conditions of approval for the Palomar Airport are set forth in the conditional use permit (CUP 172) approved by the Carlsbad Planning Commission on September 24, 1980. I have enclosed a copy of that use permit for your files. According to Table 1 of the CUP, certain structures and facilities are permitted without the need for additional discretionary review. For example, such structures and facilities include airport administration buildings and airport passenger terminal facilities. Other uses, such as incidental eating and drinking establishments, require approval by the Carlsbad Planning Commission.

In addition, a petition was circulated among Carlsbad voters in 1980 and presented to the Council on August 5, 1980. At that time, our office indicated that the county would need City Council approval of expansion if it involved the acquisition of additional property in which case the petition ordinance would require prior voter approval. An expansion of existing property would not be affected by the ordinance. On August 12, 1980, this ordinance was adopted which is set forth in full:

**"21.53.015 Voter authorization required for airport expansion.**

(a) The city council shall not approve any zone change, general plan amendment or any other legislative enactment necessary to authorize expansion of any airport in the city nor shall the city commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of the qualified electors of the city voting at an election for such purposes.

(b) This section was proposed by initiative petition and adopted by the vote of the city council without submission to the voters and it shall not be repealed or amended except by a vote of the people."

Therefore, construction at the present site would not require legislative action by the city council and would not require a vote of the people. Amendment of CUP 172 would be required if any of the structures or facilities are not those listed in Section I(a) of Table 1 of the CUP dated September 24, 1980.

Acquisition of real property outside the boundaries of the plot plan approved as Exhibit A to CUP 172 would require redesignation in Carlsbad's General Plan and rezoning in its zoning ordinance both of which are legislative actions. Therefore, the property acquisition for structures and facilities related to the airport would require a vote of the people.

It is my further understanding that the proposed acquisition of property for a "clear zone" would not require facilities or structures and would not necessitate redesignation or rezoning of Carlsbad's existing planning documents. As such, no legislative action of the City Council is required and no vote of the people would be required for these acquisitions.

Should you have any questions or need additional information regarding this matter, please do not hesitate to contact me.

Very truly yours,

  
RONALD R. BALL  
City Attorney

rmh  
enclosure

c: Mayor and City Council  
City Manager  
Community Development Director  
Planning Director



## The City of Carlsbad Planning Department

**A REPORT TO THE PLANNING COMMISSION**Item No. **8**

P.C. AGENDA OF: November 3, 2004

Application complete date: July 14, 2004

Project Planner: Michael Grim

Project Engineer: Frank Jimeno

**SUBJECT: CUP 172(B) – AIRPORT PARKING AREAS** – Request for a Conditional Use Permit Amendment to allow the use of three existing parcels for airport parking areas on property generally located on the north side of Owens Avenue between Camino Vida Roble and Yarrow Drive in Local Facilities Management Zone 5.

**I. RECOMMENDATION**

That the Planning Commission **ADOPT** Planning Commission Resolution No. 5776, **APPROVING** Conditional Use Permit Amendment CUP 172(B), based upon the findings and subject to the conditions contained therein.

**II. INTRODUCTION**

The County of San Diego Public Works – Airports Division is requesting approval of a Conditional Use Permit (CUP) Amendment to allow the use of three existing parcels for parking to serve the McClellan-Palomar Airport. Currently, the airport does not meet the physical and operational standards set by the Federal Aviation Administration (FAA), Transportation Safety Administration (TSA), and California Department of Transportation (Caltrans) with regard to safety zones, security areas, and airplane maneuvering and parking. In order to comply with these federal and state regulations, the airport is undergoing some modifications. These modifications necessitate the use of the existing parking areas for airport operations and structures; therefore, an area for replacement vehicular parking is needed. The parcels proposed for the parking area are directly adjacent to the existing airport and are under County ownership. The application also includes a Planned Industrial Permit (PIP), as required by the underlying zoning of the subject properties, which is an administrative permit. The Planning Director is prepared to approve the PIP contingent upon approval of the CUP Amendment.

**III. PROJECT DESCRIPTION AND BACKGROUND**

The County of San Diego Public Works – Airports Division is requesting approval of a CUP to allow the use of three existing parcels for parking to serve the McClellan-Palomar Airport. The project site is located on the north side of Owens Avenue, east of its intersection with Camino Vida Roble, directly adjacent to the airport. The 9.9 acre site is designated Planned Industrial (PI) in the City's General Plan, zoned Planned Industrial (P-M), and is located within the Carlsbad Airport Centre Specific Plan (SP 181(C)). The only existing use on the site is a methane processing facility associated with the former landfill on the airport property. The pads were graded in accordance with an approved industrial subdivision (CT 81-46, Unit 2) and are surrounded by perimeter landscaping. The parcel to the west of the vacant pads is developed as





## CUP 172(B) – AIRPORT PARKING AREAS

November 3, 2004

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an open parking area that serves an adjacent office building. To the south of the site, across Owens Avenue, is the Courtyard by Marriott hotel, associated parking, and natural open space. East of the site is Palomar Airport Road.

The proposal involves the adjustment of the existing airport CUP boundary to include the three existing parcels for the sole purpose of parking. The physical development of the properties would proceed in two phases: First, the two western lots (Lots 29 and 30) would be paved and striped for temporary parking and an access ramp from the parking area to the airport would be improved. Second, a permanent parking structure would be constructed on the easternmost lot (lot 31). As conditioned, this second phase would necessitate an amendment to the PIP to allow staff review of the parking structure function and aesthetics.

The parking area would be accessed from two locations: off of Owens Avenue and via an access ramp from the airport property. The parking area would be intended for long-term parking. It would be paved and illuminated by four light standards powered by mobile generators. The existing perimeter landscaping would remain in its current state.

### **History of Airport and Scope of CUP**

The McClellan-Palomar Airport was created in 1958 to replace the Del Mar Airport lost in the mid-1950's due to the construction of Interstate 5. Since the County had received Grant Assurances from the FAA to operate an airport in the area, they were obliged to relocate the airport. In 1959, Palomar Airport was opened as a general aviation airport with a 3,700-foot long, 100-foot wide runway. In 1962, the airport runway was extended to 4,700 feet long and 150 feet wide. Eleven years later, the FAA installed an air traffic control tower and, in 1977, the instrument landing system and approach lighting were added to the airport.

The topography of the original airport site consisted of a mesa crossed by numerous canyons. Up until 1986, the County used the canyons on the site as landfills. As these canyons filled up with trash, the County Solid Waste Department leveled and capped the landfills and installed methane extraction facilities on the adjacent property and monitoring wells over the landfill areas. The airport subsequently began using these capped landfill areas for operations and aircraft parking.

In December 1978, the City annexed the 256-acre Palomar Airport site into Carlsbad, with a General Plan designation of Governmental Facility (G). In 1980, the County applied for a Zone Change from Limited Control (L-C) to Industrial (M) to implement the existing General Plan designation. The County also applied for a Conditional Use Permit (CUP 172) to make the airport use consistent with the proposed underlying zoning. The CUP was structured to allow some flexibility in airport development provided that the only structures and uses present on the airport property were related to airport operations. These structures and uses are listed in Table 1 of Planning Commission Resolution No. 1699 (Attachment 5). Provided that any proposed development or use change on the airport property was in conformance with those structures and uses listed in Table 1, no amendment to the CUP was required.

Besides regulating the structures and uses allowed on the airport property, the CUP also regulated the designation of the airport, thus limiting the type of aircraft allowed under the CUP.



## CUP 172(B) – AIRPORT PARKING AREAS

November 3, 2004

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Condition No. 11 of Planning Commission Resolution 1699 states that the “existing designation of the airport as a General Aviation Basic Transport Airport shall not change unless an amendment to this CUP is approved by the Planning Commission.” The designation of General Aviation Basic Transport airport includes two classes of aircraft. General aviation refers to all types of aircraft other than certified air carriers and military aircraft. These aircraft could be used for personal use, instructional use, business transportation (such as executive airplanes), and commercial purposes (such as aerial photography, advertising, or emergency medical transportation). Basic transport refers to commuter or air carrier aircraft that seat up to 30 people, excluding the pilot. Current examples of the basic transport operations at the airport include the United Express and America West Express commuter flights.

One important aspect of the airport that the CUP does not and cannot regulate is the airport operations. The airport is operated by the County of San Diego and regulated by the FAA. Attempts have been made in the past to adjust the airport operations to potentially increase its compatibility with the other land uses in the area through the Comprehensive Land Use Plan (CLUP) process; however, since the FAA has the final word on operations, some of these adjustments were not allowed to occur. (For background information on the CLUP, see Section C below). Examples of this are found in Appendix C of the CLUP which contains a listing of recommended noise abatement and mitigations measures. These measures included increasing the glideslope and altitude of incoming aircraft, changing the location of the aircraft engine maintenance run-up area, and restricting the number of aircraft queuing up for take off. All of these measures were denied by the FAA. Some measures, such as a hiring an airport noise abatement officer and installing a permanent noise monitoring system, were approved. Others, such as restricting flight patterns after take off and a nighttime jet departure curfew time, were approved as voluntary measures only, leaving it up to the pilots to follow the recommended noise mitigation measures.

Since before annexation, the airport has been a topic of concern for many local residents due to the noise generated by the aircraft and the potential safety issues related to aircraft accidents. In 1975, the County prepared an Airport Master Plan that outlined the long-term development plans for the Palomar Airport. Those plans included the extension of the existing runway and acquisition of approximately 160 acres north of the airport property for an additional runway, airport operations buildings, and taxiways. Implementation of this long-term acquisition and development plan would have necessitated legislative actions such as a General Plan Amendment, Specific Plan Amendment, and Zone Change by the City since the land use and zoning designations of the property to the north did not allow uses such as airport runways or taxiways.

In reaction to the concerns about the airport and the potential of an additional runway, the citizens of Carlsbad sponsored an initiative petition that, if passed, would require any expansion of the airport to require a vote of the people. Responding to the citizen's concerns, the City Council adopted Ordinance No. 9558 (Attachment 6) in August of 1980. This ordinance stated that the City shall not approve any Zone Change, General Plan Amendment, or any other legislative action necessary to authorize expansion of the airport without a majority vote of the electorate of the City of Carlsbad. Therefore, to necessitate a vote of the people a proposal must



include both an expansion to the airport and the need for a corresponding legislative action for land use consistency.

In 1997, the County Board of Supervisor's approved an updated Airport Master Plan that showed long-term development confined to the existing airport property. The County applied for a CUP amendment (CUP 172(A)) to update the permit to reflect these new long-term plans. The CUP amendment was subsequently withdrawn in 1999 as the Airport Master Plan did not include any structures or uses that were not included in Table 1 of the existing CUP. While the Master Plan did identify additional property to be acquired, this property would be used solely for runway protection zones for increased safety of landing and approaching aircraft. According to the CLUP, the only uses allowed in runway protection zones are agriculture, storage of non-flammable materials, low intensity industrial or office uses, public rights-of-way, and natural open space. Since the underlying zone of the properties proposed for expansion allows all of these uses, no legislative actions would have been necessary to implement the Master Plan. The County never acquired these properties and most have since been privately developed in accordance with their zoning and General Plan designations.

#### **Current Status of Airport**

The McClellan-Palomar Airport continues to operate as a general aviation basic transport airport. It is one of three airports in San Diego County with a precision instrument approach, which allows the ability to arrive and depart in coastal fog and/or marine layer conditions. It is classified as a Primary Airport in the National Plan of Integrated Airport Systems since it has more than 10,000 annual passenger boardings (or enplanements). The airport has become a critical link in the regional aviation system and is supported and regulated by the FAA.

The airport and its leaseholders are currently undergoing a major refurbishment. Some of this refurbishment is due to the upgrading of existing private businesses operating at the airport (also known as fixed based operations or FBOs) such as Magellan Aviation and Jetsource. Much of the refurbishment by the County and FBOs, however, is to bring structures and airport layout into conformance with state and federal requirements. For example, the airport restaurant had been located across a taxiway necessitating the general public to walk across an area used by propeller airplanes for circulation. Its location also offered the general public access to portions of the airport that, according to federal regulations, should be controlled. The ability of unauthorized personnel to access restricted areas is also known as runway incursions and this is one of the FAA's primary concerns. To address this particular issue, the restaurant has been temporarily relocated to a tent and mobile office directly adjacent to the terminal drop off area and will be placed in an unrestricted area once a permanent building is constructed.

In addition to the safety and security nonconformities related to the restaurant location, the area that has been designated for long-term parking is in a location that, according to the FAA, is designated for aircraft. The parking areas have been so close to the access gates that unauthorized vehicles could potentially enter the taxiways and other aircraft circulation areas. With regard to TSA safety issues, the airport is currently operating under waiver to TSA requirements for passenger/baggage security screening, which cannot continue indefinitely.



These safety and security issues are exacerbated when the Homeland Security Threat Advisory is raised to Code Orange, necessitating increased security measures at airports.

With regard to physical space, the existing airport administration and maintenance facilities are 45 years old and inadequate to meet current requirements and user expectations. There is no provision for administrative spaces for TSA personnel and the present facilities are inadequate to meet restroom requirements for airport customers and employees. In addition, the current facilities do not meet the requirements of the automobile rental agencies, public transportation, or air carriers. Some of the buildings housing the FBOs do not meet current building and/or fire codes.

Many of the aircraft circulation areas also do not meet current federal and state requirements. There are particular standards for airplane wing clearances from buildings and other structures as well as aircraft turnaround areas. In conjunction with some of the current refurbishment and relocation of hangars and other buildings, the County is realigning some of the taxiways to meet the circulation requirements. Another safety issue arises with the lack of structural stability under the landfill areas, thereby eliminating these areas from being allowed by the FAA as parking for larger and heavier corporate jets.

Taken together, all of the modifications to the airport structures and aircraft circulation and safety areas necessary to conform to requirements create the need for more space than currently exists on the airport property, leaving no room to accommodate the automobile parking area. Therefore the County is in need of replacement space for passenger, customer, and employee parking to maintain current airport operations.

The Airport Parking Areas proposal is subject to the following regulations:

- A. General Plan;
- B. Carlsbad Airport Centre Specific Plan (SP 181(D));
- C. Comprehensive Land Use Plan (CLUP) for McClellan-Palomar Airport;
- D. P-M – Planned Industrial Zone (Chapter 21.34 of the Zoning Ordinance);
- E. Conditional Use Ordinance (Chapter 21.42 of the Zoning Ordinance); and
- F. Zone 5 Local Facilities Management Plan.

#### **IV. ANALYSIS**

The recommendation for approval of this project was developed by analyzing the project's consistency with the applicable policies and regulations listed above. The following analysis section discusses compliance with each of these regulations/policies utilizing both text and tables.

##### **A. General Plan**

The Airport Parking Area project is consistent with the applicable policies and programs of the General Plan. Particularly relevant to the proposed parking area are the Land Use, Circulation,

and Public Safety Elements. Table 1 below indicates how the project complies with these particular elements of the General Plan.

<b>TABLE 1 – GENERAL PLAN COMPLIANCE</b>			
<b>ELEMENT</b>	<b>USE CLASSIFICATION, GOAL, OBJECTIVE, OR PROGRAM</b>	<b>PROPOSED USE AND IMPROVEMENTS</b>	<b>COMPLIANCE</b>
Land Use	To encourage the continued operation of McClellan-Palomar Airport as a general aviation airport.	The proposed parking area is necessary to accommodate the modifications required at the airport to comply with FAA, TSA, and Caltrans standards.	Yes
Circulation	Provide safe and adequate parking facilities.	The proposed 280 space parking area will contain adequate vehicular circulation and lighting for pedestrian safety.	Yes
Public Safety	Review development proposals in the Airport Influence Area to ensure that design features which specifically address aircraft crash hazards are incorporated.	The proposed parking area will not create any obstructions to the flight path and all illumination will be directed downward to avoid conflicts with aircraft operations.	Yes
	A City which minimizes injury, loss of life and damage to property resulting from hazardous materials.	The existing methane extraction and elimination system is accommodated in the parking lot design and will continue to operate.	Yes

Given the above, the Airport Parking Area proposal is consistent with the applicable portions of the General Plan.

#### **B. Carlsbad Airport Centre Specific Plan**

The site for the proposed parking area is located within the Carlsbad Airport Centre Specific Plan and is therefore subject to the regulations contained in SP 181 and its amendments. The Specific Plan calls for industrial and commercial development as well as typical support facilities, such as parking areas. The Specific Plan is silent on the allowance of conditional uses, therefore the regulations of the underlying zoning apply (see Section E below for a discussion on Conditional Use Ordinance consistency).



The use of industrial lots within the Carlsbad Airport Centre Specific Plan for parking areas to serve adjacent or offsite uses has already occurred on two occasions. The PSB Lending project (PIP 95-06(A)) allowed the conversion of an industrial building with office, manufacturing, and warehouse uses into one containing all office uses, thereby greatly increasing its parking requirement. The adjacent lot was acquired and used purely for providing required parking to serve the office uses. The Lot 23 Auto Storage Facility project (CUP 02-05/PIP 02-01) allowed the use of a parcel on Dryden Place for automobile storage to serve offsite automobile dealerships in Car Country Carlsbad.

The Carlsbad Airport Centre Specific Plan also required the preparation of covenants, conditions and restrictions (CC&Rs) prior to development within the SP area. These CC&Rs contain development and operational restrictions that would apply to any use occupying the project site. The CC&Rs are administered by the Carlsbad Airport Centre Owner's Association. The County has agreed to abide by all CC&R provisions and the Owner's Association has expressed general support for the parking lot use on the site. It has also conditionally approved the parking areas, subject to review and approval of the design plans. Given the above, the proposed Airport Parking Areas project is consistent with the Carlsbad Airport Centre Specific Plan.

#### **C. Comprehensive Land Use Plan – McClellan-Palomar Airport**

State law requires that all counties containing public airports form an Airport Land Use Commission (ALUC). California Public Utility Code states that the purpose of the ALUC is to protect "public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses." To achieve that purpose, the ALUC must prepare a comprehensive land use plan based upon the long-range master plan of the airport. The CLUP must contain analysis of the projected air traffic and fleet mix of aircraft and the resulting flight patterns and anticipated noise generation. The flight patterns and projected noise levels are plotted on a map and used for future land use decision-making by the local jurisdiction. The CLUP also establishes an Airport Influence Area around the airport, within which all land use revisions must be referred to the ALUC for consistency determinations.

The Airport Parking Areas project site is located within the Airport Influence Area and is therefore subject to the provisions of the Comprehensive Land Use Plan (CLUP) for the McClellan-Palomar Airport. For evaluation of excessive noise, the CLUP identifies the anticipated cumulative noise equivalent levels (CNEL) for ranges from less than 60 dBA CNEL to over 75 dBA CNEL. For evaluation of safety hazards, the CLUP identifies flight activity zones and runway protection zones. While the proposed parking area is adjacent to the airport, it is not within the projected noise contours nor is it located within the flight activity zone or runway protection zone. In addition, due to their lack of development intensity and low human occupancy over time, the CLUP allows parking lots in all noise impact areas and the flight activity zone. The proposed parking area does not include any tall structures that would cause an obstruction to airspace. Therefore, the proposed Airport Parking Area project is consistent with the McClellan-Palomar Airport CLUP.



**D. Planned Industrial Zone**

The Airport Parking Area site is located within the P-M zone and is therefore subject to the regulations contained in Chapter 21.34 of the Zoning Ordinance. As discussed below, the assemblage of large numbers of automobiles is allowed in the P-M zone, with the approval of a Conditional Use Permit. Therefore, the compliance of the use with the underlying zone is discussed in Section E below. In addition to the use allowances and actual development standards, the P-M zone also contains performance standards to preclude impacts that may be associated with industrial development. These performance standards include regulations controlling noise, odors, vibrations, humidity, heat, glare, high-intensity illumination, air quality, outdoor storage, and waste discharge.

Since the proposed parking area involves only surface improvements and no structures, the P-M zone development standards regulating building height, property line setbacks, and lot coverage are not applicable. With regard to performance standards, the parking area proposal does include lighting for surface illumination of the parking lot. This lighting is designed to be directed towards the ground and is conditioned to not spill over onto adjacent properties or public rights-of-way. In addition, the County as airport operator also has an interest in keeping the lighting from interfering with aircraft operations. Therefore the proposal would not include high-intensity illumination that would violate the P-M zone performance standards. Given the above, the Airport Parking Areas proposal is consistent with the P-M zone.

**E. Conditional Use Ordinance**

Section 21.42.010(5)(E) of the Zoning Ordinance states that uses involving the large assemblages of automobiles are allowed in all zones except residential and Community Facilities with approval of a Conditional Use Permit. In addition, parking areas are allowed within the boundaries of the airport CUP (CUP 172), as indicated in Table 1 attached to Planning Commission Resolution No. 1699. Four findings must be made in order to approve a CUP. These findings, elaborated in Planning Commission Resolution No. 5776 attached, deal mostly with the project's consistency with the General Plan, desirability for the community, and compatibility with its site and surroundings.

The proposed parking area is desirable in that it is necessary to maintain current operations at the McClellan-Palomar Airport. As stated in Section A above, the City's General Plan calls for the encouragement of the continued operation of the airport as a general aviation airport. The parking area would be surrounded by similar and compatible uses; those being a parking area to the west, major arterial to the east, airport to the north, and parking area and hotel to the south. As discussed in Sections B and D above, parking as a primary or accessory use is consistent with the underlying zoning and Specific Plan. All of the proposed improvements can fit within the project site and the existing perimeter landscaping would remain. Lighting required for pedestrian travel and safety would be provided and parking lot striping would clearly delineate parking aisles and spaces.

Given that the proposed parking area would be for long-term parking, the Average Daily Trips (ADT) generated by the use would be less than that generated by industrial and commercial

development. Using Growth Management projections for vacant land within Local Facilities Management Zone 5, the project site could generate between 1,400 to 2,800 ADT. To reach this ADT, the entire 280 space parking area would need to empty and refill five to ten times per day. Therefore, the proposed Airport Parking Areas project is consistent with the Conditional Use Ordinance.

**F. Zone 5 Local Facilities Management Plan**

The project site is located within Local Facilities Management Zone 5. No special development requirements, such as roadway construction or other infrastructure requirements, apply to this parking lot construction and operation. The LFMP does require that all facilities and services required to serve the project be in place concurrent with, or prior to, need. Given that the site is located on a fully improved, publicly dedicated street and that the traffic generated by the proposed parking area is less than would be generated by industrial and possibly commercial development on the site, all existing facilities and services are adequate to accommodate the proposed use. Therefore, the Airport Parking Area proposal is consistent with the Zone 5 Local Facilities Management Plan.

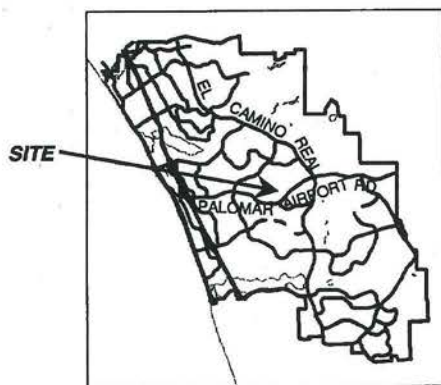
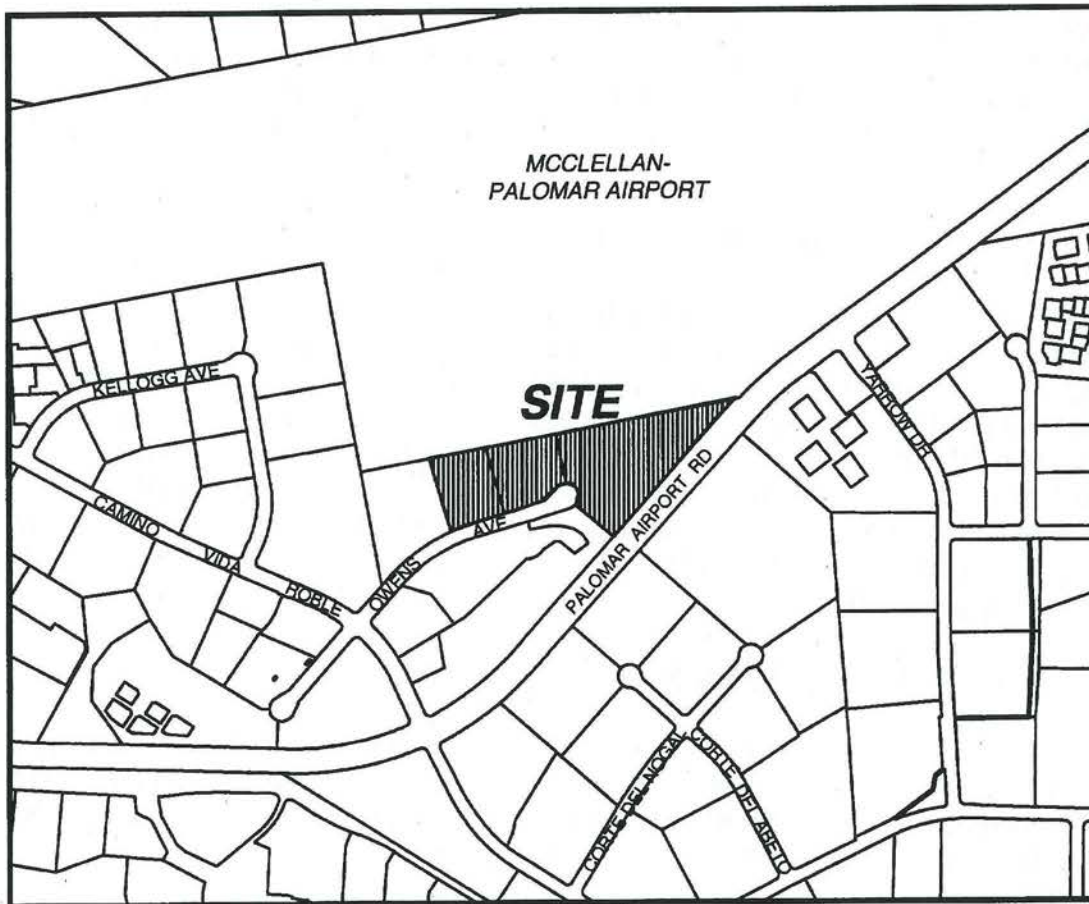
**V. ENVIRONMENTAL REVIEW**

The proposed project involves the pavement of existing, graded lots and their use as parking areas. The construction of small parking lots which are accessory to existing facilities is exempt from environmental review pursuant to Section 15311 of the State CEQA Guidelines. A Notice of Exemption will be filed upon final project determination.

**ATTACHMENTS:**

1. Planning Commission Resolution No. 5776
2. Location Map
3. Disclosure Statement
4. Background Data Sheet
5. Planning Commission Resolution No. 1699, dated September 24, 1980
6. Ordinance No. 9558 dated August 5, 1980
7. Exhibit "A" dated November 3, 2004





# AIRPORT PARKING AREAS

## CUP 172(B)



## BACKGROUND DATA SHEET

CASE NO: CUP 172(B)

CASE NAME: Airport Parking Areas

APPLICANT: County of San Diego Public Works - Airports

REQUEST AND LOCATION: Request for a Conditional Use Permit to allow the use of three existing parcels for airport parking on property generally located north of Owens Avenue, between Camino Vida Roble and Yarrow Drive.

LEGAL DESCRIPTION: Lots 29 – 31 of Carlsbad Tract No. CT 81-46 (Unit No. 2), according to Map No. 11288, filed in the Office of the County Recorder of San Diego County on July 16, 1985, in the City of Carlsbad, County of San Diego, State of California.

APN: 212-093-06, -07, -08 Acres: 9.9 Proposed No. of Lots/Units: N/A

## GENERAL PLAN AND ZONING

Land Use Designation: Planned Industrial (PI)

Density Allowed: N/A Density Proposed: N/A

Existing Zone: P-M Proposed Zone: P-M

Surrounding Zoning, General Plan and Land Use:

	<u>Zoning</u>	<u>General Plan</u>	<u>Current Land Use</u>
Site	<u>P-M</u>	<u>PI</u>	<u>Vacant, methane processing facility</u>
North	<u>M</u>	<u>G</u>	<u>County airport</u>
South	<u>P-M</u>	<u>PI</u>	<u>Open Space, Hotel, Industrial</u>
East	<u>P-M</u>	<u>PI</u>	<u>Industrial</u>
West	<u>P-M</u>	<u>PI</u>	<u>Industrial</u>

## PUBLIC FACILITIES

School District: Carlsbad Unified Water District: Carlsbad Sewer District: Carlsbad

Equivalent Dwelling Units (Sewer Capacity): N/A

## ENVIRONMENTAL IMPACT ASSESSMENT

☐ Negative Declaration, issued \_\_\_\_\_

☐ Certified Environmental Impact Report, dated \_\_\_\_\_

☒ Other, Exempt pursuant to Section 15311 of the State CEQA Guidelines





# City of Carlsbad

## Planning Department

### DISCLOSURE STATEMENT

Applicant's statement or disclosure of certain ownership interests on all applications which will require discretionary action on the part of the City Council or any appointed Board, Commission or Committee.

The following information **MUST** be disclosed at the time of application submittal. Your project cannot be reviewed until this information is completed. Please print.

**Note:**

Person is defined as: "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, in this and any other county, city and county, city municipality, district or other political subdivision or any other group or combination acting as a unit."

Agents may sign this document; however, the legal name and entity of the applicant and property owner must be provided below.

1. **APPLICANT (Not the applicant's agent)**

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having a financial interest in the application. If the applicant includes a corporation or partnership, include the names, title, addresses of all individuals owning more than 10% of the shares. **IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW** If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person Peter Drinkwater

Corp/Part County of San Diego

Title Airport Director

Title Dept. of Public Works Airports

County of San Diego  
Address Gillespie Field

Address 1960 Joe Crosson Drive  
El Cajon, CA 92020

1960 Joe Crosson Drive  
El Cajon, CA 92020

2. **OWNER (Not the owner's agent)**

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having any ownership interest in the property involved. Also, provide the nature of the legal ownership (i.e., partnership, tenants in common, non-profit, corporation, etc.). If the ownership includes a corporation or partnership, include the names, title, addresses of all individuals owning more than 10% of the shares. **IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW**. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person \_\_\_\_\_

Corp/Part County of San Diego

Title \_\_\_\_\_

Title Dept. of Public Works Airports

Address \_\_\_\_\_

Address 1960 Joe Crosson Drive  
El Cajon, CA 92020





3. **NON-PROFIT ORGANIZATION OR TRUST**

If any person identified pursuant to (1) or (2) above is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the non-profit organization or as trustee or beneficiary of the.

Non Profit/Trust _____	Non Profit/Trust _____
Title _____	Title _____
Address _____	Address _____

4. Have you had more than \$250 worth of business transacted with any member of City staff, Boards, Commissions, Committees and/or Council within the past twelve (12) months?

☐ Yes ☒ No If yes, please indicate person(s): \_\_\_\_\_

**NOTE:** Attach additional sheets if necessary.

I certify that all the above information is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature of owner/date

\_\_\_\_\_  
Signature of applicant/date

\_\_\_\_\_  
Print or type name of owner

\_\_\_\_\_  
Print or type name of applicant

Peter Drinkwater 6/14/04  
Signature of owner/applicant's agent if applicable/date

Peter Drinkwater for County of San Diego  
Print or type name of owner/applicant's agent

**PLANNING COMMISSION RESOLUTION NO. 5776**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW THE USE OF THREE EXISTING PARCELS FOR AIRPORT PARKING AREAS ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF OWENS AVENUE, BETWEEN CAMINO VIDA ROBLE AND YARROW DRIVE IN LOCAL FACILITIES MANAGEMENT ZONE 5.

CASE NAME: AIRPORT PARKING AREAS

CASE NO.: CUP 172(B)

WHEREAS, **County of San Diego**, "Developer/Owner," has filed a verified application with the City of Carlsbad regarding property described as

**Lots 29 through 31 of Carlsbad Tract No. CT 81-46 (Unit No. 2), according to Map No. 11288, filed in the Office of the County Recorder of San Diego County on July 16, 1985, in the City of Carlsbad, County of San Diego, State of California**

("the Property"); and

WHEREAS, said verified application constitutes a request for a Conditional Use Permit Amendment as shown on Exhibit "A" dated **November 3, 2004**, on file in the Planning Department **AIRPORT PARKING AREAS – CUP 172(B)**, as provided by the conditions of approval of CUP **172** and Chapter 21.42 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on the **3rd** day of **November 2004**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the CUP amendment; and

WHEREAS, on **September 24, 1980**, the **Planning Commission** approved CUP **172**, as described and conditioned in Planning Commission Resolution No. **1699**.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning

- 1 A) That the foregoing recitations are true and correct.
- 2 B) That based on the evidence presented at the public hearing, the Commission
- 3 **APPROVES AIRPORT PARKING AREAS – CUP 172(B)** based on the
- 4 following findings and subject to the following conditions:

5 **Findings:**

- 6 1. That the requested use is necessary or desirable for the development of the community, is
- 7 essentially in harmony with the various elements and objectives of the General Plan, and
- 8 is not detrimental to existing uses specifically permitted in the zone in which the
- 9 proposed use is located, in that **the proposed parking area is necessary to maintain**
- 10 **current operations at the airport and the Land Use Element calls for the**
- 11 **encouragement of the continued operation of the airport as a general aviation**
- 12 **airport; parking is permitted as a primary and accessory use within the industrial**
- 13 **park; and the parking area would generate less traffic than industrial and**
- 14 **commercial development on the property.**
- 15 2. That the site for the intended use is adequate in size and shape to accommodate the use, in
- 16 that **the proposed parking area and associated features can fit within the existing**
- 17 **site.**
- 18 3. That all the yards, setbacks, walls, fences, landscaping, and other features necessary to
- 19 adjust the requested use to existing or permitted future uses in the neighborhood will be
- 20 provided and maintained, in that **the perimeter landscaping will remain and lighting**
- 21 **for pedestrian travel and safety would be provided.**
- 22 4. That the street system serving the proposed use is adequate to properly handle all traffic
- 23 generated by the proposed use, in that **the traffic generated by the proposed parking**
- 24 **areas is less than the traffic volumes anticipated by the Zone 5 Local Facilities**
- 25 **Management Plan for the subject properties, which range from 1,400 to 2,800 ADT.**
- 26 5. The **Planning Commission** finds that the project, as conditioned herein, is in
- 27 conformance with the Elements of the City's General Plan and Specific Plan 181 based
- 28 on the facts set forth in the staff report dated **November 3, 2004** including, but not
- limited to the following:

**The Land Use Element calls for the City to encourage the continued operation of the**

**airport as a general aviation airport and the proposed parking area is necessary to**

**accommodate the modifications required at the airport to comply with FAA, TSA**

**and CalTrans standards;**

**The proposed parking area will contain adequate vehicular circulation and lighting**

**for pedestrian safety;**

**The proposed parking area will not create any obstructions to the flight path and all**

**illumination will be directed downward to avoid conflicts with aircraft operations;**

1       **The existing methane extraction and elimination system is accommodated in the**  
2       **parking lot design and will continue to operate.**

3       6.     The project is consistent with the Comprehensive Land Use Plan (CLUP) for the  
4       McClellan-Palomar Airport, dated April 1994, in that **the proposed parking area is not**  
5       **located within the Flight Activity Zone or Runway Protection Zone.** The project is  
6       compatible with the projected noise levels of the CLUP; and, based on the noise/land use  
      compatibility matrix of the CLUP, the proposed land use is compatible with the airport, in  
      that **the proposed parking area is located outside of the 60 dBA CNEL.**

7       7.     That the Planning Director has determined that the project belongs to a class of projects  
8       that the State Secretary for Resources has found do not have a significant impact on the  
9       environment, and it is therefore categorically exempt from the requirement for the  
10      preparation of environmental documents pursuant to Section 15311 of the State CEQA  
11      Guidelines. In making this determination, the Planning Director has found that the  
      exceptions listed in Section 15300.2 of the State CEQA Guidelines do not apply to this  
      project.

12      8.     The Planning Commission has reviewed each of the exactions imposed on the Developer  
13      contained in this resolution, and hereby finds, in this case, that the exactions are imposed  
14      to mitigate impacts caused by or reasonably related to the project, and the extent and the  
      degree of the exaction is in rough proportionality to the impact caused by the project.

15      **Conditions:**

16      Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **grading or**  
17      **building permit, whichever occurs first.**

18      1.     If any of the following conditions fail to occur; or if they are, by their terms, to be  
19      implemented and maintained over time, if any of such conditions fail to be so  
20      implemented and maintained according to their terms, the City shall have the right to  
21      revoke or modify all approvals herein granted; deny or further condition issuance of all  
22      future building permits; deny, revoke or further condition all certificates of occupancy  
      issued under the authority of approvals herein granted; institute and prosecute litigation to  
      compel their compliance with said conditions or seek damages for their violation. No  
      vested rights are gained by Developer or a successor in interest by the City's approval of  
      this **Conditional Use Permit Amendment.**

23      2.     Staff is authorized and directed to make, or require the Developer to make, all corrections  
24      and modifications to the **Conditional Use Permit Amendment** documents, as necessary  
25      to make them internally consistent and in conformity with the final action on the project.  
26      Development shall occur substantially as shown on the approved Exhibits. Any proposed  
      development different from this approval, shall require an amendment to this approval.

27      3.     Developer shall comply with all applicable provisions of federal, state, and local laws and  
28      regulations in effect at the time of building permit issuance.

4. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
5. Developer/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless the City of Carlsbad, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this **Conditional Use Permit Amendment**, (b) City's approval or issuance of any permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.
6. Developer shall submit to **Planning Department** a reproducible 24" x 36" mylar copy of the **site plan of the entire airport property, including the proposed parking area**, reflecting the conditions approved by the final decision making body. **No further grading or building permits within the area covered by CUP 172 shall be issued until this site plan is submitted to the Planning Department.**
7. This project shall comply with all conditions and mitigation measures which are required as part of the Zone 5 Local Facilities Management Plan and any amendments made to that Plan prior to the issuance of building permits
8. This Conditional Use Permit shall be reviewed by the Planning Director on a yearly basis to determine if all conditions of this permit have been met and that the use does not have a substantial negative effect on surrounding properties or the public health and welfare. If the Planning Director determines that the use has such substantial negative effects, the Planning Director shall recommend that the Planning Commission, after providing the permittee the opportunity to be heard, add additional conditions to reduce or eliminate the substantial negative effects.
9. This Conditional Use Permit may be revoked at any time after a public hearing, if it is found that the use has a substantial detrimental effect on surrounding land uses and the public's health and welfare, or the conditions imposed herein have not been met.
10. This project shall comply with all conditions required as part of the approved Conditional Use Permit (CUP 172) as contained in Planning Commission Resolution No. 1699.
11. This approval is granted subject to the approval of **PIP 04-07 by the Planning Director** and is subject to all conditions contained in the approval letter for that other approvals incorporated herein by reference.



- 1 12. Prior to the issuance of the **building or grading permit, whichever occurs first**,  
2 Developer shall submit to the City a Notice of Restriction to be filed in the office of the  
3 County Recorder, subject to the satisfaction of the Planning Director, notifying all  
4 interested parties and successors in interest that the City of Carlsbad has issued a  
5 **Conditional Use Permit Amendment and Planned Industrial Permit** by Resolution  
6 No. **5776** on the property. Said Notice of Restriction shall note the property description,  
7 location of the file containing complete project details and all conditions of approval as  
8 well as any conditions or restrictions specified for inclusion in the Notice of Restriction.  
9 The Planning Director has the authority to execute and record an amendment to the notice  
10 which modifies or terminates said notice upon a showing of good cause by the Developer  
11 or successor in interest.
- 12 13. No outdoor storage of materials shall occur onsite unless required by the Fire Chief.  
13 When so required, the Developer shall submit and obtain approval of the Fire Chief and  
14 the Planning Director of an Outdoor Storage Plan, and thereafter comply with the  
15 approved plan.
- 16 14. Developer shall submit and obtain Planning Director approval of an exterior lighting plan  
17 including parking areas. All lighting shall be designed to reflect downward and avoid any  
18 impacts on adjacent homes or property.
- 19 15. **This Conditional Use Permit Amendment is approved subject to the condition that  
20 the parking is the only use permitted on Lots 29 – 31. No other uses listed in Table  
21 1, dated September 24, 1980 and attached to Planning Commission Resolution No.  
22 1699, are allowed.**

## 23 NOTICE

24 Please take **NOTICE** that approval of your project includes the “imposition” of fees, dedications,  
25 reservations, or other exactions hereafter collectively referred to for convenience as  
26 “fees/exactions.”

27 You have 90 days from date of final approval to protest imposition of these fees/exactions. If  
28 you protest them, you must follow the protest procedure set forth in Government Code Section  
66020(a), and file the protest and any other required information with the City Manager for  
processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely  
follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or  
annul their imposition.

You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions  
**DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning,  
zoning, grading or other similar application processing or service fees in connection with this  
project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given a  
**NOTICE** similar to this, or as to which the statute of limitations has previously otherwise  
expired.

1 PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning  
2 Commission of the City of Carlsbad, California, held on the **3rd** day of **November 2004** by the  
3 following vote, to wit:  
4

5 AYES: Chairperson Whitton, Commissioners Baker, Cardoso, Dominguez,  
6 Heineman, Montgomery and Segall

7 NOES:

8 ABSENT:

9 ABSTAIN:

10  
11  
12   
13 FRANK H. WHITTON, Chairperson  
14 CARLSBAD PLANNING COMMISSION

15 ATTEST:

16  
17   
18 MICHAEL J. HOLZMILLER  
19 Planning Director  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Tammy McMinn**

---

**From:** Jason Haber  
**Sent:** Wednesday, February 14, 2018 5:05 PM  
**To:** Graham Thorley  
**Cc:** Manager Internet Email; Council Archive; City Clerk  
**Subject:** RE: Need to Enforce Ordinance 21.53.015 and CUP 172

Dear Mr. Thorley,

Thank you for your email. You've touched on several important issues concerning the county's McClellan-Palomar Airport master plan update.

The city currently has a team of staff working with legal advisors specializing in airport projects to analyze the proposed master plan and draft environmental impact report, and to develop a comment letter. We will be discussing the county's plan and environmental documents, as well as the city's role in the review process, at the February 20, 2018, City Council meeting. The draft comment letter will be presented for City Council review at their meeting on March 13, 2018. Both meetings will begin at 6pm at Carlsbad City Hall - 1200 Carlsbad Village Drive.

We anticipate that many of the issues you've identified will be addressed at the public meetings referenced above, and there will be opportunities for the City Council to receive public comment at both. Additionally, the city has addressed a variety of questions concerning the airport master plan (including several of those raised in your email) on the city's website at: <http://www.carlsbadca.gov/residents/airportmasterplan.asp>.

Should you have further questions after reviewing the Q&A discussion, I encourage you to contact me directly.

Sincerely,

Jason Haber  
 Assistant to the City Manager



760-434-2958 | [Jason.Haber@carlsbadca.gov](mailto:Jason.Haber@carlsbadca.gov)  
 1200 Carlsbad Village Drive  
 Carlsbad, CA 92008-1949  
[www.carlsbadca.gov](http://www.carlsbadca.gov)

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**From:** Graham Thorley  
**Sent:** Monday, February 12, 2018 2:44 PM  
**To:** Matthew Hall <[Matt.Hall@carlsbadca.gov](mailto:Matt.Hall@carlsbadca.gov)>; Keith Blackburn <[Keith.Blackburn@carlsbadca.gov](mailto:Keith.Blackburn@carlsbadca.gov)>; Mark Packard <[Mark.Packard@carlsbadca.gov](mailto:Mark.Packard@carlsbadca.gov)>; Cori Schumacher <[Cori.Schumacher@CarlsbadCA.gov](mailto:Cori.Schumacher@CarlsbadCA.gov)>; Michael Schumacher <[michael.schumacher@carlsbadca.gov](mailto:michael.schumacher@carlsbadca.gov)>; Manager Internet Email <[Manager@CarlsbadCA.gov](mailto:Manager@CarlsbadCA.gov)>; Celia Brewer <[Celia.Brewer@carlsbadca.gov](mailto:Celia.Brewer@carlsbadca.gov)>; City Clerk <[Clerk@carlsbadca.gov](mailto:Clerk@carlsbadca.gov)>; Jason Haber <[Jason.Haber@carlsbadca.gov](mailto:Jason.Haber@carlsbadca.gov)>  
**Subject:** Need to Enforce Ordinance 21.53.015 and CUP 172

Please find attached information I feel will help you understand how the County and its new McClellan-Palomar Airport and PEIR documentation is only presenting half the truth. In the words of Benjamin Franklin *"Half a truth is often a great lie."*

I am sure after reading the attach document, you will agree Carlsbad has to do its due diligence and protect its citizens by enforcing Ordinance 21.53.015 and CUP 172. It may be as the City stated on its website, neither the Ordinance nor CUP has been tested in the courts, but for more than 30 years the County has honored and complied with both documents requirements. Additionally, from 1980 through 1996, both documents have been defined further and more specifically in the form of city resolutions and in the press on what the County can and cannot do.

From my understanding, the County never objected to the additional definition and clarification of CUP or the Ordinance. In fact, it continued to submit request to amend CUP 172.

Thank you,  
Graham R. Thorley  
[SaveCarlsbad.com](http://SaveCarlsbad.com)

## Tammy McMinn

---

**From:** Jason Haber  
**Sent:** Wednesday, February 14, 2018 4:49 PM  
**To:** suzie.thorley  
**Cc:** Manager Internet Email; Council Archive; City Clerk  
**Subject:** RE: McClellan-Palomar Airport Expansion - Citizens Right to Vote

Dear Mrs. Thorley,

Thank you for your email. You've touched on several important issues concerning the county's McClellan-Palomar Airport master plan update.

The city currently has a team of staff working with legal advisors specializing in airport projects to analyze the proposed master plan and draft environmental impact report, and to develop a comment letter. We will be discussing the county's plan and environmental documents, as well as the city's role in the review process, at the February 20, 2018, City Council meeting. The draft comment letter will be presented for City Council review at their meeting on March 13, 2018. Both meetings will begin at 6pm at Carlsbad City Hall - 1200 Carlsbad Village Drive.

Additionally, the city has addressed a variety of questions concerning the airport master plan (including several of those raised in your email) on the city's website at: <http://www.carlsbadca.gov/residents/airportmasterplan.asp>.

Should you have further questions after reviewing the Q&A discussion, I encourage you to contact me directly.

Sincerely,

Jason Haber  
Assistant to the City Manager



760-434-2958 | [Jason.Haber@carlsbadca.gov](mailto:Jason.Haber@carlsbadca.gov)  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008-1949  
[www.carlsbadca.gov](http://www.carlsbadca.gov)

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**From:** Suzie Thorley  
**Sent:** Friday, February 09, 2018 1:06 PM  
**To:** Matthew Hall <[Matt.Hall@carlsbadca.gov](mailto:Matt.Hall@carlsbadca.gov)>; Keith Blackburn <[Keith.Blackburn@carlsbadca.gov](mailto:Keith.Blackburn@carlsbadca.gov)>; Mark Packard <[Mark.Packard@carlsbadca.gov](mailto:Mark.Packard@carlsbadca.gov)>; Cori Schumacher <[Cori.Schumacher@CarlsbadCA.gov](mailto:Cori.Schumacher@CarlsbadCA.gov)>; Michael Schumacher <[michael.schumacher@carlsbadca.gov](mailto:michael.schumacher@carlsbadca.gov)>; Manager Internet Email <[Manager@CarlsbadCA.gov](mailto:Manager@CarlsbadCA.gov)>; Celia Brewer <[Celia.Brewer@carlsbadca.gov](mailto:Celia.Brewer@carlsbadca.gov)>; City Clerk <[Clerk@carlsbadca.gov](mailto:Clerk@carlsbadca.gov)>  
**Subject:** McClellan-Palomar Airport Expansion - Citizens Right to Vote



February 9, 2018

To: Carlsbad City Council, Carlsbad Manager, Carlsbad Attorney and Carlsbad Clerk

The County of San Diego is proposing a new expansion of McClellan-Palomar Airport (CRQ) and I am going to share my perspective and hope that you will allow the Carlsbad citizens the right to vote on this Master Plan (Municipal Code 21.53.015 and CUP 172).

Most of the citizens are concerned about the noise from aircraft flying over their homes and schools; however, this issue is much larger than just noise, it is also pollution, fumes, vibrations and safety which impact enjoyment of properties in Carlsbad and surrounding the airport, not to mention the increase in auto traffic.

From my research and speaking with County and Airport Managers, they are ONLY property managers; they can do nothing about the noise from aircraft. The FAA will not grant any restrictions (quiet hours) to an airport that does not already have them. CRQ is and will remain open 24 hours.

FAA controls flights, pilots are allowed to approach and land when 'safe' to do so. Pilots are issued warnings, with no penalties imposed, regardless of number of violations. Pilots may land and be 'housed' (hangared) at an airport that is not classified to handle them, even when they violate the Fly Friendly Program.

'Safe' is not the same as an emergency. How do you dispute safety? Is it safer to fly over homes and not in the suggested flight path? It appears that NO government body can help us, so we are forced into self-help mode and appeal to you, our elected council to uphold your responsibility to protect its citizens for our right to protect our community via a VOTE.

CRQ is currently classified as a B-II airport; however, the FAA allows aircraft larger than B-II classification to land as well as be hangared there. These are private and/or corporate jets. The County maintained the position that a runway extension is required to allow these jets to fly farther (China) without stopping to refuel – aircraft that are too large for CRQ as it is currently classified by the FAA. *The County wants to spend taxpayer dollars to lengthen an airport runway to accommodate private aircraft that are using our airport against FAA classifications.*

My research has found that the majority of middle of the night flights is flown by these private jets. This is the quietest time of the day with virtually no other external noise, when most citizens are sleeping, often with windows open. *These jets are not good neighbors and have no regard for the community they are flying over and obviously do not abide with the Fly Friendly Program.* There are NO penalties for pilots who do not follow the Fly Friendly Program. Can you imagine what our roadways would be like if there were no penalties for infractions? And I am certain should this runway extension happen and the aircraft class be enlarged, even still larger aircraft will come to CRQ and runway needed to be extended once again, **allowing and rewarding bad behavior** all at taxpayer expense, while negatively impacting the quality of life of our community.

There is a study, 1974 New York Public School 98 - Effect of elevated train Noise on Children's Reading Ability where children were subjected to elevated 89 dB average decibel levels compared to the normal 59 dB throughout other parts of the schools. This could be compared to flight arrivals and departures. Within a five mile radius of CRQ, there are 56 schools, 68 parks and open spaces, 19 retirement/senior communities, 28 churches and 9 golf courses. Should this expansion be approved it will affect our communities for generations to come. It is interesting that those proposing this project will not be personally affected by this project; they don't live in Carlsbad and most don't work

in Carlsbad. Airports all over the country are experiencing greater and greater impact from overhead aircraft, but Carlsbad has the right to have a vote on this extension. I respectfully request that you take ownership and vote YES to allow the citizens to vote on this issue.

Respectfully,  
Suzanne Thorley  
Carlsbad Home Owner since 1978

## Tammy McMinn

---

**From:** Jason Haber  
**Sent:** Thursday, February 15, 2018 2:03 PM  
**To:** City Clerk  
**Subject:** FW: Carlsbad Palomar Airport

Airport item – 2/20?

Jason

---

**From:** Gary Barberio  
**Sent:** Wednesday, January 10, 2018 1:47 PM  
**To:** Jason Haber <Jason.Haber@carlsbadca.gov>  
**Subject:** FW: Carlsbad Palomar Airport

fyi

---

**From:** Tammy McMinn  
**Sent:** Wednesday, January 10, 2018 12:37 PM  
**To:** Barbara Engleson <[Barbara.Engleson@carlsbadca.gov](mailto:Barbara.Engleson@carlsbadca.gov)>; Kevin Crawford <[Kevin.Crawford@carlsbadca.gov](mailto:Kevin.Crawford@carlsbadca.gov)>; Marisa Lundstedt <[Marisa.Lundstedt@carlsbadca.gov](mailto:Marisa.Lundstedt@carlsbadca.gov)>; Gary Barberio <[Gary.Barberio@carlsbadca.gov](mailto:Gary.Barberio@carlsbadca.gov)>  
**Cc:** Sheila Cobian <[Sheila.Cobian@carlsbadca.gov](mailto:Sheila.Cobian@carlsbadca.gov)>; Morgen Fry <[Morgen.Fry@carlsbadca.gov](mailto:Morgen.Fry@carlsbadca.gov)>; Andrea Dykes <[Andrea.Dykes@carlsbadca.gov](mailto:Andrea.Dykes@carlsbadca.gov)>; Kira Linberg <[Kira.Linberg@carlsbadca.gov](mailto:Kira.Linberg@carlsbadca.gov)>  
**Subject:** FW: Carlsbad Palomar Airport

Good Afternoon Mayor and Council Members,

Below is an email received in the Clerk inbox for your information.

Thank you,  
Tammy~



Tamara McMinn  
Deputy City Clerk  
City of Carlsbad  
1200 Carlsbad Village Dr.  
Carlsbad, CA 92008  
[www.carlsbadca.gov](http://www.carlsbadca.gov)



P: 760-434-2953  
F: 760-720-6917  
E: [tammy.mcminn@carlsbadca.gov](mailto:tammy.mcminn@carlsbadca.gov)



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**From:** Marcinko, Marie C.  
**Sent:** Tuesday, January 09, 2018 11:15 PM  
**To:** City Clerk <[Clerk@carlsbadca.gov](mailto:Clerk@carlsbadca.gov)>  
**Subject:** Carlsbad Palomar Airport

To Who May Concern:

I am writing this letter in regards to the Palomar Airport and the recent change in flight paths for the propeller planes and CalJet at the Palomar Airport. I live in Carlsbad on Paseo Del Norte and ever since August of last year, the noise from the prop planes as well as the jets has been unbearable. I have lived in the same Carlsbad condo for fourteen years and have never experienced this type of excessive and consistent noise. This occurs every day and even during the "voluntary quiet hours" that the airport suggests for the pilots to follow. I am asking you, as a city council member, to seriously consider not granting the airport permission to expand the runway until these issues have been addressed, discussed and resolved. Below are just a few of the reasons that I am asking for assistance with this issue.

1. I cannot open my doors and windows because the noise from the propeller planes is so frequent and loud that I cannot carry on phone conversations for my business.
2. Jets and propeller planes do not follow the suggested quiet hours. In addition, flying can begin as early as 6am and wake my husband and I up during the week as well as on weekends. Because I am in sales, I work late and do not retire until 1 or 2am.
3. Both the jets and the propeller planes do not follow the suggested flight paths and consistently fly over our complex when they should not be taking this route.
4. Below is a three hour time frame on Oct 23<sup>rd</sup> of what I am being subjected to during the day. Almost all flying directly over our complex.

Plane noise on 10/23/17

I began to document the planes in the afternoon.

12:00pm	twin engine
12:02pm	twin engine
12:13pm	twin engine
12:15pm	twin engine
12:17pm	twin engine
12:18pm	twin engine
12:21pm	twin engine
12:27pm	twin engine
12:30pm	twin engine
12:32pm	twin engine
12:35pm	twin engine
12:39pm	twin engine

12:40pm	jet
12:45pm	twin engine
12:46pm	twin engine
12:47pm	jet
12:51pm	twin engine
12:53pm	twin engine
1:08pm	twin engine
1:10pm	twin engine
1:12pm	jet
1:20pm	twin engine

As I reach out to the community using social media, I have been made aware that there are many individuals noticing the significant noise increase in recent months. Furthermore, I have reached out to Jessica Turner at the Palomar Airport who is the Community Relations Director. Even though she has been very responsive to my questions, there is very little that she can do change this serious issue.

Therefore, as a long-time resident of Carlsbad, I am asking you not to grant approval to lengthen the runway at this time. With even more future flights planned, there needs to be a discussion between residents and the airport on how we can work together and come up with a positive solution for both parties. It is unethical that we as residents are now being subjected to a 20X-30X increase in plane noise produced by both the propeller planes and CalJet. A restricted flight path and quiet hours must be implemented as the airport continues to grow. If not, this issue will become even more of a problem as flights increase, heavier payload planes are utilized and the issue will not just be in my complex, but will affect every neighborhood that lies in the flight paths.

**Thank you,**

**Marie Marcinko M.S.**

Chemical Application Specialist  
Fisher Scientific

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## **Tammy McMinn**

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**From:** Jason Haber  
**Sent:** Thursday, February 15, 2018 2:07 PM  
**To:** City Clerk  
**Subject:** FW: McClellan-Palomar Airport Master Plan Public Comment Period

For airport item – 2/20.

Jason

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**From:** Hope Nelson  
**Sent:** Monday, January 22, 2018 4:51 PM  
**To:** PalomarMP@sdcounty.ca.gov; Leeann.Lardy@sdcounty.ca.gov; Nick.Alex@sdcounty.ca.gov; Cynthia.Curtis@sdcounty.ca.gov  
**Cc:** Mark Packard <Mark.Packard@carlsbadca.gov>; Michael Schumacher <michael.schumacher@carlsbadca.gov>; Keith Blackburn <Keith.Blackburn@carlsbadca.gov>; Cori Schumacher <Cori.Schumacher@CarlsbadCA.gov>; Matthew Hall <Matt.Hall@carlsbadca.gov>; Manager Internet Email <Manager@CarlsbadCA.gov>; Jason Haber <Jason.Haber@carlsbadca.gov>  
**Subject:** McClellan-Palomar Airport Master Plan Public Comment Period

To the attention of Cynthia Curtis, Leeann Lardy and Nick Alex:

I am writing to request an extension of the Public Response Period for the McClellan-Palomar Airport Master Plan Update and associated documents. My reasoning regarding why this serves the community is as follows. I think you will find it both logical and perhaps, as I did, astounding.

1. After 4 years of County effort on the project, the County neglected to publish a date certain for the release of the documents prior to their release. Surely the County knew when these documents would be released and could have begun the notification process weeks prior. That said, it simply was not done. It takes time for citizens to become aware, after so many previous delays, that these documents have finally been released.

2. Per Nick Alex's presentation of the McClellan-Palomar Airport Master Plan at the January 18 PAAC Meeting, the County, using it's email list, sent out only somewhere around 2,600 emails informing the public of the Document's release. The McClellan-Palomar Airport Master Plan outcome will impact approximately 215,000 people living within the Airport's impact area. The County has a fiduciary responsibility to its community and should be making a stronger effort to communicate with ALL CITIZENS who may be impacted by the McClellan-Palomar Airport Master Plan.

3. The documents total 3529 pages. That is an extremely large amount of dense, technical data. Further, technical experts and County staff took 4 years to prepare the docs. Those involved have specific technical expertise in their fields. The expectation that many lay citizens will get through this long, dense and highly technical doc in the current 45 day Public Comment Period is completely unrealistic.

4. Current access to the Master Plan docs is online only. Copies that, per Nick, were to be provided to libraries are not yet available in Carlsbad. I personally checked Fri, 1/19/18, approx. 3pm. I would suggest the County needs to facilitate the availability of hard copy to many more public locations in the cities of Carlsbad, Vista, San Marcos and Oceanside. We have already lost 4 days from the tightly formulated schedule. Also, there needs to be a provision for the County to make hard copies available at County cost for those who request them.

5. The only item regarding submitting comments is this, from  
[www.sandiegocounty.gov/content/sdc/dpw/airports/palomar/masterplan.html](http://www.sandiegocounty.gov/content/sdc/dpw/airports/palomar/masterplan.html)

## Public Review Comments

E-mail: [PalomarMP@sdcounty.ca.gov](mailto:PalomarMP@sdcounty.ca.gov)

**Mail:** County of San Diego, Department of Public Works  
Attn: Cynthia Curtis  
5510 Overland Avenue, Suite 410  
San Diego, CA 92123

Nowhere is there any information delineating the EIR Process, instructions, or any format within which to comment. This lack of information is unacceptable as the County is making a real effort to obtain community response. This needs to be corrected.

The proposed McClellan-Palomar Airport Master Plan will most likely have more impact on more people and the future of the San Diego North County than any other singular development in the area. Because the roll out of the McClellan-Palomar Airport Master Plan does not match with the impact of Plan, I respectfully request an extension of 100 days from the date the above distribution and facilitations have been made.

Many thanks for your consideration,

Hope Nelson

C4fa Steering Committee

Carlsbad Citizen



## Tammy McMinn

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**From:** Jason Haber  
**Sent:** Thursday, February 15, 2018 2:11 PM  
**To:** City Clerk  
**Subject:** FW: Airport & Crime

For airport item – 2/20.

Jason

**From:** "Dee Forsberg, Global Hire"  
**Date:** February 8, 2018 at 8:20:42 AM PST  
**To:** "[keith.blackburn@carlsbadca.gov](mailto:keith.blackburn@carlsbadca.gov)" <[keith.blackburn@carlsbadca.gov](mailto:keith.blackburn@carlsbadca.gov)>  
**Subject:** Airport & Crime  
**Reply-To:** "Dee Forsberg, Global Hire"

Hello Mr. Blackburn,

I would like to know where you stand on the citizens being able to vote regarding the airport expansion? Although, some are trying to paint it as not an expansion, it is an expansion. I've resided in Carlsbad for several years and in the same area. The noise is getting worse, the pollution is increasing, you can smell fuel as it is dropped and I have real concern about safety. There have been reported incidents of planes flying at 500 feet above my home!

My second question pertains to crime in the area. As you know, there have been several garage and car break-ins and just yesterday, two of my neighbor's garages were attempted and/or broken into. It is just a matter of time before someone comes across the individuals who are conducting these crimes, and I am afraid someone is going to get hurt. What is the city doing to get it under control?

Thank you for your service.



**Tammy McMinn**

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**From:** Jason Haber  
**Sent:** Thursday, February 15, 2018 2:30 PM  
**To:** City Clerk  
**Subject:** FW: Palomar Airport

Airport item – 2/20.

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**From:** Robert Derderian  
**Sent:** Wednesday, November 29, 2017 11:02 AM  
**To:** '[matt.hall@carlsbadca.gov](mailto:matt.hall@carlsbadca.gov)'  
**Subject:** Palomar Airport

Mr. Hall,

I am totally disgusted with the way you and the rest of the Carlsbad City officials are handling this Palomar Airport expansion issue. Would you please look up the definition of 'representative' and make an attempt at actually 'representing' the taxpaying citizens of our wonderful City of Carlsbad instead of catering to a handful of special interest people like developers, political donors, airline companies, corporate elites and cronies. You and the City Council are not looking out for the interests of the Carlsbad citizens concerning the negative effects this expansion of the airport will have on the majority of the residents but rather for the interests of this handful of people and/or possibly even your own and the City Council's self-serving interests --- recently, you and the City Council made it entirely clear to the general public that you didn't and don't represent US when WE finally had to force a vote of the people for the 'flower field shopping center' fiasco and WE voted the exact opposite of your unanimous 'yes' vote! --- I have to say that I am ashamed that I voted for you at the last election --- Obviously my own mistake which will NEVER happen again, I can assure you!

Why are you and the City Council ignoring the Carlsbad Municipal Code Title 21 Zoning Chapter 21.53.015 ? It is clear to me that it states the following: (1) Any expansion of the airport requires a vote of the qualified electors of the City of Carlsbad and (2) The requirement of this Code shall not be repealed. What seems to be so difficult in understanding and implementing this requirement? As a taxpayer in Carlsbad since 1981, I believe that I am entitled to and expect to receive a response to these two questions without the response being a 'canned' response.

Bob Derderian  
Carlsbad Resident since 1981

New GP

Old GP

Comparison Table 1 – Land Use and Community Design Element

PROPOSED LAND USE AND COMMUNITY DESIGN ELEMENT	EXISTING LAND USE ELEMENT
<i>Goals – Land Use</i>	<i>Goals, Objectives and Policies</i>
<p><b>2-G.11</b> Provide industrial lands that can accommodate a wide range of pollution-free industrial establishments, including those of relatively high intensity; research and development and related uses set in campus or park-like settings; as well as moderate to low intensity establishments capable of being located adjacent to residential areas with minimal buffering and attenuation measures.</p>	<p><i>[Goal - Industrial]</i> A City which develops an industrial base of light, pollution-free industries of such magnitude as will provide a reasonable tax base and a balance of opportunities for employment of local residents.</p> <p><i>[Objectives - Industrial]</i> B.1 To provide industrial lands which can accommodate a wide range of industrial uses, including those of relatively high intensity, while minimizing negative impacts to surrounding land uses.</p> <p>B.2 To provide and protect industrial lands for the development of communities of high technology, research and development industries and related uses set in campus or park-like settings.</p> <p>B.3 To provide and protect industrial lands which can accommodate a wide range of moderate to low intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures.</p>
<p><b>2-G.12</b> Ensure adequate provision of community-serving facilities such as child daycare facilities, places of worship, educational institutions and schools.</p>	<p><i>[Goal - Community Facilities]</i> A City which provides land for child daycare facilities, places of worship, educational institutions or schools, and other community services facilities.</p>
<p><b>2-G.13</b> Maintain land use compatibility between McClellan-Palomar Airport and surrounding land uses, and encourage the airport's continued operations while ensuring it does not unduly impact existing neighborhoods and communities.</p>	<p><i>[Goal - Airport]</i> A City which maintains land use compatibility between McClellan-Palomar Airport and surrounding land uses.</p> <p><i>[Objective - Airport]</i> B.1 To encourage the continued operation of McClellan-Palomar Airport.</p>

All Receive - Agenda Item # 3

For the Information of the:

CITY COUNCIL

ACM ☒ CA ☒ CC ☒Date 2/20/18 City Manager ☒

Comparison Table 1 – Land Use and Community Design Element

PROPOSED LAND USE AND COMMUNITY DESIGN ELEMENT	EXISTING LAND USE ELEMENT
<i>Policies - McClellan-Palomar Airport</i>	<i>Goals, Objectives and Policies</i>
<p><b>2-P.375</b> Require new development located in the Airport Influence Area (AIA) to comply with applicable land use compatibility provisions of the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP) through review and approval of a site development plan, or other development permit. Unless otherwise approved by City Council, development proposals must be consistent or conditionally consistent with applicable land use compatibility policies with respect to noise, safety, airspace protection, and overflight notification, as contained in the McClellan-Palomar ALUCP. Additionally, development proposals must meet Federal Aviation Administration (FAA) requirements with respect to building height as well as the provision of obstruction lighting when appurtenances are permitted to penetrate the transitional surface (a 7:1 slope from the runway primary surface). Consider San Diego County <u>Regional Airport Authority</u> Airport Land Use Commission recommendations in the review of development proposals.</p>	<p><i>[Policy - Airport]</i></p> <p>C.1 Require new development located in the Airport Influence Area (AIA) to comply with applicable land use compatibility provisions of the McClellan-Palomar Airport Land Use Compatibility Plan through review and approval of a site development plan, planned industrial permit, or other development permit. Unless otherwise approved by City Council, development proposals must be found by the local decision-making body to be consistent or conditionally consistent with applicable land use compatibility policies with respect to noise, safety, airspace protection, and overflight notification, as contained in the McClellan-Palomar Airport Land Use Compatibility Plan. Additionally, development proposals must meet FAA requirements with respect to building height as well as the provision of obstruction lighting when appurtenances are permitted to penetrate the transitional surface (a 7:1 slope from the runway primary surface). Consider San Diego County Airport Land Use Commission recommendations in the review of development proposals.</p>
<p><b>2-P.386</b> Coordinate with the San Diego County <u>Regional Airport Authority</u> Airport Land Use Commission and the FAA to protect public health, safety and welfare by ensuring the orderly operation of the airport and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the airport.</p>	<p><i>[Policy - Airport]</i></p> <p>C.2 Coordinate with the San Diego County Airport Land Use Commission and the Federal Aviation Administration to protect public health, safety and welfare by ensuring the orderly operation of the Airport and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the airport.</p>
<p><b>2-P.397</b> Prohibit <u>approval of any zone change, general plan amendment or other legislative action that authorizes the geographic expansion of McClellan-Palomar Airport, unless authorized to do so</u> approved by a majority vote of the Carlsbad electorate. (Section 21.53.015, Carlsbad Municipal Code.)</p>	<p><i>[Objective - Airport]</i></p> <p>B.2 To prohibit the expansion of McClellan-Palomar Airport unless approved by a majority vote of the Carlsbad electorate. (Section 21.53.015, Carlsbad Municipal Code.)</p>



Comparison Table 1 – Land Use and Community Design Element

PROPOSED LAND USE AND COMMUNITY DESIGN ELEMENT	EXISTING LAND USE ELEMENT
<i>Policies - Community Character and Design</i>	<i>Goals, Objectives and Policies</i>
<p><b>2-P.453</b> Evaluate each discretionary application for development of property with regard to the following specific criteria:</p> <ol style="list-style-type: none"> <li>Site design and layout of the proposed buildings in terms of size, height and location, to foster harmony with landscape and adjacent development.</li> <li>Site design and landscaping to provide buffers and screening where appropriate, conserve water, and reduce erosion and runoff.</li> <li>Building design that enhances neighborhood quality, and incorporates considerations of visual quality from key vantage points, such as major transportation corridors and intersections, and scenic vistas.</li> <li>Site and/or building design features that will reduce greenhouse gas emissions over the life of the project, as outlined in the Climate Action Plan.</li> <li>Provision of public and/or private usable open space and/or pathways designated in the Open Space, Conservation, and Recreation Element.</li> <li>Contributions to and extensions of existing systems of streets, foot or bicycle paths, trails, and the greenbelts provided for in the Mobility, and Open Space, Conservation, and Recreation elements of the General Plan.</li> <li>Compliance with the performance standards of the Growth Management Plan.</li> <li>Development proposals which are designed to provide safe, easy pedestrian and bicycle linkages to nearby transportation corridors.</li> <li>Provision of housing affordable to lower and/or moderate-income households.</li> <li>Policies and programs outlined in Local Coastal Program where applicable.</li> <li>Consistency with applicable provisions of the Airport Land Use Compatibility Plan for McClellan-Palomar Airport.</li> </ol>	<p><i>[Policies - Overall Land Use Pattern]</i></p> <ol style="list-style-type: none"> <li>Review the architecture of buildings with the focus on ensuring the quality and integrity of design and enhancement of the character of each neighborhood.</li> <li>Evaluate each application for development of property with regard to the following specific criteria: <ol style="list-style-type: none"> <li>Site design quality which may be indicated by the harmony of the proposed buildings in terms of size, height and location, with respect to existing neighboring development.</li> <li>Site design quality which may be indicated by the amount and character of landscaping and screening.</li> <li>Site design quality which may be indicated by the arrangement of the site for efficiency of circulation, or on-site and off-site traffic safety, privacy, etc.</li> <li>The provision of public and/or private usable open space and/or pathways designated in the Open Space and Parks and Recreation Elements.</li> <li>Contributions to and extensions of existing systems of foot or bicycle paths, equestrian trails, and the greenbelts provided for in the Circulation, Parks and Recreation and Open Space Elements of the General Plan.</li> <li>Compliance with the performance standards of the Growth Management Plan.</li> <li>Development proposals which are designed to provide safe, easy pedestrian and bicycle linkages to nearby transportation corridors.</li> <li>The provision of housing affordable to lower and/or moderate income households.</li> <li>Policies and programs outlined in Local Coastal Programs where applicable.</li> </ol> </li> </ol>

Comparison Table 2 – Mobility Element

PROPOSED MOBILITY ELEMENT	EXISTING CIRCULATION ELEMENT
<i>Policies – Parking and Demand Management</i>	<i>Goals, Objectives, Policies and Programs</i>
<b>3-P.397</b> Consider supporting new development and existing businesses with various incentives (such as parking standards modifications) for implementing TDM programs that minimize the reliance on single-occupant automotive travel during peak commute hours.	<i>[Policy – Alternative Modes of Transportation]</i> C.21 Encourage commuter usage of buses, carpools and vanpools through a combination of employer incentives, public education programs and construction of safe, convenient and aesthetically pleasing transfer facilities.
<i>Policies – Rail and Truck Movement</i>	
<b>3-P.3840</b> Identify and update truck routes within the city that provide sufficient turning radii and other design attributes to support large vehicles on those facilities.	<i>[Policy – Streets and Traffic Control]</i> C.2 Establish a network of truck routes throughout the City to provide for the safe movement of trucks into and out of commercial zones while reducing conflicts with traffic in residential, school and recreational areas.
<b>3-P.3941</b> Coordinate with other agencies and private entities to investigate methods of improving service, implementing a quiet zone, and enhancing connectivity and safety along the rail corridor; <u>such as through development of a grade separated rail corridor that includes grade separated street crossings at Grand Avenue, Carlsbad Village Drive, Tamarack Avenue and Cannon Road, as well as new pedestrian and bicycle crossings at Chestnut Avenue, Chinguapin Avenue and the Village and Poinsettia COASTER stations.</u>	
<i>Policies – Air Movement</i>	
<b>3-P.420</b> Work with <u>the County of San Diego County</u> and other agencies to ensure continued safe and efficient operation of the McClellan-Palomar Airport, consistent with the Carlsbad Community Vision and existing city policy.	<i>[Policy – Air Transportation]</i> Coordinate with the San Diego County Airport Land Use Commission and the Federal Aviation Administration to protect public health, safety and welfare by ensuring the orderly operation of the Airport and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the airport.

Comparison Table 4 – Noise Element

PROPOSED NOISE ELEMENT	EXISTING NOISE ELEMENT
<i>Goals</i>	<i>Goals, Objectives, Policies and Programs</i>
<b>5-G.1</b> Protect public health and welfare by eliminating existing noise problems where feasible, maintaining an acceptable indoor and outdoor acoustic environment, and preventing significant degradation of the acoustic environment.	<i>[Goal – General]</i> A City which is free from excessive, objectionable, or harmful noise.
	<i>[Objective – General]</i> B.2 To control harmful or undesirable noise.
	<i>[Objective – General]</i> B.3 To protect the hearing and well-being of Carlsbad residents and visitors.
<b>5-G.2</b> Ensure that new development is compatible with the noise environment, by continuing to use potential noise exposure as a criterion in land use planning.	<i>[Goal – Land Use]</i> A.1 A City where land uses are not significantly impacted by noise.
	<i>[Objective – Land Use]</i> B.2 To achieve noise impact compatibility between land uses through the land use planning/development review process.
<b>5-G.3</b> Guide the location and design of transportation facilities, industrial uses and other potential noise generators to minimize the effects of noise on adjacent land uses.	<i>[Goal – Land Use]</i> A.2 A City with industrial and commercial land uses which do not produce significantly adverse noise impacts.
	<i>[Goal – Land Use]</i> A.3 A City which controls mobile sources of noise to help assure that mobile noise sources do not substantially contribute to the noise environment.
	<i>[Goal – Roads]</i> To provide a roadway system that does not subject surrounding land uses to significantly adverse noise levels.
	<i>[Goal – Rail]</i> Noise from railroad travel through Carlsbad is not disruptive to adjacent land uses and activities.
<b>5-G.4</b> Ensure long-term compatibility between the airport and surrounding land use.	<i>[Goal – Airport]</i> A City that achieves long-term compatibility between the airport and surrounding land use.
<b>5-G.5</b> Foster healthy and productive work environments that do not cause hearing damage or other adverse noise related health impacts to workers in Carlsbad.	<i>[Goal – Employment]</i> A City with healthy and productive work environments that do not cause hearing damage or other adverse noise related health impacts to workers in the City of Carlsbad.

Comparison Table 4 – Noise Element

PROPOSED NOISE ELEMENT	EXISTING NOISE ELEMENT
<i>Policies – Land Use and Noise Compatibility</i>	<i>Goals, Objectives, Policies and Programs</i>
<p><b>5-P.7 Mitigation Cost.</b> The City of Carlsbad shall not fund mitigation of existing or future noise impacts from streets, railroad, airport or any other source for existing or future private development within the city.</p>	<p><i>[Policy – Land Use]</i></p> <p>C.8 Recognize that mitigation of existing or future noise impacts from Circulation Element roadways, AT&amp;SF railroad or McClellan-Palomar Airport for existing or future development within the City, shall not be funded by the City. However, the City shall assist applicants with the processing of necessary permits for mitigating noise on private property, which permits may include right-of-way permits, encroachment permits, retaining wall permits and zoning variances. The City shall also assist property owners in the establishment of assessment districts, to fund noise mitigation improvements, in accordance with established City policies and procedures.</p>
<p><b>5-P.8 Noise Guidelines Manual.</b> Update the Noise Guidelines Manual to ensure consistency with General Plan standards and policies, and contemporary practices.</p>	
<i>Policies – Motor Vehicle/Roadway Noise</i>	
<p><b>5-P.9</b> Continue to enforce the California Motor Vehicle Code as it applies to excessive noise. The Carlsbad Police Department should continue to reduce the number of excessively noisy vehicles on city streets and deter persons from operating their motor vehicles in a noisy manner.</p>	<p><i>[Policy – Land Use]</i></p> <p>C.4 Continue to enforce the State Motor Vehicle Code as it applies to excessive noise. The Carlsbad Police Department should continue to reduce the number of excessively noisy vehicles on city streets. The Department should also continue to deter persons from operating their motor vehicles in a noisy manner.</p>
<p><b>5-P.10</b> Consider noise impacts in the design of road systems and give special consideration to noise sensitive areas; <u>to the greatest extent possible, the design of roads should minimize roadway noise to levels acceptable to surrounding areas.</u></p>	<p><i>[Policy – Circulation Roads]</i></p> <p>C.2 Consider noise impacts in the design of road systems and give special consideration to those road corridors in scenic or noise sensitive areas.</p>
<p><b>5-P.11</b> Review traffic flow systems and, wherever possible, synchronize signalization and/or implement other traffic flow improvements to avoid traffic stops and starts, and adjust traffic flow to achieve noise levels acceptable to surrounding areas.</p>	<p><i>[Policy – Circulation Roads]</i></p> <p>C.3 Review traffic flow systems and synchronize signalization, wherever possible to avoid traffic stops and starts, which produce excessive noise, and to adjust traffic flow to achieve noise levels acceptable to surrounding areas.</p>

Comparison Table 4 – Noise Element

PROPOSED NOISE ELEMENT	EXISTING NOISE ELEMENT
<i>Policies – Airport Noise</i>	<i>Goals, Objectives, Policies and Programs</i>
<b>5-P.12</b> Use the noise policies in the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP) to determine acceptability of a land use within the airport's influence area (AIA) as depicted in the ALUCP. Additional disclosure actions for new development in the AIA, such as aviation easements, deed restrictions, recorded notice, etc., are required of developers/sellers of noise impacted residential units.	<i>[Policy – Airport]</i> C.1 Encourage the development of compatible land uses and restrict incompatible land uses surrounding airport facilities.
	<i>[Policy – Airport]</i> C.5 Discourage the development of residential projects with exterior noise levels in excess of 65 dBA CNEL as caused by airport/aircraft operations. The City recognizes that noise levels of 65 dBA CNEL, as caused by aircraft operations, are generally incompatible with developments of residential uses and such developments should not be permitted within the 65 dBA CNEL Airport Noise Contour (See Map 3: Compatibility Policy Map: Noise). However, if residential projects are approved, the City will require aviation easements to be placed over lots within new residential development projects located within the 65 dBA CNEL noise contour as mapped on Map 3: Compatibility Policy Map: Noise.
<b>5-P.14</b> Recognize that procedures for the abatement of aircraft noise have been identified in the Fly Friendly Program for McClellan-Palomar Airport. The city expects the widespread dissemination of, and pilot adherence to, the adopted procedures.	<i>[Policy – Airport]</i> C.3 Recognize that procedures for the abatement of aircraft noise have been identified in the Fly Friendly Program for McClellan-Palomar Airport. The City expects the widespread dissemination of, and pilot adherence to, the adopted procedures.
<b>5-P.15</b> Expect the airport to control noise <u>(to the extent of its limited authority granted by the Federal Aviation Administration to indirectly regulate aircraft noise through airport design and scheduling)</u> while the city shall control land-use thus sharing responsibility for achieving and maintaining long-term noise/land-use compatibility in the vicinity of McClellan-Palomar Airport.	<i>[Policy – Airport]</i> C.4 Expect the airport to control noise while the City shall control land-use thus sharing responsibility for achieving and maintaining long-term noise/land-use compatibility in the vicinity of McClellan-Palomar Airport.
<b>5-P.16</b> Require new nonresidential development to comply with the noise compatibility criteria in the ALUCP. Require dedication of aviation easements for new developments designated as conditionally compatible for noise in the ALUCP, and which are located within the 65 dB CNEL noise contour as mapped on Figure 5-4: Airport Noise Compatibility Policy Map.	<i>[Policy – Airport]</i> C.6 New nonresidential development should comply with the noise compatibility criteria in the McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP). The City will require dedication of aviation easements for new developments designated as conditionally compatible for noise in the ALUCP, and which are located within the 65

Comparison Table 5 – Public Safety Element

PROPOSED PUBLIC SAFETY ELEMENT	EXISTING PUBLIC SAFETY ELEMENT
<i>Goals</i>	<i>Goals, Objectives, Policies and Programs</i>
6-G.1 Minimize injury, loss of life, and damage to property resulting from fire, flood, hazardous material release, or seismic disasters.	<i>[Goal – Geology and Seismic Safety]</i> A City which minimizes injury, loss of life, and damage to property resulting from potential geologic and seismic disasters.
	<i>[Goal – Flood Hazards]</i> A City which minimizes injury, loss of life, and damage to property resulting from the occurrence of floods.
	<i>[Goal – Hazardous Materials]</i> A City which minimizes injury, loss of life, and damage to property resulting from hazardous materials disaster occurrence.
6-G.2 Minimize safety hazards related to aircraft operations in areas around the McClellan-Palomar Airport.	<i>[Goal – Airport Hazards]</i> A City which minimizes noise and safety hazards within areas around the airport.
6-G.3 Maintain safety services that are responsive to citizens' needs to ensure a safe and secure environment for people and property in the community.	<i>[Goal – Fire and Emergency Medical Services]</i> A.1 A City which minimizes the injury, the loss of life and damage to property resulting from fire hazards.
	<i>[Goal – Disaster Preparedness]</i> A City which provides for emergency response during and after catastrophic events.
	<i>[Goal – Crime Hazards]</i> A City which minimizes injury, loss of life, and damage to property resulting from crime.
6-G.4 Minimize safety hazards related to emergency service, automobile, bicycle and pedestrian access across the railroad.	

Comparison Table 5 – Public Safety Element

PROPOSED PUBLIC SAFETY ELEMENT	EXISTING PUBLIC SAFETY ELEMENT
<i>Policies – Geology and Seismicity</i>	<i>Goals, Objectives, Policies and Programs</i>
<p><b>6-P.17</b> Continue to regulate development, including remodeling or structural rehabilitation, to ensure adequate mitigation of safety hazards on sites having a history or threat of seismic dangers, erosion, subsidence, or flooding.</p>	<p>[Policy – Geology and Seismic Safety]</p> <p>C.12 Require installation of appropriate siltation and erosion control measures on proposed building and development sites wherever there is a potential for soil erosion.</p>
	<p>[Policy – Geology and Seismic Safety]</p> <p>C.17 Design all structures in accordance with the seismic design standards of the Uniform Building Code and State building requirements.</p>
<i>Policies – Airport Hazards</i>	
<p><b>6-P.18</b> Ensure that development in the McClellan-Palomar Airport Influence Area is consistent with the land use compatibility policies contained in the McClellan-Palomar Airport Land Use Compatibility Plan.</p> <p><i>See also policies in the Land Use and Community Design Element related to McClellan-Palomar Airport.</i></p>	<p>[Policy – Airport Hazards]</p> <p>C.3 Review development proposals in the Airport Influence Area to ensure consistency with applicable land use compatibility policies contained in the McClellan-Palomar Airport Land Use Compatibility Plan and to ensure that design features are incorporated into proposed site plans which specifically address aircraft crash and noise hazards.</p>
<i>Policies – Railroad Hazards</i>	
<p><b>6-P.19</b> <u>Coordinate with other agencies and private entities to investigate methods of improving service safety along and across the rail corridor; such as through development of a grade separated rail corridor that includes grade separated street crossings at Grand Avenue, Carlsbad Village Drive, Tamarack Avenue and Cannon Road, as well as new pedestrian and bicycle crossings at Chestnut Avenue, the Village and Poinsettia COASTER stations, and other appropriate locations.</u></p> <p><i>See also policies in the Mobility and Noise Elements related to the railroad.</i></p>	



Minutes of: PLANNING COMMISSION  
Time of Meeting: 6:00 P.M.  
Date of Meeting: November 3, 2004  
Place of Meeting: COUNCIL CHAMBERS

All Receive - Agenda Item # 3

For the Information of the:  
CITY COUNCIL

ACM ☒ CA ☒ CC ☒  
Date 2/20/05 City Manager ☒

### CALL TO ORDER

Planning Commission Chairperson Whitton called the Regular Meeting to order at 6:00 p.m.

### PLEDGE OF ALLEGIANCE

Commissioner Segall led the pledge of allegiance.

### ROLL CALL

Present: Chairperson Whitton, Commissioners Baker, Cardosa, Dominguez, Heineman, Montgomery and Segall

Staff Present: Don Neu, Assistant Planning Director  
Jane Mobaldi, Assistant City Attorney  
Michele Masterson, Management Analyst  
Van Lynch, Senior Planner  
Christer Westman, Senior Planner  
Mike Grim, Senior Planner  
Greg Fisher, Assistant Planner  
Bob Wojcik, Deputy City Engineer – Development Services  
John Maashoff, Associate Engineer

### APPROVAL OF MINUTES

Commissioner Dominguez stated that the minutes from the previous meeting incorrectly identified him as the person who made several motions. Commissioner Baker made all the motions that night.

### MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, to approve the minutes of the Regular Meeting of October 20, 2004 as amended.  
VOTE: 7 – 0  
AYES: Chairperson Whitton, Commissioners Baker, Cardosa, Dominguez, Heineman, Montgomery and Segall  
NOES: None

Chairperson Whitton directed everyone's attention to the slide on the screen to review the procedures the Commission would be following for that evening's public hearing.

### COMMENTS FROM THE AUDIENCE ON ITEMS NOT LISTED ON THE AGENDA

None.

### PUBLIC HEARINGS

Chairperson Whitton opened the public hearing and asked Assistant Planning Director, Don Neu, to introduce the first item.

2. CT 97-13x1/HDP 97-10x1/PIP 02-02x1/SUP 97-07x1 – CARLSBAD OAKS NORTH – Request for a one-year extension of time to allow for a Tentative Map, Hillside Development Permit, Planned Industrial Permit and Flood Plain Special Use Permit to be approved on property generally located north of Palomar Airport Road between El Camino Real and the City's eastern boundary in Local Facilities Management Zone 16.



3. **CT 98-10x2/HDP 98-09x1/PIP 01-01x1 – CARLSBAD RACEWAY BUSINESS PARK** – Request for a one-year extension of time for a Tentative Map, Hillside Development Permit and a Planned Industrial Permit to be approved on property located north of Palomar Airport Road between Melrose Drive and Business Park Drive in Local Facilities Management Zone 18.

Mr. Neu stated that the Final Maps for Items 2 and 3 had been approved by City Council on Tuesday November 3, 2004 and therefore these agenda items had been withdrawn.

1. **CT 00-20x1/HDP 00-11x1/SUP 00-10x1 – FOX MILLER PROPERTY** – Request for a one-year extension of time for a Tentative Map, Hillside Development Permit, and Special Use Permit for the Fox Miller Property located adjacent and west of El Camino Real, north of Faraday Avenue and south of College Boulevard in Local Facilities Management Zone 5.
4. **CDP 04-18 – OLIVER RESIDENCE** – Request for approval of a Coastal Development Permit to allow for the construction of a new single-family residence within the City's Coastal Zone located along the west side of Surfside Lane south of Island Way within the La Costa Downs subdivision (Specific Plan 201) within Local Facilities Management Zone 22.
5. **CUP 17(B) – NORTH COAST CHRISTIAN FELLOWSHIP** – Request for approval of a Conditional Use Permit Amendment to increase building area on an existing church site through the installation of two modular classroom buildings at 3254 Eureka Place in Local Facilities Management Zone 1.
6. **CUP 99-06(B) – PALOMAR AIRPORT SELF-STORAGE** – Request for a Conditional Use Permit Amendment to allow the conversion of 6,181 square feet of existing office to self-storage use and a 16,420 square foot expansion to an existing self-storage facility, generally located on the west side of Corte del Abeto, between Palomar Airport Road and Corte del Nogal, in Local Facilities Management Zone 5.
7. **CUP 04-20 – BRESSI RANCH RV STORAGE YARD** – Request for a determination that the project is within the scope of the previously certified Bressi Ranch Master Plan Final Program EIR and that the Program EIR adequately describes the activity for the purposes of CEQA; and a request for approval of a Conditional Use Permit to allow for the construction of a common recreational vehicle storage yard within Planning Area 13 of the Bressi Ranch Master Plan on property generally located west of El Fuerte Street and south of Gardenlane Road in Local Facilities Management Zone 17.

Mr. Neu stated that agenda Items 1, 4, 5, 6, and 7 are normally heard in a public hearing context, however, the projects are minor and routine in nature with no outstanding issues and Staff recommends approval. He recommended that the public hearing be opened and closed, and that the Commission proceed with a vote as a consent item, including the errata sheets, if any. If the Commission or someone from the public wishes to pull an item, Staff would be available to respond to questions.

Chairperson Whitton asked if there was anyone who wished to pull Items 1, 4, 5, 6, and 7 or if any of the Commissioners wished to speak on an item.

#### MOTION

ACTION: Motion by Commissioner Baker, and duly seconded, that the Planning Commission approve Items 1, 4, 5, 6, and 7.

VOTE: 7 – 0

AYES: Chairperson Whitton, Commissioners Baker, Cardosa, Dominguez, Heineman, Montgomery and Segall

NOES: None

Chairperson Whitton closed the public hearing and asked Mr. Neu to introduce the next item.

8. **CUP 172(B) – AIRPORT PARKING AREAS** – Request for a Conditional Use Permit Amendment to allow the use of three existing parcels for airport parking areas on property generally located on the north side of Owens Avenue between Camino Vida Roble and Yarrow Drive in Local Facilities Management Zone 5.

Mr. Neu introduced Item 8 and stated Senior Planner Mike Grim would make the staff presentation.

Chairperson Whitton opened the public hearing on Item 8.

Mr. Grim stated the project is located just south of McClellan-Palomar Airport, north of Owens Avenue and Palomar Airport Road, directly across from the Courtyard Marriott. The project is proposing the addition of three industrial parcels to the Airport Conditional Use Permit. The need is generated by the Federal Aviation Administration (FAA), Transportation Safety Administration (TSA), and California Department of Transportation (CalTrans) physical and operational standards. The County, which operates the airport, is planning two phases for the project: the temporary parking on two of the lots, and then a permanent parking structure at a later time, which will require an administrative amendment to the existing PIP. The restriction of uses on this parcel is to parking only and no other airport uses are allowed. Currently the structure of the airport CUP is such that there is a list of uses and structures allowed as the airport sees fit, so long as grading and building permits are obtained if needed. The reason for the flexibility on uses is that there are things that need to change for operations, and so long as the airport remains a general aviation and basic transport airport. However, staff did not want to extend that opportunity for airport uses down to these parcels because it is going to remain zoned for Planned Industrial uses and General Plan designation for Planned Industrial uses, and staff did not feel that those uses were consistent with the underlying zoning. In concert with the underlying zoning, staff is requiring a Planned Industrial Permit for this project, and as stated previously, any further development of this site or the other sites for parking would require an amendment to that Planned Industrial Permit. Based on all of the restrictions, staff feels this project is consistent with the underlying zoning, the existing Carlsbad Airport Centre Specific Plan, the City's General Plan, and the Comprehensive Land Use Plan for the McClellan-Palomar Airport. Mr. Grim concluded his presentation and stated he would be available to answer any questions.

Chairperson Whitton asked if there were any questions of staff.

Commissioner Dominguez stated there is only one existing facility on the designated property which is a methane processing facility and inquired how large the facility is. Mr. Grim stated the applicant would be able to answer any questions regarding the operations of the facility.

Commissioner Montgomery asked what separated this parcel from the rest of the airport authority in order to allow this not to go to a general vote. He stated that certain improvements in and around the airport could possibly be within a general vote. Mr. Grim stated there is a section in the Carlsbad Municipal Code that states "any expansion of the airport property that would require a legislative action to implement, necessitates the vote of the people." Mr. Grim further stated that with this proposal there is no legislative action needed to implement it. Parking is an allowed conditional use within the Planned Industrial area. By restricting the uses on the site to parking only, and requiring a Planned Industrial Permit, it remains consistent with the zoning, the General Plan, and the Specific Plan and therefore no legislative actions are needed.

Chairperson Whitton asked if there were any further questions of staff. Seeing none, he asked if the applicant wanted to make a presentation.

Peter Drinkwater, Director of San Diego County Airports, 1960 Joe Crosson, El Cajon, stated that the methane recovery plant is connected through a piping system to the solid waste landfill. The County did have Solid Waste personnel from the County review the plans for the parking lot development. They will suggest landscape and possibly setbacks to the cars traveling around the methane plant. The methane plant itself poses no additional risks. The facility will be protected from cars by either bollards or k-rails which will be determined during the design phase. The County is interested in making the parking lots a plus to the airport and to the City so they will be landscaped as much as possible so that they are out of vision. Mr. Drinkwater concluded his presentation and stated he would be available to answer any questions.

Chairperson Whitton asked if there were any questions of the applicant or of staff.

Commissioner Baker asked whether the access road from Yarrow Road would be improved. Mr. Drinkwater stated that part of the design is to have an internal circulator road which would allow people to travel from a drop-off point at the terminal to the lower level parking lots. He stated the exact requirements of what is needed to implement that plan have yet to be determined. There are concerns regarding the slopes of the landfill and exactly how much and what they will be able to be engineered in to provide a safe access to the areas. He further stated that ideally a one-way entrance to drop people off at the terminal continue down to the parking areas and then, at some point possibly, take a people mover back to the terminal or to the restaurant. Commissioner Baker asked if the shuttle currently picks people up at the parking area, then travels on Owens Avenue out to Palomar Airport Road and then back into the airport. Mr. Drinkwater stated that because the internal circulator road is currently dirt, it does not meet the safety width requirements, and there are some insurance and other concerns. Commissioner Baker inquired how often the shuttle runs. Mr. Drinkwater stated the free shuttle service is currently being run by the guard company and they are loaded during the peak load periods in the early morning and afternoon. This is not planned to be a continuing service. The County is hoping that the ability to get from the lot to the terminal without the need of the shuttle is addressed in the final design of the project. Commissioner Baker asked if that would happen when the parking structure is built. Mr. Drinkwater stated that at this point it is to be determined. It may be through a people mover type system that would travel the slope even before there is a multi-level parking structure. That plan is looking quite a ways down the road for the airport at its current capacity and demand. With the status of air service and some other issues that need to be considered, the county is operating on a short term plan of getting to comply with FAA and state aeronautics requirements, with the longer range plan, with the parking structure and other amenities assuming commercial air service remains.

Commissioner Cardoso asked if there is any intention to charge for parking on the facility. Mr. Drinkwater stated that at some point, depending on how the airport develops, the answer is yes, although it depends. As long as there is surface lot only, the objective would be to keep it free as long as possible; however, the County is bound by FAA rules and regulations to be self-sustaining. Commissioner Cardoso asked what the physical size of the methane extraction equipment is. Eric Nelson, the engineer representing the airport, stated that he did not have the actual dimensions but stated he could come back at a later date with the information. He showed the Commission an exhibit showing a scale drawing compared to the size of the lot.

Commissioner Dominguez asked if there is constant flare on the methane recovery plant. Mr. Nelson stated that there is; however, you cannot visually see it.

Commissioner Montgomery asked Mr. Drinkwater what the product type was for the paving of the temporary parking lot. Mr. Drinkwater stated Mr. Nelson found a product that would be able to give the county 18 months of usable life, which also allows for a reasonably prepared base that would have the minimum amount of rework when the permanent lot is built. Mr. Nelson stated the material is called Enviro-tack mixed in with a Class II base. Commissioner Montgomery asked how long the parking lot would be temporary, and at what point would it become permanent. Mr. Drinkwater stated that the County's goal is to get the parking lot built as quickly as possible. He stated that the lots should be completed in about 2 years. Commissioner Montgomery asked if that would include irrigation, landscaping and lighting. Mr. Drinkwater stated that was correct. Mr. Drinkwater also commented that in regards to the noise from the generators located in the parking lots, a noise test was done at the Marriott near the entrance to the parking lot, which came back fine. No complaints have been received since the hotel opened in 2000.

Chairperson Whitton asked if there were any further questions of the applicant and asked if there was anyone who wished to speak on the item. Seeing none, he opened and closed public testimony on the item.

Chairperson Whitton asked if there were any other questions of staff.

Commissioner Montgomery asked if staff would be able to control the appropriate placement of lighting and the landscaping. Mr. Grim stated that installation of the lighting and the landscaping would require plancheck review so staff would be able to ensure it meets City standards. Also, the Carlsbad Airport Centre Owners Association has expressed an interest in review the project so they will have a scrutinizing eye on all of this development as well.

**MOTION**

**ACTION:** Motion by Commissioner Baker, and duly seconded, that the Planning Commission adopt Planning Commission Resolution No. 5776 approving Conditional Use Permit Amendment CUP 172(B), based upon the findings and subject to the conditions contained therein.

**VOTE:** 7 - 0

**AYES:** Chairperson Whitton, Commissioners Baker, Cardoso, Dominguez, Heineman, Montgomery and Segall

**NOES:** None

Chairperson Whitton closed the public hearing on Item 8 and thanked staff for their presentation.

**PLANNING COMMISSION COMMENTS**

None.

**PLANNING DIRECTOR COMMENTS**

Commissioner Montgomery inquired about the status of the revisions to the Architectural Design Guidelines. Mr. Neu stated he believes that the item is scheduled for the November City Council workshop. He will inform the Commission of the date when it is known.

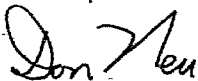
Mr. Neu further stated that the Commission would receive a draft EIR for the Palomar Transfer Station project, which is scheduled for hearing on December 1st, on Thursday, November 4th. Mr. Neu also stated the Commission received the presentation materials from the Housing Element workshop held last Thursday. He stated the next meeting for the Housing Element will be held December 9, 2004.

**CITY ATTORNEY COMMENTS**

Assistant City Attorney Jane Mobaldi discussed agenda Item 9. Ms. Mobaldi reviewed the Brown Act requirements with the Commission. She stated that in order to have an item placed on the City Council's workshop agenda, the Council is requiring that there be a majority of the Commission in favor of bringing an item to the workshop. To ensure there is a majority, there needs to be a vote. In accordance with the Brown Act, in order to take action on an item, the item needs to be placed on a Planning Commission agenda. Ms. Mobaldi suggested that if an issue rises to the level at which one of the Commissioners feels it is important enough to go to Council with it, at the time of the discussion or at the end of the meeting, a motion can be made. If a motion is made and seconded to place the item on the Planning Commission agenda, it can then be voted on. The item will then be placed on the noticed Planning Commission agenda, at which time a discussion can be held. It can then be decided if the item needs to continue on to the City Council's workshop agenda. She stated that there is a placeholder item on the Council's workshop agenda. It will be protocol that a member of the Commission will be in attendance at any workshop discussing a Planning Commission item.

**ADJOURNMENT****MOTION**

By proper motion, the Regular meeting of the Planning Commission of November 3, 2004 was adjourned at 6:52 p.m.



**DON NEU**

Assistant Planning Director

Bridget Desmarais  
Minutes Clerk

MINUTES ARE ALSO TAPED AND KEPT ON FILE UNTIL THE WRITTEN MINUTES ARE APPROVED.

## CITY OF CARLSBAD

Minutes of: PLANNING COMMISSION  
Date of Meeting: September 24, 1980  
Time of Meeting: 7:00 P.M.  
Place of Meeting: City Council Chambers

CALL TO ORDER was made by Chairman Schick at 7:00 P.M.

### ROLL CALL

PRESENT: CHAIRMAN SCHICK, COMMISSIONERS LARSON,  
LEEDS and JOSE

ABSENT: COMMISSIONER MARCUS

COMMISSIONERS ROMBOTIS and FRIESTEDT arrived at 7:03 P.M.

Ex-Officio Members Dan Hentschke, Assistant City Attorney, and James Hagaman, Director of Planning, were also present.

Staff members present were Mike Holzmilller, Principal Planner, Bill Hofman, Associate Planner, and Richard Allen, Principal Civil Engineer, and Charles Grimm, Associate Planner.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Schick.

### AGENDA ITEM COMMUNICATIONS

Commissioner Jose noted that the Carlsbad Journal had printed the beginning time of the Commission meeting as 6:00 P.M., rather than 7:00 P.M. and extended apologies for those persons in the audience who had been waiting.

### PLANNING COMMISSION PROCEDURE

Chairman Schick explained the purview of the Planning Commission in its capacity as an advisory commission to the City Council and identified those matters delegated to the Planning Commission for a final decision. Referencing the overhead projector displaying the outline, Chairman Schick explained the procedure observed by the Commission during public hearing items.

## CONTINUED PUBLIC HEARINGS

1. V-309, RUNZO - Request for a Variance to eliminate the required 10' rear yard setback in order to allow construction of a storage building on the rear property line on property located on the south side of Elm Avenue, between Washington Street and Carlsbad Boulevard, in the C-2 zone.

Mike Holzmilller presented a statement of the matter, referencing the two prior continuances and summarizing the background with regard to citizen opposition. Mr. Holzmilller indicated in addition to objections expressed at the two prior hearings, a letter from Edwin Trent opposing the Variance had been received and distributed to the Commission.

Bill Hofman reviewed the staff report and, with the aid of wall exhibits, explained the location of the project site and described the proposed building in relation to the abutting residential and commercial zones. Mr. Hofman additionally utilized a graph illustrating the elevations of the existing apartment building and garage and compared the same to the elevation of the proposed building.

### Public Testimony

For the record, Commissioner Rombotis expressed a potential conflict of interest, and declined to participate in the proceedings.

Chairman Schick extended the invitation to speak at 7:10 P.M.

The Commission recognized Jim Runzo, 355 Elm Avenue, Carlsbad, who expressed his willingness to respond to any questions.

In response to inquiry by Commissioner Larson, Mr. Runzo indicated the graphics presented by staff accurately depicted the respective elevations and distances between the existing and proposed structures.

In response to inquiry by Commissioner Jose, Mr. Runzo concurred that the alignment of the apartment building and existing garage were not contiguous; therefore, the elevation of the proposed building would not obstruct the view from the apartments, there being only one apartment from which the proposed building could be viewed from the apartment house.

The Commission then recognized Patricia Joyce, 1754 E. Eldorado, Fallbrook, CA, who indicated she owned the apartment with the window which would overlook the proposed building. Mrs. Joyce added to her previously-expressed concerns the opinion that if the Variance were granted, it would set a precedent and provide the potential for surrounding property owners to also construct two-story buildings which would result in blocked views for the north side of the apartment building. Mrs. Joyce indicated she was not as concerned for the view from her apartment as she was that eventually the entire building would be blocked.

As a point of information, Bill Hofman offered that the Variance for the proposed building is required because a portion of Mr. Runzo's lot abuts the R-3 zone. Therefore, if Mr. Runzo reduced the size or altered the design of his building, he could construct the same without a Variance. If there were two R-3 properties abutting each other, rather than an R-3 and a C-2, as is the case here, an accessory structure such as Mr. Runzo is proposing could be constructed, also without a Variance. Mr. Hofman further indicated this set of circumstances contributed to the exceptional circumstances finding necessary to approve a Variance.

The Commission then recognized Bea Nelson, Post Office Box 1121, the property manager for the Monterey Homeowners' Association. Mrs. Nelson expressed the opinion that the fact that people were living in the adjacent condominiums was being overlooked. Mrs. Nelson requested Commission consideration of the effects of a building in such close proximity upon those persons. Mrs. Nelson expressed confusion as to the need for the proposed building and what the applicant proposed to store. Mrs. Nelson then reiterated the concerns expressed by Mrs. Joyce regarding the precedent setting effects of granting this Variance and the anticipated deterioration of surrounding residential property.

#### Rebuttal

The Commission again recognized Mr. Runzo who responded that the proposed building would be used to store non-deteriorating material such as boxes, paper goods, store fixtures, displays, etc. Mr. Runzo acknowledged that the candy store was small, but for that reason could not accommodate the sundry materials necessary for the business operations. Mr. Runzo indicated no candy storage in the additional building was considered.

In response to inquiries and comments relative to shifting the proposed building, Mr. Runzo indicated the building in the desired size required the location on the lot as designed in his application. The building could not be located on the parking lot in that it would reduce the required parking space.

Since no one else wished to speak, the public hearing was closed at 7:28 P.M.

As a point of information to supplement the staff report, Mike Holzmilller referenced earlier Commission review of possibly applying a condition to the Variance, if granted, that the building be accessory only. Mr. Holzmilller indicated the Commission may desire to consider this condition again at this time.

Chairman Schick then requested staff to again explain what kind of a building the applicant would be permitted to construct, without the requirement for a Variance.

Mr. Holzmilller referenced exhibits depicting the configuration of the applicant's property abutting the R-3 zoned property at the southwest corner and indicated that the portion of the building along the south boundary of the applicant's property which abuted C-2 property could be constructed on the property line, without

a Variance. Therefore, the applicant could build a "L" shaped building, observing the 10' setback for that portion of the building which abuted the R-3 property at the southwest corner.

Mr. Holzmilller indicated existing City ordinances would allow the applicant to construct the major portion of his building on the property line. Additionally, if the 10' setback along the entire south boundary were observed, it would not increase the view from the apartment buildings.

Commissioner Larson expressed concern that the ordinance requirements for separation between commercial and residential properties be observed. Mr. Larson acknowledged the applicant's need for storage space, but indicated he could not base his support of the Variance on the applicant's intended use as a storage building. A C-2 building having the potential for other commercial uses in the future would also have the potential to be detrimental to the public welfare and injurious to other property in the vicinity.

Commissioner Friestedt expressed the opinion the applicant was exercising his rights as a property owner and expressed his support of granting the Variance.

Based on the finding that the granting of a Variance would be detrimental to the public welfare or injurious to adjacent residential property in the vicinity, the Commission adopted the following Resolution:

RESOLUTION NO. 1687, DENYING A VARIANCE (V-309) TO ELIMINATE THE REQUIRED 10' SETBACK IN THE REAR YARD TO ALLOW CONSTRUCTION OF A STORAGE BUILDING AT THE REAR PROPERTY LINE ON PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF ELM AVENUE BETWEEN WASHINGTON STREET AND CARLSBAD BOULEVARD.

MOTION:	LARSON
SECOND:	LEEDS
AYES:	SCHICK, LARSON, LEEDS AND JOSE
NOES:	FRIESTEDT
ABSTAIN:	ROMBOTIS

For the record, Commissioner Friestedt expressed the opinion that objections of property owners based on concerns that a Variance would be precedent setting and potentially deleterious were not valid, in that the applicant and other property owners could construct two-story buildings, without a Variance.

Commissioner Jose noted for the record that his vote was predicated on the fact that the applicant could construct the proposed building, without a Variance, in the manner described by Mike Holzmilller.

Chairman Schick noted for the record that the applicant could avail himself of the appeal process.



Dan Hentschke indicated the denial of the Variance would not be final for 10 days. If prior to that time the applicant filed his request for an appeal, the final decision would then rest with the City Council.

2. PUD-21/CT 80-36, O'DAY - Request for a 4 lot tentative tract map and a 4 unit planned unit development located on the south side of Chestnut Avenue, between Highland Drive and Valley Street in the R-1 Zone.

Mike Holzmilller presented a statement of the matter explaining the recommendation for a continuance, as contained in the September 24, 1980 Memorandum. In response to Chairman Schick, Mr. Holzmilller indicated if the matter were continued, subsequent staff reports would address the question of alignments.

Chairman Schick noted this matter was a public hearing and inquired if there were any persons present in the audience who desired to address the Commission regarding the matter. There was no response.

The Commission continued PUD-21/CT 80-36, O'DAY to October 8, 1980.

MOTION:	JOSE
SECOND:	FRIESTEDT
AYES:	SCHICK, LARSON, LEEDS, JOSE, FRIESTEDT and ROMBOTIS

3. CT 80-12, O'GARA - Request for 8 lot single family tentative subdivision map located on the west side of Valley Street between Oak Avenue and Basswood Avenue in the R-1 Zone.

Mike Holzmilller presented a background statement of the matter, indicating, however, that the applicant's design revisions still did not meet concerns, specifically with regard to lot depth. Mr. Holzmilller noted with respect to the subdivision ordinance requirements, there currently exist no legal procedure to waive such requirements, or consider a Variance for such requirements. Therefore, staff cannot recommend approval of the project, as submitted.

The staff report was presented by Bill Hofman who, with the aid of exhibits, explained the location of the property and configuration of the lots, pointing out the 3 lots at the end of the cul-de-sac with insufficient rear yard depth. Mr. Hofman noted that if the applicant were to reduce the size of his project by one lot, all requirements could be met.

In response to inquiry by Chairman Schick, Mike Holzmilller explained the applicant could not make any reduction in the project size due to economic concerns.

### Public Testimony

Chairman Schick opened the public hearing at 7:46 P.M. and extended the invitation to speak.

The Commission recognized the applicant, Joe Sandy, Post Office Box 590, Carlsbad, who indicated he represented Mr. O'Gara. Mr. Sandy explained that Mr. O'Gara would be providing a number of public improvements in connection with this project ( 600' of street, extension of sewer and water services and 600' of storm drains). Therefore, in order to make the project economically viable, he must develop no less than the proposed 8 lots. Mr. Sandy acknowledged that the 3 radial lots did not meet lot depth requirements; however, the radial lots compensated for reduced rear yards with increased side yards. Mr. Sandy stated that despite many revisions, no design had been formulated which met the ordinance requirements.

In response to Commissioner Rombotis, Mr. Sandy indicated he understood that the project, basically as it is currently designed, could meet the requirements for a Planned Unit Development, which provides for private streets in a reduced size. The 3 lots around the cul-de-sac then would pick up the necessary additional depth.

The Commission recognized Dave Petersen, 1531 Basswood, Carlsbad. Mr. Petersen referenced wall exhibits and demonstrated the location of his property in relation to the project site. In this regard he explained there were serious drainage problems in the area and described the path of the overflow directly onto his property. The development of this particular project would further aggravate the problems he experienced every year. Mr. Petersen additionally requested clarification as to why he would be required to furnish more than one half of the street as it passed by his property, indicating an equal portion of property from owners on both sides of the street alignment would be more equitable, obviously.

Richard Allen acknowledged drainage problems indicating this project would be raised in order to provide for drainage from the immediate site. However, the only real solution for drainage concerns in the area bounded by Oak, Highland, Basswood and Valley Street would be to raise it as each portion eventually develops. The area is a low land and the only way to get water out of it is to fill it in.

In response to concerns relative to rights-of-way to extend James Street, Mr. Allen explained the irregular lot shapes of the individual parcels through which extension of James is proposed would mean that if equal portions on both sides were taken, the road would "zig zag."

Mr. Allen indicated Mr. Petersen's concerns in this regard had been considered; however, the proposed alignment is the most equitable in view of the circumstances.

Chairman Schick and Commissioner Rombotis inquired as to what effect, if any, the approval or disapproval, respectively, of the project would have upon the drainage problems.

Richard Allen indicated the project itself would do nothing for the overall problem, alleviating only the drainage problems for the site. Conceivably, it could make the problem worse, unless mitigation measures were included to handle the water problems.

Mr. Petersen additionally requested clarification with regard to the relocation of his septic line necessitated by the installation of James Drive extension.

Mr. Allen indicated there would be a charge to connect to the City sewer system as a result of the public street improvement and the resulting effect on Mr. Petersen's septic line. In that the applicant would be required to secure the necessary rights-of-way to put the public street in, Mr. Allen suggested that the cost of sewer system connection be considered in the negotiations with the applicant for the necessary rights-of-way.

During discussion, Mr. Sandy indicated that development of this project as a PUD would, as earlier indicated, satisfy the economic objectives of the applicant. All PUD requirements could be met by the project as currently designed, with the exception of the common open space and recreation area requirements. Mr. Sandy cited portions of the Code in support of his contention.

Bill Hofman responded to Commission inquiry, indicating that staff did not share the applicant's interpretation of the Code with regard to the provisions for useable open space, and Mr. Hofman cited additional portions of the Code applicable to the matter.

Subsequent discussion revealed the difficulty in resolving the matter revolved around the definition of common. Mr. Sandy expressed the opinion that while there is a minimum requirement in the provisions of a PUD development for recreation space, there would be 1,000 to 1,500 square feet of open area for each individual home, and questioned the intent of the requirements to force people to recreate together at a common area, if adequate recreation space is provided on each lot.

Commission discussion reflected the feeling that the purpose of the Planned Unit Development ordinance was to provide a vehicle for imaginative design solutions for "problem properties," and was necessarily flexible.

Staff responded to Commission discussion indicating that customarily flexibility was based on trade-offs in terms of amenities provided. Therefore, an interpretation of the requirements for a Planned Unit Development or creation of a mechanism to waive such requirements through a Variance should be accomplished. Other-

wise, the project as designed, if designated a Planned Unit Development without any additional amenities, merely attempted to circumvent the standard subdivision requirements.

Commission discussion reflected the feeling the project as proposed did not provide sufficient trade offs as a PUD. However, the Commission felt the site could be designed as a PUD, having sufficient amenities, while maintaining 8 lots and felt the project should be continued to allow for redesign.

Based on the public testimony, staff report and Commission discussion, the Commission continued CT 80-12, O'GARA to an indefinite date for the purpose of initiating any necessary procedures to deal with the issues raised, including addressing the drainage problems.

MOTION: ROMBOTIS  
SECOND: FRIESTEDT  
AYES: SCHICK, LARSON, LEEDS, JOSE, FRIESTEDT and  
ROMBOTIS

Joe Sandy acknowledged the purpose and intent of the continuance.

#### RECESS

Commission recessed at 8:17 P.M. and reconvened at 8:27 P.M.

#### NEW PUBLIC HEARINGS:

Mike Holzmilller indicated the following companion matters would be presented concurrently:

4. CT 80-33, WORLEY - Request for a nine lot tentative tract map on the south side of Camino Vida Roble in the Palomar Airport Industrial Park in the P-M Zone.

5. CT 80-34, WORLEY - Request for a 12 lot tentative tract map on the south side of Palomar Airport Road in the R-M Zone.

Statements of the matter were presented by Mike Holzmilller, indicating the applications involved adjoining parcels of land.

The staff report was presented by Bill Hofman who, with the aid of wall exhibits depicting location of the property, and configuration of the project, described the relation to the surrounding area. Mr. Hofman explained staff concerns with access from the project onto Camino Vida Roble were due to the high volume of traffic there onto Palomar Airport Road when Camino Vida Roble was fully developed. In this regard, Mr. Hofman detailed the recommended conditions to prevent, restrict and limit size of access driveways.

With regard to equestrian trail and riparian woodlands, Mr. Hofman referenced the additional recommended condition distributed to the Commission at the meeting, and explained the relationship to the equestrian trail in connection with CT 73-49.

Chairman Schick inquired if in connection with the processing of these projects staff had considered the element of the use of reclaimed water from the satellite plant proposed for the Palomar Airport Business Park.

Mike Holzmilller referenced the September 24, 1980 Memo distributed to Commission and the inclusion of two additional conditions recommended by staff to each map. He further referenced Council direction to staff to initiate formal standards relating to wastewater reclamation. While these have not been finalized, conditions have been included reflecting that if the City does adopt a policy and standards, the same would be considered in the project.

Chairman Schick opened the public hearing at 8:24 P.M. and extended the invitation to speak.

The Commission recognized Hank Worley, engineer and applicant for the project, 7875 Convoy Court, Suite A-2, San Diego, CA 92111. Mr. Worley expressed agreement with staff recommendations.

The Commission then recognized Bernie Gilmore, 6361 Yarrow Drive, Carlsbad, who indicated he was the development manager for Palomar Airport Business Park.

In response to Commission inquiry relative to this applicant participating in the traffic study for Palomar Airport Road over I-5 which was required of the Pea Soup Andersen project. Mr. Gilmore expressed the willingness to so participate.

Since no one else wished to speak, Chairman Schick closed the public hearing at 8:44 P.M.

Based on the findings and subject to the conditions contained therein, including additional conditions recommended and furnished by the staff, with the applicant to participate in the referenced traffic study, the Commission adopted the following Resolutions:

RESOLUTION NO. 1697, RECOMMENDING APPROVAL FOR A 9 LOT TENTATIVE TRACT MAP (CT 80-33) ON PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF CAMINO VIDA ROBLE.

RESOLUTION NO. 1700, RECOMMENDING APPROVAL FOR A 12 LOT TENTATIVE TRACT MAP (CT 80-34) ON PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF CAMINO VIDA ROBLE, with the deletion of Condition

MOTION:	JOSE
SECOND:	ROMBOTIS
AYES:	SCHICK, LARSON, LEEDS, JOSE, FRIESTEDT and ROMBOTIS

6. ZC-216, MALOY, Request for a zone change from R-1-7500 to R-P on property generally located on the northeast corner of Madison Street and Arbuckle Place.

The staff report was presented by Mike Holzmilller, who articulated and discussed the planning issues identified in the September 24, 1980 staff report.

Commissioner Rombotis noted a potential conflict of interest and declined to participate in these proceedings.

Chairman Schick then opened the public hearing at 8:51 P.M. and extended the invitation to speak.

The Commission recognized Roy Maloy, 2967 Carlsbad Boulevard, who expressed concurrence with staff recommendations.

The Commission recognized Frank Morrow, 2715 Madison Street, Carlsbad, who inquired what the future held for the two existing old houses located on the project site.

Mike Holzmilller indicated it was the applicant's intention to convert to office use which would require staff to approve a plan to bring the property up to all code requirements.

Mr. Maloy responded it was intended that these structures be immediately upgraded and remodeled.

Mr. Morrow acknowledged satisfaction of his concerns.

Since no one else wished to speak, the public hearing was closed at 8:54 P.M.

Based on the findings and subject to the conditions contained therein, the Commission adopted the following Resolution:

RESOLUTION NO. 1696, APPROVING A ZONE CHANGE (ZC-216)  
FROM R-1-7500 TO R-P ON PROPERTY GENERALLY LOCATED ON  
THE NORTHEAST CORNER OF MADISON STREET AND ARBUCKLE PLACE

MOTION: JOSE  
SECOND: LARSON  
AYES: JOSE, LARSON, LEEDS, SCHICK and FRIESTEDT  
ABSTAIN: ROMBOTIS

The Commission then directed staff to set to public hearing the consideration of rezoning other lots along Arbuckle Place to R-P.

MOTION: JOSE  
SECOND: FRIESTEDT  
AYES: JOSE, LARSON, LEEDS, SCHICK and FRIESTEDT  
ABSTAIN: ROMBOTIS

7. ZC-208/CPU-172, PALOMAR AIRPORT - Request for a change of zone from L-C to M and for a conditional use permit to allow the operation of the existing Palomar Airport Facility on the northwest corner of Palomar Airport Road and El Camino Real.

A statement of the matter was presented by Mike Holzmilller, who emphasized the point that this application does not apply to any future expansion of the airport facility. In this regard, Mr. Holzmilller referenced the August 5, 1980 action by the City Council in adopting the ordinance requiring voter authorization prior to any airport expansion in the City.

Therefore, any expansion would first require voter approval and then an amendment to the application.

In response to Commission inquiry relative to Table I, Mr. Holzmilller clarified that the uses provided in Section II, subparagraph (b) of Table I would require prior discretionary review (Planning Commission Determination) to implementation. Other uses were automatically conferred in the CUP.

Chairman Schick opened the public hearing at 9:04 P.M. and extended the invitation to speak.

The Commission recognized Phil Safford, Airport Manager, Palomar Airport. Mr. Safford expressed concurrence with the conditions of the permits and indicated he would recommend to the Board of Supervisors that they accept the same.

As a point of information, Mr. Safford explained that while this application did not involve any expansion, the airport owned additional surrounding land which land was not included in the current application.

Since no one else wished to speak, the public hearing was closed at 9:11 P.M.

Based on the findings and subject to the conditions contained therein, the Commission adopted the following Resolutions:

RESOLUTION NO. 1698, APPROVING A ZONE CHANGE FROM L-C TO M (ZC-208) ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF PALOMAR AIRPORT ROAD AND EL CAMINO REAL.

RESOLUTION NO. 1699, APPROVING A CONDITIONAL USE PERMIT TO OPERATE THE EXISTING PALOMAR AIRPORT FACILITY (CUP-172) ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF PALOMAR AIRPORT ROAD AND EL CAMINO REAL.

MOTION:	JOSE
SECOND:	ROMBOTIS
AYES:	SCHICK, JOSE, LARSON, LEEDS, FRIESTEDT AND ROMBOTIS

8. PCD-25, WILSON - Request for a Planning Commission Determination for a 15% reduction in required parking for a previously-approved "joint use" parking facility on the north side of Grand Avenue, between Roosevelt Street and Madison Street in the C-2 Zone.

For the record, Dan Hentschke, Assistant City Attorney, noted a potential conflict of interest and declined to participate in the proceedings.

A statement of the matter was presented by Mike Holzmilller, who additionally detailed the contents of the September 24, 1980 staff report.

With the aid of wall exhibits, Bill Hofman demonstrated the location of the building proposed to house the Jazzercise classes and explained its relation in and to the Wilson/Murphy retail center (Carlsbad Bazaar and Old World Center). Mr. Hofman also explained the location of existing parking and described improvements to parking required in connection with Mr. Wilson's request.

In response to Commission inquiry, staff explained the method of computing necessary parking spaces ( 3 to 1) in that the number of persons in each class, days of classes, types of existing businesses and when they would be patronized had been considered.

Chairman Schick opened the public hearing at 9:22 P.M. and extended the invitation to speak.

The Commission recognized Robert Wilson, applicant. Mr. Wilson explained the Jazzercise program did not reflect an additional use at the center, since the building to be used was his former furniture store. Additionally, classes have been scheduled in a manner so as to provide adequate parking for the classes, but not disrupt parking facilities for existing businesses. Mr. Wilson explained he was very concerned that the Jazzercise business did not detract from the quality of the center as far as parking.

In response to Commission inquiry and discussion relative to the number of persons occupying the subject premises in relation to the size of the premises, Mr. Wilson explained that only half of his former furniture store would be leased to the Jazzercise program. Of that, only a portion would be available for exercising. The amount of room necessary for each individual to exercise determined the maximum number of participants in any class. Therefore, he was assured that parking as proposed would be sufficient.



Mr. Wilson then expressed concern relative to the condition requiring parking lot improvements. In this regard, he explained that earlier processing and approvals by the City had required him to enter into a joint parking agreement. Mr. Wilson stated the terms of the agreement which the City required him to enter into with Dr. Murphy provided that in exchange for Mr. Wilson entering into this Agreement, Dr. Murphy would improve his property by constructing a parking lot. The reason Dr. Murphy entered into the agreement is because without the joint parking facilities, Dr. Murphy could not meet the required parking spaces to approve his portion of the Carlsbad Bazaar and Old World Center).

In response to Commissioner Rombotis, Mr. Wilson indicated it was his understanding that he would not be required to make any further parking improvements until he proceeded with expansion of his center. However, he did not consider the change of use from a furniture store to Jazzercise to be expansion.

The Commission then recognized Don Agatep, Carlsbad. On behalf of Dr. Murphy, Mr. Agatep indicated support of Mr. Wilson's request, stating an agreement had been entered into with Mr. Wilson, to the extent that both parties would support a joint parking facility. Mr. Agatep identified the issue as being the change from the furniture store to the Jazzercise business, a use for which there is no Code definition. Mr. Agatep indicated Dr. Murphy has every intention of improving the parking lot per the agreement with Mr. Wilson, at such time as the Mayfair Shopping Center itself is improved to something other than what it is now.

In conclusion, Mr. Agatep expressed the opinion that the City should honor the existing agreement and acknowledged the intent of same as represented here by Mr. Wilson and himself.

The Commission then recognized Harold Clarke, 824 Caminito del Reposo, Carlsbad, who spoke in favor of Mr. Wilson's request.

Since no one else wished to speak, the public hearing was closed at 9:43 P.M.

Commissioner Rombotis inquired of staff if they had reviewed the Agreement and if they were assured the agreement would provide the necessary parking.

In response to Commission discussion, Commissioner Rombotis expressed the opinion that if the terms of the Agreement were as represented in the public testimony, then the Agreement should be honored. It is pertinent to the issue.

The Commission directed staff to obtain the Agreement from City records, review the same, and then deferred this item to the end of the meeting, pending a response from staff.

MOTION:	ROMBOTIS
SECOND:	JOSE
AYES:	SCHICK, ROMBOTIS, FRIESTEDT, LARSON, LEEDS and JOSE

In accordance with earlier consensus, the Commission exchanged the order of Items No. 9 under Public Hearings and Item No. 10 under New Information.

NEW INFORMATION:

10. MINOR REVISIONS TO CT 77-8(A)/CP-45 (MOLA)

Mike Holzmilller presented a statement of the matter.

Bill Hofman detailed the contents of the September 24, 1980 staff report explaining the changes at the wall exhibits.

The Commission found that the proposed revisions were minor in nature and directed staff to make the necessary corrections to the file.

MOTION:	ROMBOTIS
SECOND:	LARSON
AYES:	SCHICK, ROMBOTIS, FRIESTEDT, LARSON, LEEDS, and JOSE

PUBLIC HEARINGS (Completion)

9. GPA-54, HOUSING ELEMENT - NEW HOUSING ELEMENT OF THE GENERAL PLAN.

Charles Grimm made the staff presentation on this matter, stating the changes made, including changes reflecting revised policy of the City and State, as set forth in the September 24, 1980 Memorandum to the Planning Commission from James Hagaman, Planning Director, regarding the subject matter.

Additionally, Mr. Grimm referenced a Council Meeting on September 23, 1980 where Council agreed to look at many different kinds of housing programs for future development to provide low and moderate income housing. Mr. Grimm explained staff believed it important to provide measures to ensure that the original purchaser of low and moderate income housing is required to pass that opportunity on to any subsequent purchaser.

Mr. Grimm additionally related recent Council action directing staff to prepare documents to implement rent control, although no action to establish rent control had been taken. With regard to rent control and resale programs wording in the Housing Element, same had been discussed by the Housing Element Citizens' Committee, which had adamantly opposed the inclusion of such provisions.

In conclusion, Mr. Grimm related that some Master Plans currently being processed by staff were being considered in terms of providing low and moderate income housing. In this regard, Mr. Grimm requested Commission consideration and discussion relative to including in the Housing Element incentives to developers to provide low and moderate income housing through allowing the maximum densities shown in the General Plan to be exceeded for such purpose.

Page 24 - Commissioner Jose requested clarification of the intent of Policy IX.

Mr. Grimm explained this referred to legislation prohibiting discrimination.

Pages 27, 28 and 29 - Commissioner Jose requested clarification of the definite figure of \$50,000 as opposed to the "undetermined amount."

Margaret Goldstein, consultant retained by the City to assist in the preparation of the Housing Element, explained the funds were for tasks which could not be simultaneously performed.

Page 29 - Commissioner Jose took exception to the phrase indicating Carlsbad was the major industrial center in North County. He expressed the opinion while Carlsbad may become that, it is not now.

Staff responded that Carlsbad was referred to there as "a" major industrial center, not "the" major.

Page 9 - Chairman Schick requested a change to reflect the responsibility for Item No. 4 be charged to the Planning Department, rather than the Planning Commission.

Page 20 - Co-missioner Friestedt expressed concern with Policy V, Action V-9, which incorporated the use of rent regulations in condo conversions and applied to the entire development program of apartments. In context, it appears to endorse a rental control regulation for the entire housing element which would affect all of the apartments in Carlsbad. In effect, this places rent controls on future development.

Mr. Grimm responded that that was not the intent and referred to the September 24, 1980 memo explaining the inclusion in case Council determined resale programs or rent control were necessary.

Page 21 - In response to concerns expressed by Chairman Schick, Mr. Grimm indicated staff would be revising the last paragraph of VI-4 to reflect that citizens "in exiting mobilehome parks from" unreasonable rent increases, . . . .

Mr. Grimm then elaborated his earlier request for guidance re bonus, citing as an example, if a site is identified in the La Costa Master Plan area that is shown as 10 to 20 dwelling units per acre and we try to get some rental units there, perhaps the only way to persuade the developer would be to offer a bonus, allowing him to exceed to double the maximum shown.

In response to Commission inquiry, Mr. Hentschke explained that the density for a property would be set by the Zone Code when the Code is amended to comply with the new requirements.

In response to lengthy Commission discussion, Mr. Hentschke suggested that the Commission not address specific wording, but only agree to the concept.

Mr. Grimm added that wording in the Housing Element of the General Plan providing for this concept would negate the need to amend the General Plan for each instance when the City desired to encourage low and moderate income housing by a development.

Commission discussion reflected reluctance to provide any increase in density which doubled that shown on the General Plan.

Chairman Schick opened the public hearing at 10:25 P.M.

The Commission recognized Jim Goff representing La Costa Land Company, 7682 El Camino Real, Carlsbad. With the aid of wall exhibits, Mr. Goff explained a hypothetical problem relating to zoning of property as it would affect the construction of low and moderate income housing on a particular site.

Staff acknowledged Mr. Goff's concerns, indicating appropriate language would be included in the Housing Element.

The Commission then recognized Harold Clarke, who hoped low and moderate income housing would be evenly distributed.

Chairman Schick responded that location of same would be determined to a large extent on State and Federal regulations which addressed the needs of the persons who would occupy the same.

Chairman Schick closed the public hearing at 10:40 P.M.

The Commission adopted the following Resolution:

RESOLUTION NO. 1595(A), RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A GENERAL PLAN AMENDMENT (GPA-54) ADOPTING A NEW HOUSING ELEMENT OF THE GENERAL PLAN OF THE CITY OF CARLSBAD, with the change of: inclusion and approval of the first two modifications addressed in the staff report re condo conversions and inclusionary zoning; secondly, approval of the concept of potential increase in density, but recommending any figure as to what the increase should be, and alleviation of the rent control verbatim in Policy 5.

MOTION: FRIESTEDT

SECOND: ROMBOTIS

AYES: CHAIRMAN SCHICK, COMMISSIONERS ROMBOTIS, FRIESTEDT  
LARSON, LEEDS and JOSE

RECESS:

Chairman Schick announced a recess at 10:41 P.M.

The Commission reconvened at 10:49 P.M., with six (6) members present.

CONSIDERATION OF TRAILED PUBLIC HEARING (Item No. 8)

Mike Holzmilller indicated there was extensive background information on this matter which was reviewed. City records do not reflect that a time period has ever been set for the improvements to the parking lot. The joint use parking agreement merely grants each party an easement to the parking lot and does not indicate who will construct the improvements. Those details are contained in the private agreement between Dr. Murphy and Mr. Wilson, which was not required by nor approved by the City. Mr. Holzmilller expressed the opinion that the provisions in the private agreement were open to interpretation in that "improvements shall be commenced promptly upon notice from Wilson to Murphy that Wilson has obtained building permits for his expansion and shall proceed and be completed as rapidly as possible, such period not to exceed 6 months." The question here being what is meant by "expansion - entire facility or any expansion whatsoever on the property."

Mr. Holzmilller concluded that the Commission should make a determination as to whether the improvements should be required now or deferred. Staff recommended the posting of a bond for the improvements of the parking lot within a six month period. He indicated that Mr. Wilson had concurred in this regard.

Based on the findings and subject to the conditions contained therein, the Commission adopted the following Resolution:

RESOLUTION NO. 1701, RECOMMENDING APPROVAL OF A PLANNING COMMISSION DETERMINATION FOR A 15% REDUCTION OF THE APPROVED "JOINT USE" PARKING FACILITY ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF GRAND AVENUE, BETWEEN ROOSEVELT STREET AND MADISON STREET, with the change to condition #4 to reflect the posting of an appropriate bond, #5 to reflect the figure of 90, and a condition providing minimum of 15 minutes between each class.

MOTION: LARSON  
SECOND: ROMBOTIS  
AYES: SCHICK, ROMBOTIS, FRIESTEDT, LARSON, LEEDS  
and JOSE

For the record, Commissioner Friestedt expressed the opinion the ratio of 3 to 1 employed by staff in this matter not be considered a precedent.

REQUEST TO SPEAK

Chairman Schick then announced the Request to Speak filed by Mr. Lambert.

There was no response.

Chairman Schick requested the record to reflect that Mr. Lambert had been called to speak regarding drainage on Chestnut Street, however no one came forward.

APPROVAL OF MINUTES:

August 13, 1980

Page 2 - Commissioner Jose indicated notion should be motion.

Page 3 - A meeting was closed where it should not have been, as it was a continued item.

Page 5 - I believe I used the word increase or intent, rather than the word shown of "exacerbate"

Page 9 - The Commission voted on Mary Marcus as Chair, following Chairman Schick's departure

The Minutes of the Meeting of August 13, 1980, were approved as corrected.

MOTION:	JOSE
SECOND:	SCHICK
AYES:	SCHICK, ROMBOTIS, FRIESTEDT, LEEDS and JOSE
ABSTAIN:	LARSON

August 27, 1980

Page 7 - Commissioner Jose indicated there is no motion, second or vote with regard to Resolution 1682

Page 9 - There is no talley in reference to the same type item

Minutes of the Meeting of August 27, 1980, were approved as corrected.

MOTION:	JOSE
SECOND:	
AYES:	SCHICK, FRIESTEDT, LARSON and JOSE
ABSTAIN:	ROMBOTIS, LEEDS

September 10, 1980

Page 11 - Commissioner Friestedt requested the record to show the intent of discussion with Richard Allen relative to the traffic study should be reflected as "the study would provide information necessary to manage traffic problems."

Page 2 - Chairman Schick indicated he did not close the public hearing on the Runzo matter.

The Minutes of the Meeting of September 10, 1980, were approved as corrected.

MOTION:	FRIESTEDT
SECOND:	LEEDS
AYES:	SCHICK, FRIESTEDT, LARSON and LEEDS
ABSTAIN:	ROMBOTIS, JOSE

#### ADDITIONAL BUSINESS

Chairman Schick referenced a meeting with a representative of the Intergovernmental Training Center to address the issues raised in a League of Women Voters questionnaire regarding the attitudes, impressions, suggestions for improvement, etc., of persons appointed and serving on City Commissions, Boards and Committees.

Mike Holzmiller referenced the public meeting on October 1, 1980 in honor of resigning Chairman Schick.

#### ADJOURNMENT

By proper motion, the meeting was adjourned at 11:17 P.M.

Respectfully submitted,

JAMES C. HAGAMAN, Secretary  
of the Planning Commission

## Tammy McMinn

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**From:** Jason Haber  
**Sent:** Thursday, February 15, 2018 1:37 PM  
**To:** City Clerk  
**Subject:** FW: Airport extension

All Receive - Agenda Item # 3

For the Information of the:

CITY COUNCIL

ACM ☒ CA ☒ CC ☒  
Date 2/16/18 City Manager ☒

For the airport item on 2/20.

Jason

-----Original Message-----

**From:** Kevin OKeefe  
**Sent:** Saturday, February 10, 2018 4:47 PM  
**To:** Jason Haber <Jason.Haber@carlsbadca.gov>; Cori Schumacher  
<Cori.Schumacher@CarlsbadCA.gov>  
**Subject:** Airport extension

My primary question at this point is if we make improvements and changes to the airport will that bring back commercial passenger flights I E United airlines etc If not my only interest in the airport improvements is safety improvements otherwise not It is my observance without research that the overall benefit to Carlsbad residents will be negligible unless it will bring back commercial airlines I've been in Carlsbad residence for 40 years and the flew extensively out of Carlsbad airport for business travel when that ceased I would suspect that only a minuscule number of Carlsbad residence even use the airport

Sent from my iPhone



## Tammy McMinn

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**From:** Jason Haber  
**Sent:** Thursday, February 15, 2018 1:45 PM  
**To:** City Clerk  
**Subject:** FW: Extended MP Airport Master Plan Public Comment Period

A string of emails for the airport item on 2/20.

Jason

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**From:** Curtis, Cynthia  
**Sent:** Tuesday, February 06, 2018 3:45 PM  
**To:** Hope Nelson <[hope.nelson@carlsbadca.gov](mailto:hope.nelson@carlsbadca.gov)>  
**Cc:** Mark Packard <[Mark.Packard@carlsbadca.gov](mailto:Mark.Packard@carlsbadca.gov)>; Michael Schumacher <[michael.schumacher@carlsbadca.gov](mailto:michael.schumacher@carlsbadca.gov)>; Keith Blackburn <[Keith.Blackburn@carlsbadca.gov](mailto:Keith.Blackburn@carlsbadca.gov)>; Cori Schumacher <[Cori.Schumacher@CarlsbadCA.gov](mailto:Cori.Schumacher@CarlsbadCA.gov)>; Matthew Hall <[Matt.Hall@carlsbadca.gov](mailto:Matt.Hall@carlsbadca.gov)>; Manager Internet Email <[Manager@CarlsbadCA.gov](mailto:Manager@CarlsbadCA.gov)>; Jason Haber <[Jason.Haber@carlsbadca.gov](mailto:Jason.Haber@carlsbadca.gov)>; Lardy, Lee Ann <[Leeann.Lardy@sdcounty.ca.gov](mailto:Leeann.Lardy@sdcounty.ca.gov)>; Gade, Derek <[Derek.Gade@sdcounty.ca.gov](mailto:Derek.Gade@sdcounty.ca.gov)>; Carmichael, Leann <[Leann.Carmichael@sdcounty.ca.gov](mailto:Leann.Carmichael@sdcounty.ca.gov)>  
**Subject:** RE: Extended MP Airport Master Plan Public Comment Period

Hard copies were at the libraries on January 18<sup>th</sup> (the first day of public review) at the following locations:

- McClellan-Palomar Airport Administration – 2192 Palomar Airport Road, Carlsbad, CA 92011
- Carlsbad City Library – 1775 Dove Lane, Carlsbad, CA 92011
- San Diego County Library, San Marcos Branch – 2 Civic Center Drive, San Marcos, CA 92069
- San Diego County Library, Vista Branch – 700 Eucalyptus Avenue, Vista, CA 92084
- County Airports Administration – 1960 Joe Crosson Drive, El Cajon, CA 92020
- County Department of Public Works (DPW) Environmental Services Unit 5510 Overland Avenue, 4<sup>th</sup> Floor, San Diego, CA, 92123

We expanded distribution and added two more locations in Carlsbad on January 26<sup>th</sup>:

- Carlsbad City Library Learning Center – 3368 Eureka Place, Carlsbad CA 92011

Please let us know if you're having difficulties accessing the documents and we can find a solution.

Thanks,

Cynthia

**Cynthia Curtis**

Environmental Planning Manager

County of San Diego  
Department of Public Works, Environmental  
5510 Overland Ave, Suite 410

San Diego, CA 92123

Desk: 858-694-3906

POSITIVE = POSITIVE

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**From:** Hope Nelson

**Sent:** Tuesday, February 06, 2018 3:13 PM

**To:** Curtis, Cynthia

**Cc:** [Mark.Packard@carlsbadca.gov](mailto:Mark.Packard@carlsbadca.gov); [Michael.Schumacher@carlsbadca.gov](mailto:Michael.Schumacher@carlsbadca.gov); 'Keith Blackburn'; 'Cori Schumacher'; [Matt.Hall@carlsbadca.gov](mailto:Matt.Hall@carlsbadca.gov); [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov); [jason.haber@carlsbadca.gov](mailto:jason.haber@carlsbadca.gov); Lardy, Lee Ann; Gade, Derek; Carmichael, Leann

**Subject:** RE: Extended MP Airport Master Plan Public Comment Period

Ms. Curtis,

Thank you for your reply.

One question only, on what date were hard copies at the libraries made available?

I plan on being at the next meeting on Feb 13<sup>th</sup>.

Sincerely,

Hope Nelson

C4fa Steering Committee

Carlsbad Citizen

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**From:** Curtis, Cynthia [<mailto:Cynthia.Curtis@sdcounty.ca.gov>]

**Sent:** Tuesday, February 06, 2018 2:25 PM

**To:** Hope Nelson

**Cc:** [Mark.Packard@carlsbadca.gov](mailto:Mark.Packard@carlsbadca.gov); [Michael.Schumacher@carlsbadca.gov](mailto:Michael.Schumacher@carlsbadca.gov); Keith Blackburn; Cori Schumacher; [Matt.Hall@carlsbadca.gov](mailto:Matt.Hall@carlsbadca.gov); [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov); [jason.haber@carlsbadca.gov](mailto:jason.haber@carlsbadca.gov); Lardy, Lee Ann; Gade, Derek; Carmichael, Leann

**Subject:** RE: Extended MP Airport Master Plan Public Comment Period

Ms. Nelson,

Thank you for your comments. We are sorry the extension to the public comments period for the McClellan-Palomar Airport Master Plan and EIR is less than you would prefer. The extended public comment period is longer than other projects of similar size. The County released the documents for public review as soon as it was complete in mid-January, consistent with what we'd previously posted and announced. The Draft Program EIR and Master Plan documents are the focus of the public review. The Draft Program EIR's technical reports are appendices that contain raw data or reference materials that are summarized in the Draft Program EIR. There is no specific format for providing your written comments. However, referencing the page number where your comment



applies is helpful to add context. We've already received some comments and we expect to receive many more over the next several weeks. We look forward to receiving your comments and those from your committee.

Public outreach remains a high priority for this project and has been wider on this project than any other Airports project. To-date we have published notifications in the Coast News, U-T, direct mailings, two sets of e-mail blasts, flyer distribution, news clips, etc. We are also working with our County team on social media outreach so we are covering the myriad of ways people get notified of projects. We had a very well attended workshop in Carlsbad on Jan 30th. At the workshop, we went through the environmental review process and topics of community concern. We also answered a lot of questions during the hour-long Q&A session and received good feedback on the workshop format from the people who attended. As discussed on the project website, e-blast messages, social media posts, etc., we will be holding another workshop on Feb 13th that will have the same format. We are also holding an open house at the Airport on Feb 7th that will not have a formal presentation but will have the same materials and opportunities to ask questions. We hope that you will be able to attend an event.

There is also a lot of information on our website, and we are continually updating it. Stay tuned to the Frequently Asked Questions (FAQ), which we expect to keep updating through the public review period, as we receive questions. The public should find the FAQ's helpful.

In your first email, it seems you had some difficulty accessing the documents, they are available several ways. The full documents are available for download on our website. Here is the link. [www.PalomarAirportMP.com](http://www.PalomarAirportMP.com) We give out DVDs with project documents at the public meetings for anyone who would like one. If you don't want to attend an public meeting you can pick a DVD at McClellan-Palomar Airport Administration (address below).

Hard copies are available in the following locations for you to review on site:

-  Carlsbad City Library – 1775 Dove Lane, Carlsbad, CA 92011
-  Georgina Cole Library – 1250 Carlsbad Village Drive, Carlsbad CA 92011
-  Carlsbad City Library Learning Center – 3368 Eureka Place, Carlsbad CA 92011
-  San Diego County Library, San Marcos Branch – 2 Civic Center Drive, San Marcos, CA 92069
-  San Diego County Library, Vista Branch – 700 Eucalyptus Avenue, Vista, CA 92084
-  County Airports Administration – 1960 Joe Crosson Drive, El Cajon, CA 92020
-  County Department of Public Works (DPW) Environmental Services Unit 5510 Overland Avenue, 4<sup>th</sup> Floor, San Diego, CA, 92123

We've found in recent years the public has little interest in purchasing hard copies. Most people find it more economical to either print themselves, or have their own copies made from the DVD. However, if you would like to purchase a set of the bound hard copies please let us know, and we'll be happy to assist you.

Thank you,

County Airports Team

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**From:** Hope Nelson  
**Sent:** Friday, February 02, 2018 4:46 PM  
**To:** LUEG, PalomarMP; Lardy, Lee Ann; Curtis, Cynthia  
**Cc:** [Mark.Packard@carlsbadca.gov](mailto:Mark.Packard@carlsbadca.gov); [Michael.Schumacher@carlsbadca.gov](mailto:Michael.Schumacher@carlsbadca.gov); Keith Blackburn; Cori Schumacher; [Matt.Hall@carlsbadca.gov](mailto:Matt.Hall@carlsbadca.gov); [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov); [jason.haber@carlsbadca.gov](mailto:jason.haber@carlsbadca.gov)  
**Subject:** Extended MP Airport Master Plan Public Comment Period

To the attention of Cynthia Curtis and Leeann Lardy:

Re: Extended timeframe McClellan-Palomar Airport Master Plan and EIR comment period

Thank you for the extended public review and comment period related to the McClellan-Palomar Airport Master Plan and EIR. I understand that you have extended the comment period for two weeks, ending March 19, 2018.

Though appreciative of the two extra weeks, am underwhelmed by the length of the extended period. It would be far more beneficial to our County to encourage public comment so as to hear the voice of the citizens on such a major undertaking as the McClellan-Palomar Airport "20 Year Plan".

It appears the County is making every effort to ensure the McClellan-Palomar Airport Master Plan is completed within some sort of pre-determined or strategic deadline. What causes this deadline to be more important than hearing and considering the larger amount and scope of input a longer period of comment would encourage? After spending an enormous amount of time and public money, after numerous County delays in releasing the Master Plan and EIR to the citizens for study, intentionally not disclosing in advance the release date of the documents so that citizens would be aware, it is unbelievable that the public comment period is anything less than 90-100 days.

I remind you that the issue of a lack of information regarding delineating the EIR Process, instructions, or any format within which to comment has not been addressed. Also the availability of hard copy of the documents is still lacking. All of the reasons for my original request still stand.

I urge you to reconsider and establish a more reasonable deadline for an extended public comment period. I continue to suggest 100 days. After all, the deadline for the release was extended many multiple times by the County.

Attached is my original request for your review.

Hope Nelson

C4fa Steering Committee

Carlsbad Citizen



Virus-free. [www.avg.com](http://www.avg.com)



## Tammy McMinn

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**From:** Jason Haber  
**Sent:** Thursday, February 15, 2018 1:44 PM  
**To:** City Clerk  
**Subject:** FW: Palomar Airport

For airport item on 2/20.

Jason

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**From:** Stuart Hepburn  
**Sent:** Thursday, February 15, 2018 1:44 PM  
**To:** Council Internet Email <[CityCouncil@carlsbadca.gov](mailto:CityCouncil@carlsbadca.gov)>; Manager Internet Email <[Manager@CarlsbadCA.gov](mailto:Manager@CarlsbadCA.gov)>  
**Subject:** Palomar Airport

As you no doubt know, the County is developing a new 20 year master plan, and at a meeting on Tuesday, January 30th, representatives of the airport and the consultant assisting them presented the plan for public comment.

When asked whether the plan considered the requirements of Carlsbad's CUP 172, the claim was made that the plan was in compliance with those requirements, since the plan included no expansion of the footprint of the airport. In support of that position, the panel member referenced the definition of the word "expansion" in the City code.

As written in Section 21 of the City code, the definition is as follows:

*"Expansion" means to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements. (Ord. CS-050 § II, 2009).*

The definition is not limited to changes that require a larger footprint, as the airport would have us believe. The definition clearly states that expansion includes not only enlargement of the physical attributes of the facilities, but also any enlargement of the use of those facilities.

Parsing the sentence leads to two separate, but equal aspects of the definition:

"Expansion" means to enlarge or increase the use of the property, building, parking and other improvements. (Ord. CS-050 § II, 2009)

"Expansion" means to enlarge or increase the size of an existing structure including the physical size of the property, building, parking and other improvements. (Ord. CS-050 § II, 2009)

The contemplated plan will increase both the size of an existing structure - the length of the runway - and the use of the facilities. The plan contemplates increasing the number of commercial passengers using the airport from close to zero in 2017 to over 500,000 per year in the plan timetable.

As a resident of Carlsbad, I'd appreciate an explanation from the city as to why the city has not asserted it's right to require that implementation of this plan will be subject to a vote of the citizens.

Yours truly

February 18, 2018

Ray & Ellen Bender  
1015 Camino del Arroyo Dr.  
San Marcos, CA 92078  
760-752-1716  
benderbocan@aol.com

Carlsbad City Council Members  
City Manager Kevin Crawford  
Assistant City Manager Jason Heber  
City Attorney Celia Brewer

Re: Comments on Carlsbad City Council February 20, 2018 Special Meeting  
Agenda Item 3: County of San Diego's Proposed Master Plan Update and  
Draft Environmental Impact Report for McClellan-Palomar Airport

Carlsbad Council Members, City Manager, and Staff

**Preliminary Comments:**

We returned from a New Zealand trip on Sunday February 16 and have had only a short time to review Mr. Crawford's 205 page report titled "*Presentation on the County of San Diego's Proposed Master Plan Update and Draft [EIR] for McClellan-Palomar Airport.*"

As his report notes, persons interested in McClellan-Palomar Airport (Palomar) development will not know the Carlsbad position on such development until the county makes its February 20, 2018 presentation and the Carlsbad law firm (Kaplan, Kirsch Rockwell) comments at that meeting on the Carlsbad authority related to the county's Palomar Master Plan (PMP). As Mr. Crawford also notes, the Council will hold another meeting on March 13, 2018 "*for additional City Council direction and consideration of a recommended comment letter on the County of San Diego's proposed airport master plan update and draft [EIR].*"

For the reasons above, we will supplement our comments before the Council's March 13, 2018 meeting as Carlsbad's position becomes clearer. We submit our information to aid the council in determining what actions the council must take to comply with:

- (1) Carlsbad MC § 21.53.015 related to voter approval of county airport expansion;
- (2) Carlsbad Conditional Use Permit (CUP) 172 related to county's desire to expand Palomar and/or convert Palomar from a "general aviation basic transport" airport;

- (3) Carlsbad California Government Code and Public Utility Code Obligations related to processing of the county PMP and PMP Programmatic EIR as related to Carlsbad's obligation to (a) update its 2015-2035 General Plan and (b) assure consistency of the San Diego Regional Airport Authority Airport Land Use Commission (ALUC) McClellan-Palomar Land Use Compatibility Plan; and
- (4) Carlsbad's obligations as a responsible agency under the California Environmental Quality Act (CEQA) to comment on county's Palomar MP Programmatic EIR.

Various documents in the staff's 205-page report motivated the comments below. Note that our letter asks a number of questions, which we request that Carlsbad staff and the Carlsbad legal counsel address in their next staff letters for the scheduled March 13, 2018 Carlsbad city council meeting. Read both sides of the comment pages provided.

### **Discussion**

#### **1. Carlsbad Incompletely Describes the County PMP Project. The Omission Critically Affects the County's Compliance with Carlsbad Conditional Use Permit 172**

Carlsbad correctly outlines three major physical improvements that county's PMP describes: installing runway safety features; extending the runway; and, in the long term, shifting the runway somewhat to the north. However, as county's PMP states, the county's expressly-stated-goal is to convert Palomar from an FAA-rated B-II airport to an FAA "modified D-III" Airport. [The higher the letter and numeral ratings, the larger and faster the aircraft are that will use Palomar.]

In short, county's goal is not to just build \$100 million plus in Palomar improvements but rather to convert Palomar to an airport handling very large aircraft, travelling internationally<sup>1</sup>, with greatly increased passenger loads. Collectively, the projects include those Carlsbad notes as well as installing massive retaining walls along the Palomar Airport west slope and southeast slope along Palomar Airport road; relocating various airport tenants; and forcing general aviation aircraft off the premises to make room for larger aircraft.

Recall that Carlsbad CUP 172, Condition 11, states:

*"The existing designation of the airport as a General Aviation Basic Transport Airport shall not change unless an amendment to this CUP is approved by the Planning Commission."*

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<sup>1</sup> The one and only justification that county gave in its 2013 Palomar Runway Feasibility Study was to lengthen the Palomar runway so aircraft could operate at 90% loads rather than 60% load so they could take on more fuel and travel internationally.

We are aware from our mid March 2018 discussions with Assistant City Manager Haber, that a former Carlsbad City Manager expressed the view that CUP 172, Condition 11, is “defunct.”<sup>2</sup> The letter simply said that CUP Table 1 allowed certain commercial uses. But the letter provided no support for its “defunct” conclusion. The letter author was apparently unfamiliar with the FAA National Plan of Integrated Airport System (NPIAS) breakdown of airport classes. As the current NPIAS report notes, the FAA continues to classify “basic” transport airports as those handling a very limited number of operations.

As a point of information, Carlsbad’s 205-page attachment did not address the CUP 172 Conditional 11 issue.

**Request: Provide all the supporting documentation that the above Carlsbad City Manager letter relied on for its suggestion that CUP 172 Condition 11 is defunct. Explain what Carlsbad’s position is today as to the applicability of CUP 172 Condition 11.**

**2. No words in Carlsbad MC § 21.53.015 Limit the Term “Expansion” to mean Only Geographical Expansion.**

At page ---- of its report, Carlsbad notes that when the Carlsbad City Council adopted MC § 21.53.015, then City Attorney Vince Biondo, in response to a council member question, said he understood the term “expansion” to mean constructing improvements outside the then existing Palomar Airport premises.

While Mr. Biondo is entitled to his opinion, he did not draft MC §21.53.015. A citizens’ group circulated an initiative, which qualified for the Carlsbad ballot. Rather than letting the matter go to a vote, the Carlsbad city council instead adopted the initiative language verbatim into a predecessor section of the Carlsbad Municipal Code [§21.44.015].<sup>3</sup> Hence, Mr. Biondo had no personal knowledge related to the drafting of the language.

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Moreover, evidence contradicting Mr. Biondo’s opinion includes:

- Carlsbad MC § 21.04.140.1 defines the term “*expansion*” in the Carlsbad zoning code as “*to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements.*”<sup>4</sup>
- The State of California Public Utilities Code, under which the State Division of Aeronautics acts within CalTrans, provides in § 21664.5:

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<sup>2</sup> See John W. Coates, “April 23, 2013 letter to California Pacific Airlines.

<sup>3</sup> According to the Elections Code, Carlsbad had only two choices when presented with the properly signed initiative: either schedule the matter for an election vote or adopt it verbatim as part of the Carlsbad municipal code.



*“(a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.*

*(b) As used in this section, ‘airport expansion’ includes any of the following:*

*(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.*

*(2) The construction of a new runway.*

*(3) The extension or realignment of an existing runway.*

*(4) Any other expansion of the airport’s physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).”*

***[Emphasis added.]***

- The McClellan-Palomar Airport Land Use Compatibility Plan [Adopted 1/25/10 and amended 3/4/10, and again 12/1/11 states in § 2.12 entitled “Review of airport master plans and development plans” on p. 2-29:

*§ 2.12.1 \*\*\* “Airport expansion is defined to include the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of county protection zones or the acquisition of any interest in land for the purposes, identified above.”*

- Moreover, Carlsbad Resolution No. 7558<sup>5</sup> [Resolution Requesting Joint Powers Agreement Regarding McClellan-Palomar] requested the County of San Diego to enter into a joint powers agreement related to Palomar Airport with a provision stating:

*“Provisions preventing expansion of airport facilities such as the addition of a second runway, extension of the existing runway, or upgrading of airport facilities such as fire rescue facilities, fencing, parking or land acquisition in order to obtain a Certificate of Operation from the FAA;”*

- Finally, it makes little sense to suggest that citizens who went to the time and expense of qualifying an “anti expansion” Palomar measure for the ballot – and who objected to increased airport related noise, traffic, and air pollution – were agreeable to such impacts if caused by a longer Palomar runway within the existing airport.<sup>6</sup>

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<sup>5</sup> Unanimously adopted by the Carlsbad City Council on April 3, 1984 and page 171 of Carlsbad’s staff report.

<sup>6</sup> In the mid of late 1970s, the county was completing its dumping of nearly 1 million cubic yards of waste at the three Palomar on-airport landfills. Landfill Unit 3, the largest, sits very near the Palomar runway east end. Carlsbad residents would have no reason to believe that county, 40 years later, would want to spend about ten times the normal runway construction cost to extend the Palomar runway over a now closed, methane-gas emitting landfill.

3. **California Government Code § 65402(b) and Public Utility Code § 21661.6 and Public Utility Code § 21676 -- each and independently of each other -- Require the Carlsbad City Council to Take Legislative Acts within the Meaning of MC § 21.53.015 in Order for County to Implement its Palomar Master Plan**

As Carlsbad City Staff (citing GC § 65402(b) and PUC §21661.6) advised the City Manager in 1977<sup>7</sup>:

*“Greater Control Over the Airport  
Government Code Section 65402(b) provides that the County shall not ... construct or authorize a public building or structure within the corporate limits of the City [Carlsbad], if the City has an adopted general plan, until the location, purpose and extent of such ... building or structure have been submitted to and reported upon by the planning agency having jurisdiction as to conformity with the adopted general plan. In addition, Public Utilities Code Section 21661.6 requires that prior to acquisition of land by the County for the purpose of expanding or enlarging an existing publicly owned airport, the County shall submit a plan to the City Council. The plan shall show in detail the airport-related uses and other uses proposed for the property to be acquired. Upon approval of the plan, property acquisition may begin. The use of the property so acquired shall thereafter conform to the approved land, and any variances from such plan, or changes proposed therein, shall be submitted to the City Council for approval.*

Accordingly, county must under state law submit its Palomar Master Plan to Carlsbad for review. The Carlsbad municipal code describes the process that Carlsbad must follow when reviewing Palomar Airport related matters. As provided in MC § 21.32.010, entitled “*Permitted uses*,” such airport related matters follow a CUP process “3” in accordance with Carlsbad municipal Code Chapter 21.42. MC § 21.42.070 then describes “Process Three” as requiring action of the Carlsbad Planning Commission and the city council.

County’s PMP proposes (1) more than \$100,000,000 of Palomar improvements including up to an 800-foot runway extension over a 19 acre Unit 3 methane-emitting landfill over the next 20 years and (2) conversion of the airport from a B-II airport handling smaller, slower, less fuel-carrying aircraft to a “modified” D-III airport handling larger, faster, more fuel-laden aircraft, (3) construction of massive retaining walls on the airport west and southeast borders, and (4) dislocation of general aviation aircraft now using the airport north side for parking. Hence, GC § 65402(b) applies.

County’s PMP claims that all needed Palomar improvements will occur only on county’s existing airport property on the northwest corner of El Camino Real and Palomar Airport

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<sup>7</sup> See pp. 1-2 to September 29, 1977 staff memo entitled “*Impact of Palomar Airport Annexation*” at Carlsbad staff report pp. 88-89.

Road. County's claim can only be true if (1) county's proposed massive retaining walls do not infringe on third party property including property of the city of Carlsbad between the current airport plateau slopes and the adjacent property and (2) extending the airport runway and shifting airport navigational aids will not occur on the airport parcel on the northeast corner of El Camino Real.<sup>8</sup> On a recent tour of the airport, we were told that the PMP improvements would require movement of FAA navigational aids on the northeast airport parcel (which is outside the PMP area).<sup>9</sup> In short, PUC § 21661.6 also applies (independently of GC § 65402(b)). Hence, Carlsbad has the duty to require county to describe (1) what third party property county will need to construct its retaining walls and (2) to verify all improvements county's PMP will require (if implemented) on the airport property on the northeast corner of El Camino Real and Palomar Airport Road.

In addition, independently of GC § 402(b) and PUC § 21661.6, the Carlsbad council must take a legislative action in order for county to proceed with its PMP improvements because Public Utilities § 21676<sup>10</sup> compels Carlsbad to either update its 2015 General

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<sup>8</sup> We have reviewed the "cross-hatched" drawing that the Carlsbad council referred to when initially adopting CUP 172. The drawing refers to Palomar airport property only on the northwest corner of ECR and PAR. Accordingly, any airport improvements, including changes to FAA Palomar Airport navigational systems, on the northeast corner of ECR and PAR are outside the CUP 172 premises.

<sup>9</sup> County's original PMP proposed developing 17 acres on the northeast corner of ECR and PAR in addition to the improvements Carlsbad described above. County revised its PMP to delete the reference to these 17 acres so that county could claim that all county improvements remained within the existing Palomar northwest corner footprint.

<sup>10</sup> PUC § 21676 states:

*(a) Each local agency whose general plan includes areas covered by an airport land use compatibility plan shall, by July 1, 1983, submit a copy of its plan or specific plans to the airport land use commission. The commission shall determine by August 31, 1983, whether the plan or plans are consistent or inconsistent with the airport land use compatibility plan. If the plan or plans are inconsistent with the airport land use compatibility plan, the local agency shall be notified and that local agency shall have another hearing to reconsider its airport land use compatibility plans. The local agency may propose to overrule the commission after the hearing by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the final record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.*

*(b) Prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the airport land use commission pursuant to Section 21675, the local agency shall first refer the proposed action to the commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the local agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the local agency governing body within 30 days of receiving the proposed*

Plan or to certify that all improvements county proposes under its PMP will comply with the Carlsbad General Plan and with the Palomar Airport Land Use Compatibility Plan prepared by the Airport Land Use Committee at the San Diego Regional Airport Authority.

Recall that Carlsbad must address two separate issues when acting on county's 2018 – 2038 PMP. The first issue is: Are county's **on-airport** improvements consistent with the Carlsbad 2015 General Plan, and if not, what action will Carlsbad take to assure county compliance? For instance, since the 1980s, Carlsbad has had a long-running battle with county because county has refused to comply with the Carlsbad scenic corridor ordinance. For several thousand feet along El Camino Real and Palomar Airport road, on both the northwest and northeast corners of ECR and PAR. In the 1980s, the Carlsbad Director of Planning wrote a long letter to county explaining the county non-compliance with Carlsbad's scenic corridor requirements and requesting compliance. For thirty years, Carlsbad has failed to act to require compliance. Not once – after being routinely ignored by county staff – has Carlsbad taken the issue to the Board of Supervisors. As the saying goes, a picture is worth a thousand words. Simply showing the Board of Supervisors the ugly airport perimeter “non-landscaping” should be enough to shame the county into doing something. Yet, Carlsbad is MIA, Missing in Action.

Similarly, though Carlsbad in the 1990s asked some questions about Palomar Airport landfill water migration and contamination of ground waters, Carlsbad has again been MIA. As our comments on the county PMP Programmatic EIR will show, county has long failed to comply with Regional Water Quality Control Board requirements. And Carlsbad has said nothing, not even in its comments on the county environmental

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*decision and findings. If the commission or the division's comments are not available within this time limit, the local agency governing body may act without them. The comments by the division or the commission are advisory to the local agency governing body. The local agency governing body shall include comments from the commission and the division in the public record of any final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.*

*(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission's plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. At least 45 days prior to the decision to overrule the commission, the public agency governing body shall provide the commission and the division a copy of the proposed decision and findings. The commission and the division may provide comments to the public agency governing body within 30 days of receiving the proposed decision and findings. If the commission or the division's comments are not available within this time limit, the public agency governing body may act without them. The comments by the division or the commission are advisory to the public agency governing body. The public agency governing body shall include comments from the commission and the division in the final decision to overrule the commission, which may only be adopted by a two-thirds vote of the governing body.*

*(d) Each commission determination pursuant to subdivision (b) or (c) shall be made within 60 days from the date of referral of the proposed action. If a commission fails to make the determination within that period, the proposed action shall be deemed consistent with the airport land use compatibility plan.*

documents occasionally circulated. How is the Carlsbad council protecting the interests of Carlsbad residents?

The second issue that county's processing of its 2018-2038 PMP triggers for Carlsbad is: If Palomar begins handling larger, faster, more fuel-laden aircraft using a relocated runway, how will these operational changes impact noise and safety in the Carlsbad, Vista, and other neighborhoods surrounding Palomar Airport? In other words, the Carlsbad focus now switches to **off-airport** PMP impacts. This is the concern that Public Utilities Code § 21676 focuses on.

One fact is crucial here. It is Carlsbad, not the county, which is responsible for either (1) assuring that its planning and zoning is consistent with the McClellan-Palomar Airport Compatibility Land Use Plan (CLUP) prepared by the SDRAA ALUC or (2) or allowing development within Carlsbad incompatible with the CLUP (as the Public Utility Code allows) so long as Carlsbad accepts responsibility for any resulting issues.

It is deceptive for Carlsbad to suggest that county adoption of a twenty year new PMP that may materially affect development within Carlsbad does not require a Carlsbad legislative action within the meaning of Carlsbad MC § 21.53.015 when such county action triggers a Carlsbad council duty to assure compliance of Carlsbad planning and zoning with the ALUC CLUP.

**REQUEST: So that current and future Carlsbad voters may understand whether current council members are representing their constituent interests, provide the following information before the presently scheduled Carlsbad March 13, 2018 council meeting:**

- **If Carlsbad disagrees with any of the points raised in this Item 3, which discusses why state law requires the Carlsbad council to take a legislative act related to county processing its 2018-2038 PMP, provide the Carlsbad analysis.**
- **List the number of times since 2006 that the Carlsbad council has acted to assure that the Carlsbad General Plan was consistent with McClellan-Palomar Airport operations and development.**
- **Explain why the council has failed to take county's non-compliance with the Carlsbad scenic corridor requirements to the Board of Supervisors, which has resulted in a 30-year eyesore to the council's constituents.<sup>11</sup>**

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<sup>11</sup> We are aware that the Carlsbad council might claim (1) it can not regulate county – even though county voluntarily submitted itself to Carlsbad regulation by (a) requesting issuance of Carlsbad Conditional Use Permit 172 and (b) even thought county, which operates 8 county airports, chose to adopt a County General Plan applying only to the 6 airports in county unincorporated areas or (2) county can not comply with Carlsbad scenic corridor requirements because landfill restrictions on the northwest ECR and PAR airport site limit landscaping measures. Please recall that it was the county that came “begging” to Carlsbad in the 1970s to encourage Carlsbad annexation of the airport because county wanted various Carlsbad municipal services to be supplied to the airport. Recall also that the Palomar Airport northeast ECR and PAR corner property has no landfills and yet county has failed to landscape them. Recall also that there are several attractive landscaping options that county has on the northwest ECR and PAR corner that county could

- **Explain why Carlsbad has abandoned any attempt to assure county compliance with environmental restrictions applying to Palomar Airport. Recall that Carlsbad planning and environmental staff in 2000 – when Carlsbad was reviewing whether to acquire Palomar Airport from the county – prepared an excellent report listing a long string of county non-compliance with environmental laws including those related to water quality and air quality. Yet since that time, Carlsbad has again been MIA – missing in action. That will become clear when our comments on the county 2018-2038 Programmatic EIR are compared to the Carlsbad comments.<sup>12</sup> The reason for Carlsbad's MIA approach begins with the Carlsbad council, not the planning and environmental staff, as will be shown in Item 5 below.**
4. **The Carlsbad Staff Report for the Carlsbad February 20, 2018 Incompletely Describes the Carlsbad Conditional Use Permit (CUP) 172 Requirements and Fails to Provide Crucial Documents Related to CUP 172.**

Stated simply, Carlsbad's staff report for the council February 20, 2018 special meeting says and/or implies that Carlsbad Conditional Use Permit (CUP) Table 1 lists the improvements that county may make at Palomar Airport without further Carlsbad review. What Carlsbad fails to state – which Carlsbad knows because we have previously so advised the council in writing – are the following facts:

- CUP 172 Table 1 does NOT list a runway extension as a project that county may undertake without further council review.<sup>13</sup>
- Carlsbad and county documents for the period 1978 to 2000 show:
  - County in 1979/1980 prepared the original draft of CUP 172 Table 1. That draft expressly listed runway extensions as an allowed improvement.
  - Before Carlsbad council adoption of CUP 172, Carlsbad revised Table 1 to delete runway extensions as an allowed county improvement.
  - Carlsbad's deletion of the county-requested runway extension item was consistent with the then recent citizen initiative, which became MC 21.53.015. Fresh in the council's mind was the community opposition to any Palomar airport changes, which would increase noise, traffic, or pollution including a 2<sup>nd</sup> runway and/or runway extension.

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implement, including but not limited to construction of a 12 foot high planter wall watered with a drip irrigation system. The point is simply this: What Carlsbad residents and other residents in communities around the airport see is a Carlsbad city council cowed into inaction by the county. Perhaps a more aggressive city council would succeed in protecting Carlsbad interest, perhaps not. But what Carlsbad residents do not need is a city council, which does not try.

<sup>12</sup> For a preview of the difference, simply compare our very detailed EIR scoping comments on the county PMP EIR (made last year) with the Carlsbad scoping comments.

<sup>13</sup> No doubt county would argue that taxiway changes are allowed and hence runway changes are allowed. The argument fallacy is this: the runway length, not the taxiway length, limits the airport capacity. Changing a taxiway configuration may improve safety and avoid on ground collisions. Changing the taxiway configuration will not determine whether Palomar can or cannot handle FAA-rated B, C, and D aircraft.

- In approximately 1997<sup>14</sup> -- when Carlsbad initially told County that county had to submit its 1997 – 2017 Palomar Master Plan (the old county PMP) to the Carlsbad council for review – Carlsbad exchanged letters with county airport staff.<sup>15</sup> County staff in about 1997 prepared a revised draft CUP 172 Table 1. Again county expressly included runway extensions as a CUP preapproved project. In other words, county recognized that the 1979/1980 Carlsbad CUP 172 Table 1 required county to obtain Carlsbad approval for runway extensions.

In short, county may not extend the Palomar runway without first obtaining Carlsbad planning commission and council approval for the reasons discussed in Item 3 above.<sup>16</sup>

**REQUEST: To assure Carlsbad voters that the council is representing the interests of their constituents, Carlsbad needs to discuss in its staff report for the presently scheduled March 13, 2018 meeting the issues raised in this Item 4. Carlsbad also needs to attach the letters between county and Carlsbad discussing the 1979/1980 CUP 172 Table 1 and discussing the 1997/1998 processing of the last county PMP and county's 2<sup>nd</sup> attempt to change CUP 172 Table 1. Carlsbad also needs to attach all the letters and writings between Carlsbad staff and county staff explaining why Carlsbad initially required county to present the 1997-2017 PMP to the council and then allowed the county to withdraw the request.**

**Recall that one of the issues that Carlsbad staff raised in 1997 when it advised the council to act on the county 1997–2017 was the term of CUP 172. Carlsbad staff noted (based on our memory of reviewing Carlsbad documents) that it was city policy to grant conditional use permits only for five years and that a new permit should be granted for only five years. It appears that the Carlsbad council failed to inform the public of these issues. Yet another example of an MIA council.**

**5. The Carlsbad Staff Report for the Council February 20, 2018 Special Meeting and Other Carlsbad Records are Filled With Examples of a City Council Missing in Action When Matters Involving Palomar Airport Arise.**

As the council is aware based on the public's reversal of the Caruso mall Carlsbad development, although the council in the first instance exercises power under the City Charter and state law, that law accords substantial rights to Carlsbad residents. The council owes the public two obligations: first, to act transparently and second, to fight for resident rights when the residents have made clear their concerns – even though individual council members might prefer a different action. Unfortunately, Carlsbad

<sup>14</sup> Since we have had only a few hours to respond to the Carlsbad staff report, which we first saw yesterday February 19 after our return from New Zealand, we have not had time to refer to specific dates.

<sup>15</sup> Inexplicably, as noted in Item 5 below, county withdrew its 1997-2017 PMP from council review and the council never explained to the public what was happening. Another example of the council being MIA.

<sup>16</sup> Note especially that for the reasons stated, the existing CUP 172 does not allow runway extensions. Accordingly, the Carlsbad City Council would have to amend CUP 172 to allow such a new preapproved use – especially in light of the history of the council affirmatively striking the county originally requested CUP 172 Table 1 language.

records are replete with examples of the council sidestepping the wishes of its constituents when Palomar Airport development is concerned. Time does not now permit a full detailed listing of council “Missing in Action/MIA examples. Here are a few, starting with the most recent:

- *2012 to Present: Council Avoidance of Public Comments at Council Meetings.* As it must, the council accords the public their State-mandated Brown Act rights to speak at public meetings. In reality, the council treats the public as though they are “whistling in the wind.” Seldom does the council respond to questions the public asks. Seldom does the council ask city staff to respond to questions asked. Seldom does council say: “That’s a concerning issue. We would like to have staff respond in detail and report back at the next council meeting.” In other words, the council attitude (apparently dictated by the Mayor) is that the public is to be seen, heard, and then ignored. The public has received this treatment over the last two years when raising Palomar Airport issues.
- *2013 Council Circumvention of Carlsbad Staff and Possibly the Brown Act Related to Palomar Airport: The April 2013 then-City Manager Coates letter.* In 2012, California Pacific Airlines (CPA) asked the FAA to approve new CPA air carrier service at Palomar Airport. The FAA circulated a CPA NEPA analysis for comment. In 2012, we commented extensively on the CPA analysis. Carlsbad staff also commented. But the Carlsbad council was apparently unhappy with Carlsbad staff comments. If you have seen the movie *Fish Called Wanda* (highly recommended), picture the scene in which an English barrister is suspended upside down from a 2<sup>nd</sup> story building until he recants his original position.

It appears that then City Manager Coates was “taken to the woodshed” resulting in his April 23, 2013 letter recanting certain positions that Carlsbad staff took when commenting on the FAA CPA NEPA analysis. How and when? For sure, we don’t know. But, as the saying goes, be suspicious of coincidences. If my memory serves correctly, the Carlsbad council in early 2013 (possibly in March and/or April) scheduled agenda items related to Palomar and/or CPA and went into closed session to discuss them. Such closed sessions are proper under the Brown Act – as long as Carlsbad correctly reports what it did. “Coincidentally” the City Manager sent his recantation a short time thereafter.

Arguably, the then City Manager’s April 23, 2013 “secret recantation” was mistaken. But the public never had a chance to comment on Mr. Coates letter or the extraordinary measure that Carlsbad took of recanting a written position on a formal FAA NEPA document. While the closed session in the first instance may have been appropriate (we really don’t know), if the Carlsbad council wanted to act transparently with the public, it would have scheduled the issue of concern for a public meeting. “Reading between the lines” of the 2013 letter, the issue seems to have been what obligations Carlsbad had under CUP 172, Condition 8, to require county to maintain a “general aviation basic transport” airport at Palomar. As noted above, this is a major issue of concern as county seeks to convert



Palomar from a smaller, slower aircraft B-II airport to a larger, faster aircraft D-III airport.

- *Did the Carlsbad Council Circumvent the voter requirement in MC § 21.53.015 Between 1990 and 2004?* Carlsbad staff advised the council in the 1990s (see Carlsbad 205 page staff report for February 20 meeting) that county had advised Carlsbad that county wished to acquire 3 parcels outside the Palomar airport premises and to relocate airport parking to these premises. Apparently, Carlsbad staff advised the council that purchasing the property and using them for airport parking or other purposes would require a council legislative action within the meaning of MC § 21.53.015.

But by 2004 – when county asked Carlsbad for a CUP 172B amendment to allow the airport parking – something magical had happened. Carlsbad and county conceded that the 3 parcels which county had acquired to relocate airport parking constituted an airport expansion. But they argued that no council legislative action was required in 2004 because the parcels were somehow already zoned for the parking lot uses. See the November 3, 2004 Carlsbad Planning Commission report.

The interesting question of course is this: What, if any discussions, did Carlsbad and county have between the initial Carlsbad staff recommendation and the final staff recommendation and what, if any action, did the Carlsbad council take to allow parking the 3 parcels county acquired to relocate airport parking.

- *The Carlsbad City Council's 1997 Failure to Act Publicly in Accordance with State Law and the Carlsbad Legal Requirements When County Processed its 1997-2017 Palomar Master Plan.* As noted above, Carlsbad documents reflect that Carlsbad staff advised the county in about 1996/1997 that county had to process its 1997 – 2017 Palomar Master Plan to the Carlsbad city council. The process apparently proceeded as far as preparing notices to a list of property owners within a certain distance of the airport. Then, apparently, the county withdrew its application and the council never scheduled the item for council and public review. Again, the council was MIA.

The above council inaction was beyond non transparent. The council failed to inform the public of major issues involving the most environmentally impactful business in the city of Carlsbad. Perhaps the council had some legal concerns. Fine. The way to handle them is to (1) seek input from the public to assess their position and (2) if necessary, to file a declaratory relief action against the county so that a court could determine the respective rights and liabilities of Carlsbad, the county, and community residents related to Palomar Airport. Instead, the council's MIA failures have resulted in multiple community members spending literally thousands of hours to assess their rights under State, county, and Carlsbad law.

- *The 1984 “Palomar Airport Joint Powers Agreement (Carlsbad AB 7681-2).* Carlsbad’s staff report for the February 20, 2018 meeting refers to Resolution No. 8104 adopted by Carlsbad in 1984, which was intended to create a Joint Powers Agreement pursuant to the California Government Code among the county, Carlsbad, and other cities surrounding the airport. (See pp. 158 and following of Carlsbad’s 205 page staff report for the council February 20, 2018 meeting.) That Resolution provides in part “*WHEREAS, the County has eliminated any extension in length of the single runway from the Airport master plan*” and “*WHEREAS, the Federal Aviation Administration had concurred in the elimination of the second runway, deletion of a runway extension in length and a gross aircraft limitation of 70,000 pounds on the runway.*”

Despite repeated discussions between Carlsbad council members and members of the public over the last five years, Carlsbad has maintained the position that a runway extension is not a CUP 172 airport expansion. Carlsbad has repeatedly either said or implied that it was never Carlsbad’s intent to limit a Palomar Airport runway extension. Yet the above noted council-adopted resolution contradicts most of what the city has said for the last five years.

Carlsbad did not provide in its 205-page staff report any information as to whether county ever executed the above noted Joint Powers Agreement.

**REQUEST: So that the public may know whether the Carlsbad council took any actions to circumvent the requirements of Carlsbad MC § 21.53.015 when approving CUP 172 B, list and explain all actions that the Carlsbad Planning Commission and/or City Council took from 1990 to 2004 to allow airport parking as a planned use on the 3 parcels that were involved in the CUP 172 B Carlsbad action.**

**REQUEST: So that the public may know whether the Carlsbad council is protecting the rights of its constituents, provide with the Carlsbad staff report for the presently scheduled March 13, 2018 meeting all the correspondence among Carlsbad, the county, and the other cities surrounding Palomar Airport related to the development, processing, and finalizing of the above-noted Joint Powers Agreement.**

**[Please also note: The above list is not exhaustive. Other examples exist of the Carlsbad City Council MIA.]**

### **Conclusion**

For the reasons above, it appears that Carlsbad city council members have consistently over a 33-year period beginning in about 1984 engaged in a course of conduct to conceal issues related to the development and operation of McClellan-Palomar Airport from the public and Carlsbad residents. Perhaps council members were motivated by legal concerns. Perhaps council members were motivated by a desire to make Carlsbad a tourist mecca. And if Carlsbad residents want to sacrifice Carlsbad livability and sustainability concerns and accept more traffic, noise, pollution, and other environmental

problems, fine. As long as the will of Carlsbad residents, not the will of individual council members, is being done.

What is abundantly clear is that the council has quite likely wasted hundreds of thousands of dollars, perhaps millions, by “tip-toeing” around the MC § 21.53.015, CUP 172, and related state law issues and by consistently acting in an “engineered, non-transparent manner.”<sup>17</sup>

Given the upcoming Carlsbad council elections, the council will presumably be more responsive to community concerns. If not, community members will have to explore other avenues of relief including but not limited to requesting the San Diego Grand Jury to look into issues related to Carlsbad review of Palomar Airport development. The council could begin to show its good faith response to community concerns in the following ways:

1. Fully producing all the records requested above as part of its March 13, 2018 staff report;
2. Finding at the March 13, 2018 council meeting that the county’s 2018-2038 PMP stated intent to (a) convert Palomar Airport from a B-II airport to a Modified D-III airport and (b) extend and relocate its runway constitute a Palomar Airport expansion within the meaning of MC § 21.53.015 and CUP 172 and the McClellan-Palomar Compatibility Land Use Plan and the State Aeronautics Code.
3. Finding at the March 13, 2018 meeting that the various state code provisions cited above require the Carlsbad council to take various legislative actions within the meaning of MC § 21.53.015 because county may not implement its 2018-2038 PMP unless and until the Carlsbad council finds the PMP consistent with the Carlsbad 2015 General Plan and until the Carlsbad council certifies to the SDRAA ALUC that Carlsbad’s zoning and planning conditions for areas surrounding the airport – as affected by the county’s changed- 2018-2038 operations will be consistent with the ALUC McClellan-Palomar Compatibility Land Use Plan.
4. Finding that the county must present its 2018 PMP to the Carlsbad city Council for review and determination of the consistency of the PMP recommendations with the Carlsbad 2015 General Plan.
5. Finding at the March 13, 2018 council meeting that a Palomar runway extension is not a permitted CUP 172 Table 1 use for the reasons described above and finding that the county must present its 2018 – 2038 PMP to the Carlsbad City

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<sup>17</sup> Not yet having heard the presentation of county and the Carlsbad legal firm and given time constraints, we have limited our discussion of issues in this letter. We will comment on the county and Carlsbad counsel presentation by separate letter before March 13, 2017.

6. Instructing staff to begin procedures pursuant to MC § 21.53.015 to set a special election for Carlsbad voters to decide if they support the county's new PMP;
7. Instructing staff to prepare a declaratory relief action to resolve legal issues related to county adoption of its new PMP and PMP projects if county does not by April 15, 2018 (a) concede that its PMP and PMP projects require it to seek an amendment to CUP 172 and (b) concede that state law requires county to seek Carlsbad city council legislative approval so that Carlsbad may determine the consistency of the PMP with the Carlsbad 2015 GP and with the Palomar Compatibility Land Use Plan.
8. Instructing Carlsbad staff to comment extensively on the county 2018 – 2038 PMP and PMP Programmatic EIR. In other words, Carlsbad comments should not be “pro forma” given the fact that
  - (a) The county EIR is the first Palomar EIR prepared in 40 years and Carlsbad has never provided extensive CEQA comments to county, in part because county until now has “piecemealed” Palomar projects and refused to prepare EIRs;
  - (b) Carlsbad, Vista, and other community residents around Palomar have expressed concerns in 2016 and 2017 about changes in Palomar flight paths and noise;
  - (c) The Carlsbad 2015 General Plan already recognized that Palomar Airport Road and El Camino Real in the vicinity of the airport will have significant traffic congestion, even before Palomar implements its planned (“hoped for”) 500,000 plus additional passengers per year in the future;
  - (d) The Palomar Airport 3 closed landfills have for 20 years failed to meet the RWQCB objectives resulting from the landfill contaminants;
  - (e) The Palomar landfills have had several underground landfill fires in the 2000s, one burning for more than 6 months, which likely converted some underground waste to hazardous material, which can leach into the groundwater;
  - (f) The Palomar landfills have no bottom 3-foot clay liner (now common in landfill design) to contain the garbage juice leaching through the landfill;
  - (g) County proposes driving hundreds of piles, each 15 feet to 40 feet in depth, through the Unit 3 landfill at the runway end to extend the runway;
  - (h) The Carlsbad 42-page report prepared by Carlsbad staff in 2000 related to possible acquisition of Palomar described the landfill continuing issues, including water quality related, which Carlsbad has since failed to monitor;<sup>18</sup> and

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<sup>18</sup> We are aware that Carlsbad staff with substantial justification can say that the state agency charged with monitoring water quality, the RWQCB, is the expert and annually reviews county landfill reports. So far, so good. But if Carlsbad staff monitored RWQCB findings, staff would know that in 2016 and 2017 the

- (i) The county's own consultant (SCS Engineers) in October 2015 prepared an extensive report summarizing significant Palomar Airport environmental and safety concerns associated with a large, fuel-laden aircraft (the kind that county wants to handle when converting to a "modified D-III" airport) crashing into the Palomar runway east end landfill.

A key issue Carlsbad staff should especially focus on is this: For the next 20 years, county will no doubt claim (as it has for the last 40 years) that future Palomar projects are categorically exempt (or require minimal supplemental analysis) because such projects were analyzed in the county's 2018-2038 Programmatic EIR.

State law encourages programmatic EIRs. So the county goal is meritorious, as long as county does in fact (i) fully analyze the impacts of its proposed projects, (ii) provides sufficient information to determine what baselines and baseline analytic models county used to assess noise, traffic, air quality, water quality, biological, aesthetic, and other impacts, and (iii) a future changed environmental setting or change in the law (such as Greenhouse gas related which the Governor has changed several times in the last 3 years). Our ongoing review of the county PEIR suggests that the county has not complied with the above requirements. However, we presume that Carlsbad staff are the environmental experts and can better document in its comments on the county PEIR what the county does and does not do. In short, the county 2018-2038 PEIR is not the end of the issues but just the beginning if the PEIR. Hint: When commenting, county staff needs to identify how specific a programmatic EIR must be. Not an easy question. But we presume that a good faith Carlsbad response to the county PMP will consider this issue.

Thank you for considering our comments. We look forward to receiving more info from Carlsbad.<sup>19</sup> Please note that we used to live in La Costa Valley until relocating to San Marcos to assist my mother in law who recently died. We chose not to relocate again to Robertson Ranch in Carlsbad mainly due to Palomar Airport related noise concerns.

/s/

Ray & Ellen Bender

2018 bender comments on Carlsbad cc Feb 18 mtg

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RWQCB noted that Palomar has consistently failed to meet the RWQCB 1996 Order objectives. If the Carlsbad council were being responsive to community concerns, its direction to staff would be to raise these issues in the Carlsbad PMP Programmatic EIR comment letter. Carlsbad staff can hardly be criticized for being "gun-shy" after being second-guessed by the then City Manager's 2013 FAA NEPA recantation.

<sup>19</sup> Yesterday February 19, 2018 I did listen to the voice mail that Assistant City Manager Jason Heber left last week while we were still in New Zealand. He asked if I had received the information I requested from staff. Due to time constraints, I have not yet been able to reply to his voice mail but will later this week.

Vincent  
Nelson

Board of Supervisors Meeting Dec 16, 2015, 9am

Agenda item #3 - Options for New Master Plan for McClellan-Palomar Airport

[http://sdcounty.granicus.com/MediaPlayer.php?view\\_id=9&clip\\_id=1709](http://sdcounty.granicus.com/MediaPlayer.php?view_id=9&clip_id=1709)

Spoken by Bill Horn

"I think this is a big huge commercial driver here. And I think we're planning an airport for, if not 50 years maybe 100. Um, so I'm a private pilot, I'm sympathetic to airplane owners but I think the folks that are tied down on the North side of the runway need to move to Fallbrook or someplace else. You have a huge commercial operations going here with a lot of corporate jets coming in and out of there. This is the driver, this is the impetus for us lengthening the runway and doing all these safety issues there. It's no longer a little small airport um, that you can fly in and out of with your Cessna 210 um, so I think that those folks need to be put on notice that they're going to have to move 'cause you're going to have to have that space and you're not going to be able to move them to the fixed space operator space. I mean you're cutting back on their businesses so um, the purpose of this whole thing was to examine the economic feasibility of expanding and increasing activity.

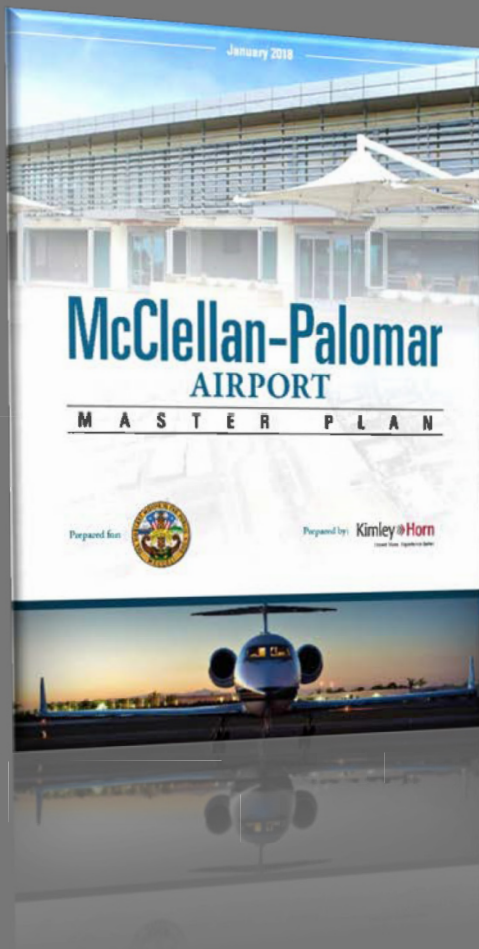
I think the concerns of the public as you have these meetings of course, are going to be noise, but if we expand the runway um, that noise will be a lot less because that footprint will go way down um, and so, and I know your alternatives here, you're basically looking at the 800 ft. I would like you to also, because I'm concerned about if we, I want you to also leave the 900 ft in your study because I don't want to have to come back and sit down and decide if we got the money from the Feds to build 900 ft and then all the sudden, we don't, we haven't studied it so I don't want to have to go through that again. So I realize your preferred and we're going to probably approve going ahead with your preferred and but I just want to make sure we haven't eliminated the 900 ft, and a couple of other issues. I know you guys are nice to the pilots and I appreciate that. I don't want them down here picketing us but at the same time, as a private pilot, I think that maybe you ought to move, we ought to move, some of these planes or make

an opportunity for them to move to either Fallbrook or Borrego or I don't know. I know French Valley is in Riverside County and they would probably like the aircraft also. I just think the days of a the majority of this activity being recreational are over um, and so this is a very, very viable commercial operation so we are planning for the next 50 years, if not 100. So I want us to keep all the options available.

With that being said, we can go to speakers or staff or whatever. I just don't want to narrow this down to a focus groups input 'cause I don't know what their concern is. My concern is the economic viability of this airport and the Northern Region and very obviously, if you look at Lindberg, you know they're pretty much at capacity. I know Greg can talk to us about that but uh, I think we have a great option here and I think we ought to use it. So with that said, having ruined the whole soup mix you go ahead."

# McClellan Palomar Airport Master Plan Update

February 20, 2018



**Peter J. Kirsch**  
**Sarah M. Rockwell**



KAPLAN KIRSCH ROCKWELL



# Kaplan Kirsch & Rockwell

- National law firm with focus on airports and other transportation modes
- Represent airport proprietors, local governments and community groups
- Expertise in California land use and CEQA

# The directive to our firm

- Provide an objective analysis based upon national experience
- Advise on general powers of local governments to regulate airports
- Analyze applicability of Section 21.53.015 and local zoning to Master Plan update
- Advise on what City can do to protect City residents

# Tonight's presentation

1. Airport law 101
2. City's authority over the airport
  - Section 21.53.015
  - Conditional Use Permit
  - Airport Land Use Commission Process
  - CEQA
3. City ability to protect Carlsbad residents

# This presentation will not address:

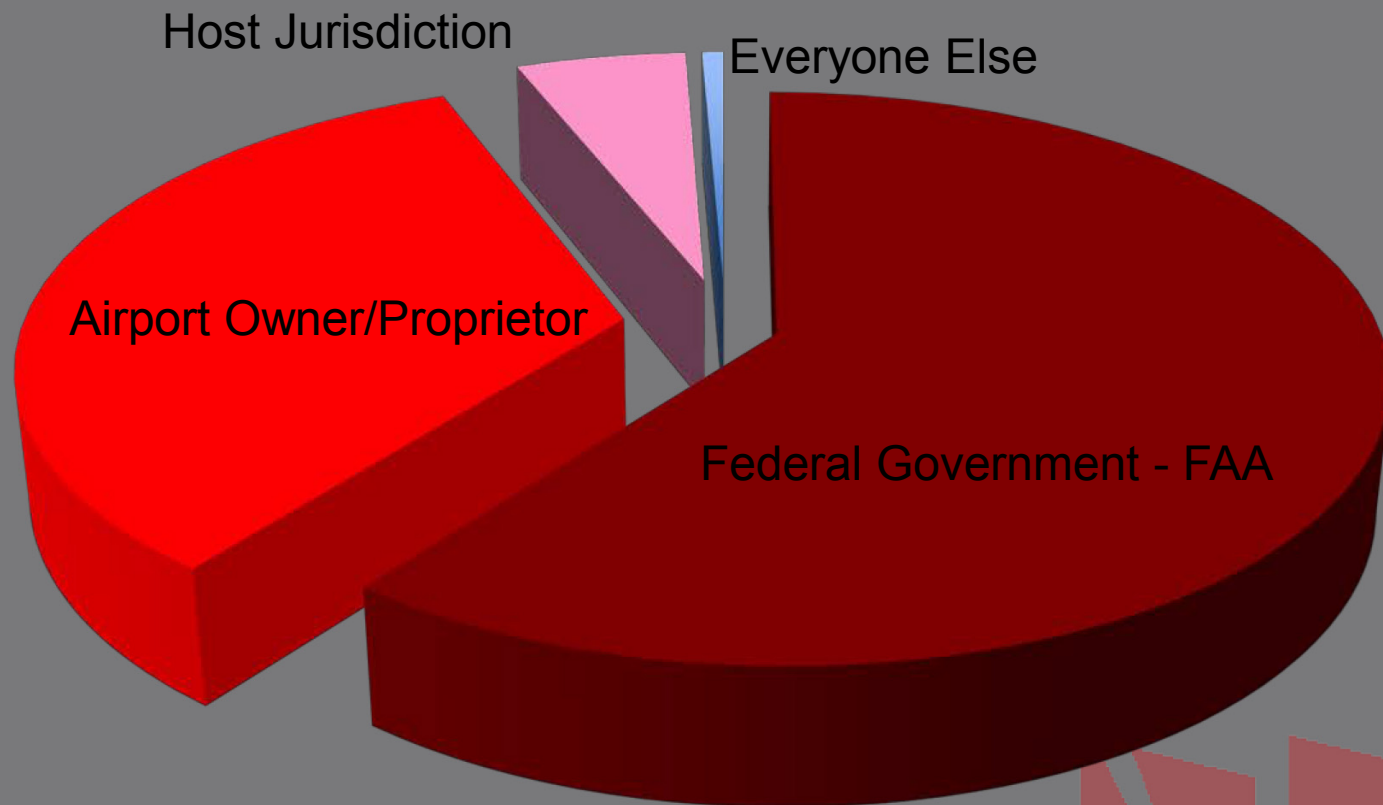
- Comments on the impacts of the Master Plan
- Adequacy of Program EIR and mitigation

# Airport Law 101

# Common misunderstandings

- ✓ Airports are **not** like other local transportation facilities
- ✓ Local governments and voters have **very limited control** over airport operations
- ✓ Normal land use laws **do not apply** to airports
- ✓ Airport owners/proprietors have very different powers than do other local governments

# General authority of governments over airports



# Airport ownership and location are important

- Terminology
  - Host government
  - Airport owner/operator/proprietor
- Complex relationship between airport operator and host government
- Especially complicated when --
  - Airport is not owned/operated by the “host” local government



# Types of federal preemption

- **Total**: Federal government has complete control over use of runways, airfield and navigable airspace
- **Conflict**: Extremely limited authority on local restrictions on use of airport facilities
- **No preemption**: Initial siting, and decision to open an airport; local health and safety regulation of some airport facilities

# Federal regulation practically affects everything related to an airport

An aerial photograph of an airport and its surrounding landscape, including fields, roads, and some buildings. Several blue callout boxes with white text are overlaid on the image, pointing to different areas of the airport. The boxes contain text about federal regulations affecting airports.

Liability for  
takings, inverse  
condemnation

Construction and  
use of runways,  
taxiways, etc.

Ability of an  
aircraft operator  
to use a desired  
airport

Siting of airport  
facilities (hangars,  
on-airport services  
and businesses)

Development of  
airport-related  
businesses

Regulation of  
nearby land  
uses and  
zoning

# FAA and airport operator powers

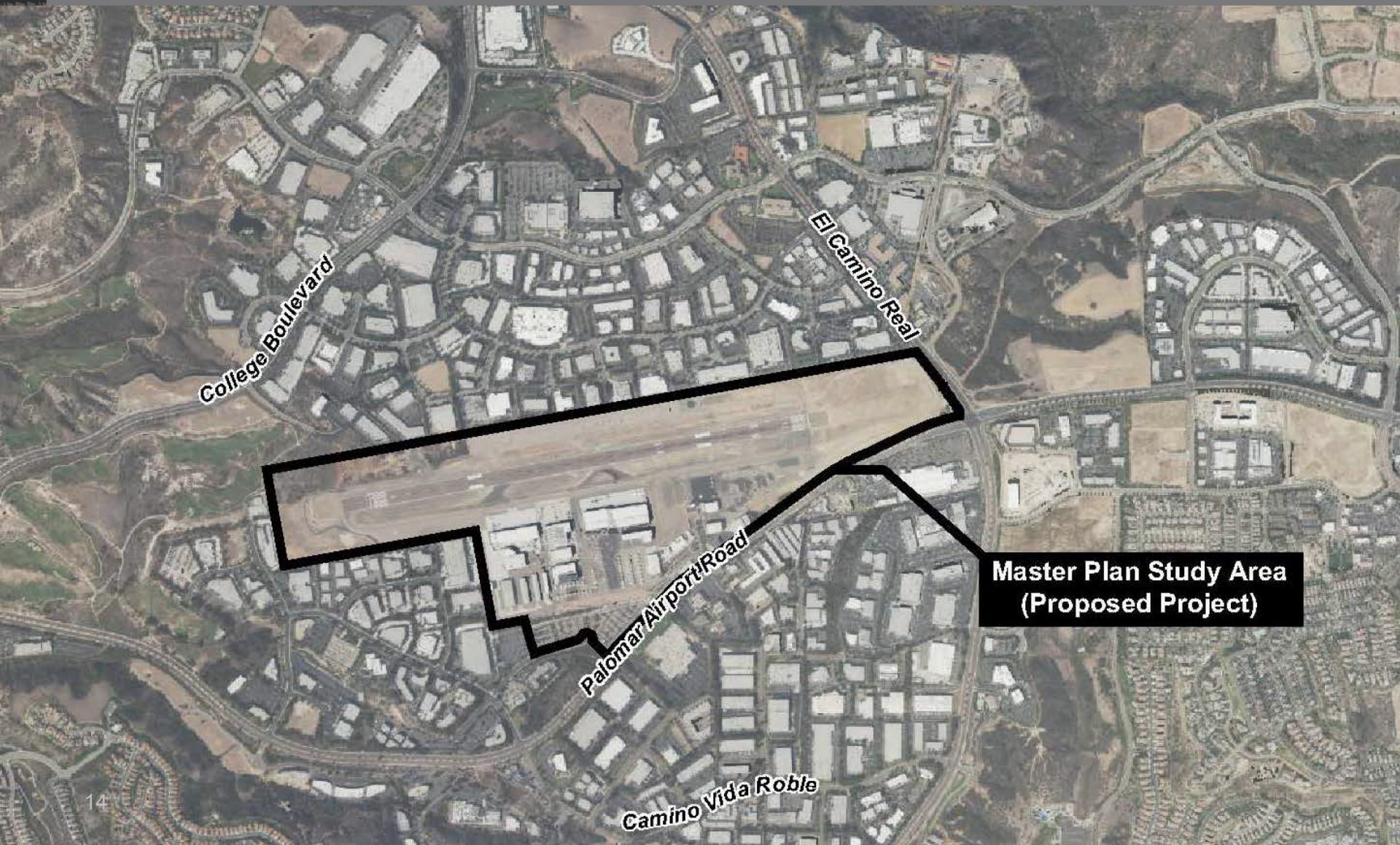
<b>EXCLUSIVE FAA AUTHORITY</b>	<b>SHARED WITH AIRPORT OPERATOR</b>
Use of airspace	Airport operations
Aircraft certification	Aircraft operations
Pilot certification and regulation	Financial matters
Aircraft noise	Noise abatement, mitigation
Aircraft safety	Airfield safety

# Remaining authority of host governments (in California)

- Siting of new airports
- Airport enlargement beyond boundary
- Off airport zoning



# Applying principles to Palomar Airport



# Who is responsible for what at Palomar?

- FAA
  - Aircraft in flight
  - Airport regulation
  - Airport airfield design
- San Diego County
  - Airport operation
  - Planning, regulation of on-airport land use
- City of Carlsbad





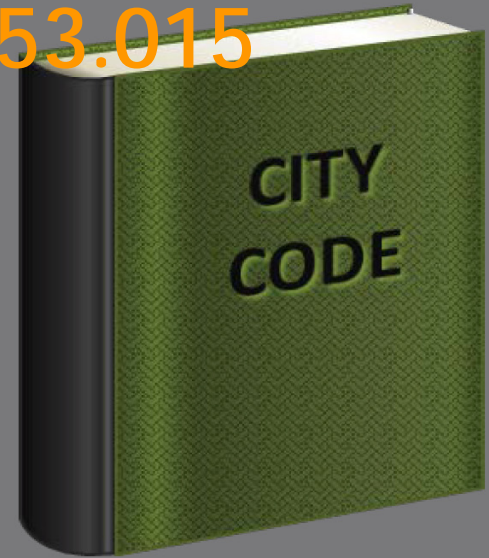
# City land use authority

# Brief airport history

- 1959: Airport opened
- 1975: Airport master plan proposed to include new runway and land acquisition – never implemented
- 1978: City annexed airport property into City
- 1980: Citizens initiative approved by City ordinance
- 1980: CUP approved
- 1984: City adopted resolution requesting joint powers agreement
- 1997: County approved Master Plan – development within existing boundaries
- 2004: City approved CUP amendment for parking areas



# Land use authority: Section 21.53.015



- July 1980: Initiative petition
- August 1980: City Council ordinance to add initiative language
- Ordinance interpreted as though it is an initiative

# Section 21.53.015

## 21.53.015 Voter authorization required for airport expansion.

(a) The city council shall not approve any *zone change, general plan amendment or any other legislative enactment necessary to authorize expansion of any airport* in the city nor shall the city commence any action or spend any funds preparatory to or in anticipation of such approvals without having been first authorized to do so by a majority vote of the qualified electors of the city voting at an election for such purposes.

(b) This section was proposed by initiative petition and adopted by the vote of the city council without submission to the voters and it shall not be repealed or amended except by a vote of the people. (Ord. 9804 § 5, 1986; Ord. 9558 § 1, 1980).

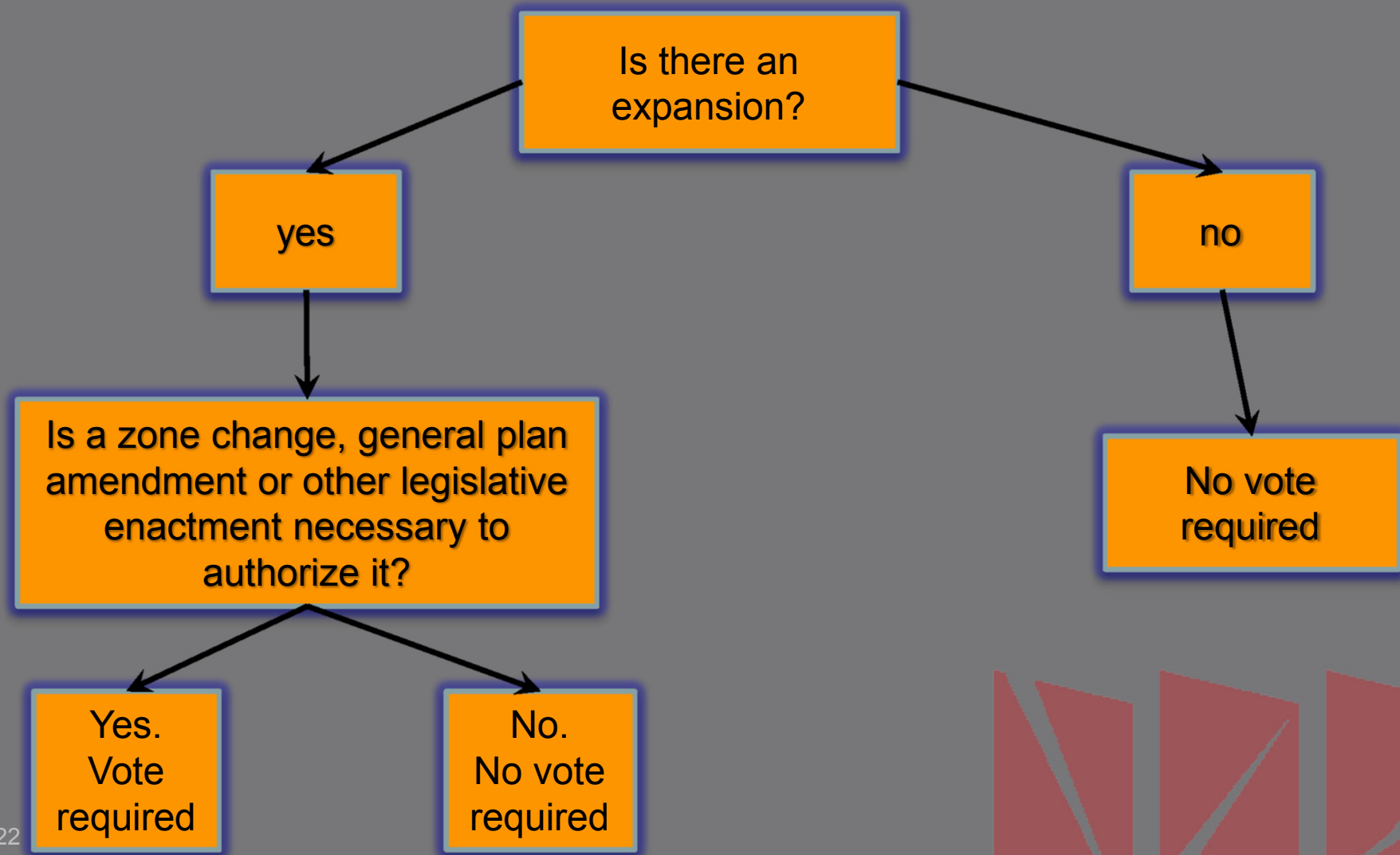
## Section 21.53.015

- No City approval required for Master Plan update itself
- Focus instead on whether City approval is required for specific activities that Master Plan proposes

# What activities does Master Plan contemplate?

- Airfield improvements, changes
- Runway relocation and extension
- Facility improvements
- NO land acquisition

# Applicability of 21.53.015



# Is there an expansion?

- Not defined in 21.53.015
- Different definitions in different state, federal and local laws
- Definition should preserve validity of entire ordinance

# Our conclusion

- Expansion refers to enlargement of airport boundaries
  - Definition preserves validity of the ordinance
  - Historical context
  - Legislative context

Regardless of definition of expansion, is  
a zone change, general plan  
amendment or other legislative act  
necessary to authorize the Master Plan?



# Our conclusion

- Master Plan activities do not require
  - Zone change or
  - General Plan amendment or
  - Any other City legislative enactment
- Therefore 21.53.015 is not triggered

# Conditional Use Permit 172

- History
  - 1978: airport property annexed to City
  - September 1980: site rezoned
  - September 1980: CUP adopted
  - 2004: amended by CUP 172(B) to allow use of 3 adjacent parcels for airport parking.

## Conditional Use Permit 172: key provisions

- “Development shall occur substantially as shown unless otherwise noted”
- Permitted uses set forth in Table 1
- Approval of any uses not listed in Table 1 and/or expansion of airport facility requires a CUP amendment

## Conditional Use Permit 172 - Table 1

- Structures and facilities necessary for the operation of the airport and the control of air traffic . . including but not limited to . .
- Commercial aviation activities
- Other related uses

# Conditional Use Permit 172 – Table 1

## Authorized structures and facilities

Taxiways

Aircraft hangars

Air traffic control towers and facilities

Navigation equipment and structures

Airport administration buildings

Airport passenger terminal buildings and facilities

Heliports

Fuel farms

Automobile parking lots and structures

Maintenance buildings

# Conditional Use Permit 172

- Authorized commercial activities
  - Flight and ground schools
  - Aircraft sales
  - Aircraft hangar and tie down rentals
  - Aircraft leasing
  - Equipment repair
  - Aircraft ground support equipment repair, etc
  - Aircraft cleaning, painting, fuel facilities
  - Airlines, scheduled and nonscheduled
  - Others

# Our conclusions - CUP

- No CUP amendment required because:
  - No new uses –Master Plan are activities listed in CUP
  - No expansion of airport boundary
- City should continue to assess actual activities

# CUP amendment would not trigger 21.53.015

- Section 21.53.015 applies to any “legislative enactment”
- Even if a CUP amendment were required, adopting an amendment is **not** a legislative enactment
  - Not everything the City Council does is a “legislative enactment”



# A note about sovereign immunity

- Counties generally not subject to City ordinances (sovereign immunity)
- County position:
  - It is exempt from City ordinances
  - Compliance with CUP is voluntary
  - No waiver of its immunity
- Not affected by charter city status

# A note about history

- Past City, County actions (and inaction) could be criticized with benefit of hindsight
- City could have been more aggressive in the past
- Our focus has been on what can be done now and in future

# Airport Land Use Commission (ALUC) Process

- County (SDCRAA) must adopt compatibility plan
- Intended to insure compatible uses adjacent to airport
- Doesn't apply both ways!
- County (SDCRAA) will need to update 2010 ALUCP
- City may need to update City General Plan to be consistent with updated ALUCP
- City update not required for Master Plan implementation

# CEQA – Draft PEIR

- Draft EIR issued by County as lead agency
- City not a responsible agency
- City providing formal comments on draft
- City can request additional mitigation
- As projects come up, opportunity to comment on additional environmental analysis

# What else can City or residents do?

- Direct legal authority is limited
- Zoning to reduce encroachment
- Monitor fly friendly programs
  - Departure procedures
  - Pilot education
  - Incentives and disincentives
- Noise mitigation and abatement planning

# Working with the County

- Participate in NEPA process
- Noise compatibility planning (Part 150)
- Identifying potential problems in advance
- Working with users, operators
- Monitor mitigation commitments

# DISCUSSION

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**Sarah M. Rockwell**



KAPLAN KIRSCH ROCKWELL

# Issues of concern

- Safety justification for Master Plan update
- Airport design group designation
- Noise impacts
- Terminal expansion
- Runway extension
- Commercial service
- Next Gen flight patterns