



CITY COUNCIL
Staff Report

Meeting Date: September 11, 2018
To: Mayor and City Council
From: Scott Chadwick, City Manager
Staff Contact: Jason Haber, Assistant to the City Manager
jason.haber@carlsbadca.gov or 760-434-2958
Subject: McClellan-Palomar Airport – Action Plan

Recommended Action

Receive a presentation from the law firm of Kaplan Kirsch Rockwell, and direct staff to work with the County of San Diego to identify specific actions that will be taken to improve the working relationship between the county and city, and to address community concerns regarding McClellan-Palomar Airport.

Executive Summary

The city continues to work with the law firm of Kaplan Kirsch Rockwell in developing strategies that the city can pursue to positively influence the operation and future development of McClellan-Palomar Airport. This report presents several potential action items for City Council consideration and direction to staff regarding the city's efforts to work with the county to address concerns about the airport. Depending on the results of discussions with the county, city staff may return to the City Council with additional recommendations, including strategies that the city can pursue independently of the county.

Discussion

On January 18, 2018, the County of San Diego released the proposed McClellan-Palomar Airport Master Plan Update (a 20-year blueprint for future development of the airport) and the associated Draft Programmatic Environmental Impact Report (Draft PEIR).

On February 20, 2018, the City Council received a presentation regarding the proposed Master Plan Update and Draft PEIR and requested that staff return to the City Council to discuss potential strategies to address community concerns. This is separate from the City's comments on the draft Master Plan and Draft PEIR.

On April 10, 2018, the City Council discussed the city's goals and objectives concerning the airport, and directed staff to: 1. Enter into discussions with the County of San Diego over future airport operations and facilities; 2. Initiate a stakeholder dialogue to identify and understand community concerns and priorities about airport operations and facilities; and 3. Develop and implement an action plan to guide the city's approach related to the airport in the future.

It should be noted that the City of Carlsbad has long been host to the county's regional airport facility. Over time, communication between the county and city regarding airport operations has been inconsistent. In anticipation of increased airport traffic and the county's master planning effort, it has become apparent that our city and our residents need better communication and information regarding the county's airport operations. Current practices do not appear to adequately fill that need and do not provide appropriate accountability to the residents or the city. Based on staff's initial outreach to the county, staff believes a variety of strategies are available to both parties to remedy this.

Preliminary discussions with county staff, and the community input received during a public meeting held on June 19, 2018, have informed the following list of potential action items, which are presented for City Council discussion. Staff is seeking Council direction to work with the County of San Diego to address specific actions to improve the working relationship between the county and city, and to address community concerns regarding McClellan-Palomar Airport.

Kaplan Kirsch Rockwell will provide a detailed overview of each of the potential action items presented below.

McClellan-Palomar Airport Potential Action Items

The city would work with the county to identify potential action items that demonstrate agency cooperation and set forth our respective commitments and obligations to address community concerns regarding the operation and future development of McClellan-Palomar Airport.

Staff would seek to address the following issues:

A. Airport Governance & Decision-making

- a. Create a Joint Powers Agency for the city and county to operate the airport jointly, or share responsibility for airport operations and future development; or
- b. Create an Airport Commission, with representatives appointed by the city, to review and make recommendations on all significant expenditures and airport projects to the County Board of Supervisors; or
- c. Amend the Palomar Airport Advisory Committee to include representatives appointed by the city.

B. Impact Mitigation

- a. Land Use
 - i. County to secure city approvals for new land uses or development on airport property.
 - ii. County to work with the city for orderly acquisition of property within runway protection zones and follow requirements of the California Public Utilities Code.

- b. Noise
 - i. County to fully and aggressively enforce existing noise rules.
 - ii. County to strengthen VNAP procedures.
 - iii. County to prohibit aircraft operations greater than the Design Group of the existing Airport except with prior permission required (PPR). Adopt a PPR rule which limits oversize aircraft to 500 operations per calendar year.
 - iv. County to comply with city's limits on construction hours.
 - v. County to allow city to review and comment on construction noise mitigation plans.
- c. Transportation
 - i. In addition to Transportation and Traffic Mitigation Measures provided in Draft PEIR, County to implement the following additional mitigation measures requested in city's Draft PEIR comment letter.
 - a. Develop a site/employer-based TDM plan.
 - b. Contribute fair-share payment towards constructing Palomar Airport Road/Camino Vida Roble intersection improvements to mitigate project's cumulative impacts.
- d. Biological Resources
 - i. County to implement mitigation measures identified in Draft PEIR, as modified by City's comments on recirculated Biological Resources section.
- e. GHG
 - i. County to implement mitigation measures to reduce greenhouse gas emissions, which can be derived from the County of San Diego Climate Action Plan, City of Carlsbad Climate Action Plan, SANDAG's San Diego Forward regional plan Final EIR, and suggestions included in the Airport Master Plan EIR Climate Change Technical Report, including electric-powered Ground Power Units and Ground Support Equipment.
- f. Aesthetic and Visual Resources
 - i. County to work with city to design and install landscape improvements along Palomar Airport Road and within runway protection zones (on- and off-airport) to blend with nearby land uses.
 - ii. County to implement landscaping measures addressed in city's comments on Draft PEIR, including:
 - a. Install appropriate landscaping, including trees, larger screen shrubs and native seed mix on sloped and flat areas along Palomar Airport Road and El Camino Real.

- b. Install plantable walls if wall heights exceed six feet.
 - c. Install suitable irrigation system to allow new plantings and seed to establish and thrive.
 - d. County to allow the city to review, comment on, and approve the landscaping and screening of future retaining wall(s).
- g. Hazards
- i. County to comply with all applicable state and local laws and regulations related to construction on landfills.

C. Information and Transparency

- a. County to install improved noise monitoring and flight tracking system to provide real-time access to data through a user-accessible web interface;
 - i. County to coordinate with City in design and procurement of system.
- b. County to institute a regular monthly report on noise.
- c. County to work with the City to design an enhanced public information and disclosure program to keep the public informed on a continual basis about Airport impacts and the status of Airport development plans.
 - i. County to commit to coordinating with the city regarding planned major construction activities, so that residents and businesses can be informed of such activities in a timely manner.

Fiscal Analysis

No city funding is being requested.

Next Steps

Staff will meet with the County of San Diego to discuss the potential action items identified above (among others that might arise during discussions, or as directed by the City Council), to address community concerns regarding the operation and future development of McClellan-Palomar Airport.

Environmental Evaluation (CEQA)

This item does not qualify as a "project" under the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15378, as it does not result in a direct or reasonably foreseeable indirect physical change in the environment.

Public Notification

This item was noticed in accordance with the Ralph M. Brown Act (California Government Code Section 54950 et seq.), published and distributed at least 72 hours prior to the meeting date and time.

To: Carlsbad Mayor and City Council; Scott Chadwick, City Manager; Jason Haber; Celia Brewer
 From: Ray & Ellen Bender
 Re: Comments on Carlsbad September 11, 2018 City Council Agenda Item #5 Staff Report re: McClellan-Palomar Airport and Presentation of Kaplan Kirsch Rockwell (KKR)
 Date: Monday, September 10, 2018 [2018 Bender Comments on Carlsbad Sept 18 MP KKR Letter]

We provide our general comments below on the Carlsbad staff recommendation to work with the County on improving McClellan-Palomar Airport (MPA) development and operation. Attachment A to this letter comments on specific staff recommendations.

To Be Effective, Staff's Recommendations Need to Include Deadlines and Alternative Carlsbad Actions if the Deadlines are Not Met

In the absence of the 35-year history of the county consistently ignoring and circumventing the Carlsbad council and staff related to MPA development and operation, staff's recommendations might make sense.

Given that history, it appears that Carlsbad is either trying to delay community opposition until it dies or naively inviting the county lion to devour Carlsbad once again.¹ Deliberate avoidance of the community is shameful. Naiveté is a sign that new Carlsbad council leadership is required.

County has no incentive to cooperate with Carlsbad absent deadlines and future Carlsbad actions adverse to the county. We suggest some at the end of this letter.

Carlsbad Credibility

Prior to the time the county recirculated portions of its Draft Programmatic EIR in June, Carlsbad accepted the county claim that the 2018 PMP projects remained within the existing Palomar airport footprint on the northwest corner of El Camino Real and

¹ Just a few examples of the forever ongoing bait and switch tactics of the county, which Carlsbad has naively accepted and/or conspired with for 35 years include:

- County's failure for 35 years to permanently landscape the airport property perimeters – an eyesore in Carlsbad's scenic corridor;
- County's 1997 failure to present its last twenty year Palomar Master Plan to the Carlsbad Council for review despite county's initial promise to do so;
- County's conversion of Palomar from a General Aviation airport to an FAA Part 139 commercial airport despite Carlsbad CUP 172, Conditions 8 and 11;
- County's failure to cooperate with the last Joint Powers Agreement that Carlsbad presented to county in the 1990s;
- County's 2018 PMP statement that county has no obligation to comply with Carlsbad planning or zoning.
- County's adoption of an MP Voluntary Noise Abatement Program (VNAP), which county fails to monitor in a meaningful way.

Palomar Airport Road. Accordingly, Carlsbad seemed inclined to accept the county claim that such projects did not constitute an airport expansion. Even though state law (PUC § 21664.5) and Carlsbad's Municipal Code (§ 21.04.148.1 entitled Expansion) respectively say that runway extensions are airport expansions as are expansions of use.

Let's chalk that up to Carlsbad's law firm (Kaplan Kirsch Rockwell/ KKR) being unwilling to contradict a very old unsupported Carlsbad City Attorney comment made without any apparent analysis and no awareness of the noted PUC section.

That deference disappears when you read the county recirculated draft PEIR. The facts quite simply are:

- As county's revised biological and GHG analysis shows in its June 2018 recirculated PEIR portions, the relocation and installation of \$8.6 million of navigational aids on the NORTHEAST corner of ECR and PAR [which is outside the CUP 172 premises] constitutes a material runway extension element.
- The proposed improvements are on county not FAA land. The FAA cannot alter the NORTHEAST biological habitat or create other impacts without a county lease for the area.
- County cannot extend its runway 800 feet without the FAA changing the navigational aids.
- The FAA's documents confirm that bird strikes are a major concern to operating aircraft. FAA documents confirm that navigational aids including lighting can easily disrupt birds, especially in the sensitive biological areas on the NORTHEAST corner of ECR and PAR. The county MP notice to aircraft pilots expressly warns them of substantial bird activity at certain times of the year.
- The MP airport property on the NORTHWEST corner of ECR and PAR is within the city of Carlsbad. Accordingly, Carlsbad can no longer claim in good faith that the county proposed PMP improvements are not an airport expansion outside the CUP 172 premises. County recognized this in its June 2018 recirculated PEIR after conceding that CEQA required analysis of its biological and GHG impacts on the NORTHEAST corner.

If Carlsbad expects the community to believe that it would negotiate in good faith and/or take more aggressive action with the county, Carlsbad needs to acknowledge at the September 11, 2018 council meeting that the county's 2018 PMP runway extension does constitute an airport expansion requiring Carlsbad CUP 172 review.

Deadlines and Future Aggressive Carlsbad Actions

Carlsbad and county can immediately show their good faith by agreeing that the Board of Supervisors will not consider the county's PMP and Final PEIR until Carlsbad and

county have exhausted the efforts laid out in Carlsbad staff's recommendations for the 9/11/18 council meeting. The delay causes county no harm. County concedes its operations will remain significantly below past levels for many years. Moreover, California Pacific Airlines (proposed new operator) and other air carriers have stated at PAAC meetings that they do not require a longer runway for their operations.

Carlsbad and county need to also agree to a final deadline to resolve the issues of concern. Perhaps March 1, 2019. History repeatedly shows that county agrees to a process, leads Carlsbad on, and then drops the issue – without unfortunately any past Carlsbad meaningful follow-up.

If county fails to so agree, then the actions Carlsbad needs to take include the following:

1. **County's PMP and PMP Final PEIR** – Notify the county of Carlsbad's intent to challenge county's PMP and PMP PEIR as non-compliant with Government Code Requirements and CEQA Requirements.
2. **CUP 172** – Notify the county that its runway extension does constitute an airport expansion requiring Carlsbad CUP 172 review.
3. **PMP Review** – Notify the county that the Government Code and/or PUC require the county to present its 2018 PMP to the Carlsbad city council for review.²
4. **ALUC Participation** – Carlsbad needs to provide meaningful information to the San Diego County Regional Airport Authority (SDCRAA) Airport Land Use Commission related to property within Carlsbad's jurisdiction related to the PMP projects. Recall that several months ago, several Carlsbad property owners appeared at the Carlsbad City Council and said, in essence, that they had lost \$ 1 million by building a first rate office building in an impacted area, now ALUC-limited to low occupancy, low-level uses. The most important input Carlsbad could provide is to support the position that when the ALUC acts to restrict property within Carlsbad, the ALUC needs to give actual notice to affected property owners, not just a virtually invisible, newspaper small print back-page-buried legal notice.
5. **FAA Communications** – As a result of the county consistently ignoring Carlsbad, Carlsbad needs to (i) notify the FAA of this problem, (ii) list specific instances (examples include those in Footnote 1 above), and (iii) state its opposition to converting McClellan-Palomar from a B-II airport.
6. **DOT CalTrans Division of Aeronautics** - PUC § 21664.5 requires the CalTrans Division of Aeronautics to consider a Palomar Airport runway extension as an airport expansion – even if Carlsbad turns a blind eye. Carlsbad needs to notify

² When Carlsbad held its February 2018 meeting discussing the PMP, we provided specific relevant sections. We leave to KKR and the Carlsbad City Attorney the appropriate references needed in the proposed Carlsbad-county letter.

the Division of Aeronautics Chief, Gary Cathey, that Carlsbad opposes a county runway extension until Carlsbad has resolved important airport-related issues with county.

7. **Regional Water Quality Board** – Carlsbad needs to request two things from the California San Diego Regional Water Quality Control Board.

- a. **Order No. 96-13.** County once or twice a year reports the level of various contaminants in the Unit 1, Unit 2, and Unit 3 Closed Palomar Landfills comprising more than 20 acres of land within the city of Carlsbad. Routinely, county reports various contaminant levels ranging from several hundred to more than one thousand percent greater than the objectives the RWQCB set in Order 96-13. In 2017, a lower level RWQCB staffer noted this ongoing problem and requested the county to prepare its remediation plan.

County did not address this issue in its PMP DPEIR. Since landfill pollutants can migrate off site into Carlsbad ground waters, Carlsbad needs to verify whether county continues to fail to meet Order 96-13 water quality objectives.

- b. **Landfill Water Quality Migration Issues.** Page 39 of the Carlsbad staff *Evaluation of Palomar Acquisition* report concluded³

Landfill:

- Without County Board Supervisor intervention and/or regulatory enforcement, poor maintenance and property deterioration may be an ongoing issue at Palomar.
- The likely reasons there has been inadequate ground water monitoring at the airport are: (1) the lack of enforcement by RWQCB; and (2) the threat of required abatement action if ground water flow direction is established and the landfill is tied directly to the Dry Weather Test results.
- Without greater RWQCB oversight, our ground water degradation and storm drain test results will likely continue.

In addition, page 37 of the Carlsbad staff report expressed concerns about Landfill contamination migrating offsite. It appears that Carlsbad staff has not monitored the RWQCB efforts for some time and has failed to explore whether Palomar landfill contaminants migrate off site. That might be fine if RWQCB actions showed active enforcement of Palomar landfill problems. As noted above, the record does not reflect that. County has simply reported extreme non-compliance for twenty years without resulting RWQCB enforcement action.

8. **EPA – Palomar Airport Lead Contamination.** Carlsbad needs to ask the EPA to follow up on its 2016/2017 lead study. We understand that the EPA found

³ See Carlsbad AB 15,841 for the Council meeting of 7-25-00.

Palomar Airport to be one of the most lead polluting smaller airports in the country. The county disputed this result by moving the test locations when county performed its own study a few months after the EPA study. It is unclear whether the EPA accepts the county subsequent analysis. What is clear is that anyone driving the perimeter road on the airport readily smells aviation fuel throughout much of the drive.⁴ County does not address this issue in its PMP PEIR.

9. **End City Services Including Fire Service to the Airport** – In 1979, when county asked Carlsbad to rezone the airport property and issue Conditional Use Permit, the record reflects that county’s goal was to obtain city services. Since county has now said in its PMP and PEIR that it need not comply with Carlsbad zoning and planning laws, the county should no longer receive city services. We recognize this is a difficult issue but it should be explored to impress upon the county the seriousness of Carlsbad’s intent.

10. **Scheduling a Carlsbad Vote on Whether the Community Supports Airport Expansion.** County’s PMP proposes projects exceeding \$100 million even though (i) county predicts MP operational levels 30% less than twenty years ago; and (ii) even though county created the land for its proposed runway extension by violating FAA grants by using airport property for non-airport purposes, namely 14 years of dumping trash in Palomar canyons. Carlsbad voters are entitled to express their opinion as to whether expansion burdens outweigh expansion benefits.

⁴ In theory, leaded aviation fuel for GA aircraft will not be sold after 2018 ends. However, we understand that lead additives to add to the in theory “leadless” aviation fuel remains readily available. In other words, owners of GA aircraft prefer to buy lead additives than replace or recondition GA aircraft.

Attachment A
To Bender 9/10/18 Comments on Carlsbad Staff Report, Item 5,
Related to McClellan-Palomar Airport at the 9/11/18 Council Meeting

Below we reproduce several pages from the Carlsbad staff report. *We italicize the staff comments.* We comment in **[bold bracketed type]** to highlight our comments.

A. Airport Governance & Decision-making

a. Create a Joint Powers Agency for the city and county to operate the airport jointly, or share responsibility for airport operations and future development; or

b. Create an Airport Commission, with representatives appointed by the city, to review and make recommendations on all significant expenditures and airport projects to the County Board of Supervisors; or

c. Amend the Palomar Airport Advisory Committee to include representatives appointed by the city.

[Bender Governance & Decision-making Comments:

- **Joint Powers Agreement.** Carlsbad tried this in the past and failed. Carlsbad could not even produce the relevant file when the public requested it from Carlsbad – only a copy of the proposed JPA.
- **Airport Commission.** We need more detail to comment intelligently. We would support a standing City Council Committee with members from both the business and non-business communities to regularly review airport issues.
- **PAAC.** We thought Carlsbad already had the right to a PAAC member. The appointed member should commit to represent both business and non-business community interests.]

B. Impact Mitigation

a. Land Use

i. County to secure city approvals for new land uses or development on airport property.

ii. County to work with the city for orderly acquisition of property within runway protection zones and follow requirements of the California Public Utilities Code.

b. Noise

- i. County to fully and aggressively enforce existing noise rules.
- ii. County to strengthen VNAP procedures.
- iii. County to prohibit aircraft operations greater than the Design Group of the existing Airport except with prior permission required (PPR). Adopt a PPR rule which limits oversize aircraft to 500 operations per calendar year.
- iv. County to comply with city's limits on construction hours.
- v. County to allow city to review and comment on construction noise mitigation plans.

[Bender Impact Mitigation Comments:

- **Land Use.** The proposed Carlsbad language is ambiguous and also an obvious attempt to “end run” the meaning of the term “expansion.”
 - City’s proposed language (“*approval for new land uses or development on airport property*”) has two major flaws. First, simply as a matter of grammatical construction, does the adjective “new” modify only “land uses” or also “development?” Carlsbad would simply perpetuate the ongoing dispute as to what “expansion” means with a dispute as to what new uses or development means.
 - More fundamentally, county and probably Carlsbad would assert that serving aircraft is an existing use and any land use or development associated with aircraft is an “old” use, not a “new” use.
 - **Conclusion:** Referring back to the “credibility” issue that Carlsbad has, when language like that above is proposed, the public has to wonder if the wool is fast descending over their eyes.
- **Noise.** Over the last seven months, KKR has several times suggested (our opinion) that the law forbids most of the steps that KKR now suggests taking. For instance:
 - *County noise enforcement.* How does county legally “enforce” the non-mandatory?
 - *Strengthen VNAP.* How? KKR needs to specifically include in its 9/11/18 presentation how that is possible if it is voluntary. Questions include:
 - What would the FAA object to?
 - How (if at all) would the California Pilot’s Bill of Rights frustrate enforcement of the VNAP (such as by limiting identification of aircraft or pilots not complying)?

- How (if at all) does the lease relationship between county and tenants legally alter objections that the FAA might otherwise have?
- *Prohibit Operations Greater Than Design Group.* Two flaws burden this suggestion.
 - First, KKR, the FAA, and County seem to have repeatedly said that no one on the ground can limit aircraft using an airport. The pilot decides. KKR needs to explain at the 9/11/18 meeting how and why this suggestion works.
 - Second, if the county designates the airport as a D-III or even a C-III airport, less than 1% of the projected flights would exceed the design group.
 - Conclusion: Seems like a “false-hope” delay tactic.]
- *Flight Schools and Noise:* A more effective noise limitation mechanism would be to limit flight school operations. Ironically, the Carlsbad council is considering this matter on the day pilots trained at U.S. Flight schools crashed into the World Trade Center towers. Flight schools operations are especially irksome because they can involve multiple noisy passes over resident houses.]

c. Transportation

i. In addition to Transportation and Traffic Mitigation Measures provided in Draft PEIR, County to implement the following additional mitigation measures requested in city's Draft PEIR comment letter.

a. Develop a site/employer-based TDM plan.

b. Contribute fair-share payment towards constructing Palomar Airport Road/Camino Vida Roble intersection improvements to mitigate project's cumulative impacts.

[Bender Transportation Comments:

- **TDM Plan.** We assume TDM refers to a Traffic Demand Management Plan. All mitigation would be helpful. We note, however, that if even 1000 employees work at the airport, the projected passenger levels of either 300,000 or 500,000 annual passengers will cause Palomar related road traffic heavy congestion far in excess of a miserly TDM program.
- **Fair Share Payments for Traffic improvements.** We support.]

d. Biological Resources

i. County to implement mitigation measures identified in Draft PEIR, as modified by City's comments on recirculated Biological Resources section.

[Bender Biological Resource Comments: We support. But Carlsbad has not noted the impact of many navigational aid lighting impacts from the proposed \$8.6 million relocation of the lights to the NORTHEAST corner of ECR and PAR.]

e. GHG

- i. County to implement mitigation measures to reduce greenhouse gas emissions, which can be derived from the County of San Diego Climate Action Plan, City of Carlsbad Climate Action Plan, SANDAG's San Diego Forward regional plan Final EIR, and suggestions included in the Airport Master Plan EIR Climate Change Technical Report, including electric-powered Ground Power Units and Ground Support Equipment.

[Bender GHG Comments:

- **The suggestions sound meaningful on the presumption that the noted documents list helpful measures. It appears that using electric-powered GPU and GSE will only marginally offset increased GHG.**
- **It appears that only two measures would materially limit GHG.**
 - **Ration the time between Palomar takeoffs and landing to avoid dual aircraft idling on the runway simultaneously.**
 - **County purchases GHG credits – just as the private sector is expected to do when it increases GHG.**
 - **As I recall the Palomar numbers – despite county's artful attempt to reduce GHG emissions to a de minimis level – the GHG levels in absolute terms will increase from 200% to 400% over the 2016 baseline levels.**
- **In short, county MP operations will put a substantial dent in Carlsbad's ability to achieve its 2015 Climate Action Plan.]**

f. *Aesthetic and Visual Resources*

i. County to work with city to design and install landscape improvements along Palomar Airport Road and within runway protection zones (on- and offairport) to blend with nearby land uses.

ii. County to implement landscaping measures addressed in city's comments on Draft PEIR, including:

a. Install appropriate landscaping, including trees, larger screen shrubs and native seed mix on sloped and flat areas along Palomar Airport Road and El Camino Real.

b. Install plantable walls if wall heights exceed six feet.

c. Install suitable irrigation system to allow new plantings and seed to establish and thrive.

d. County to allow the city to review, comment on, and approve the landscaping and screening of future retaining wall(s).

[Bender Aesthetic and Visual Resources Comments:

- **County Airport Perimeter Landscape Improvements. We support. However, Carlsbad public records obtained show (i) a 25 year history of county ignoring Carlsbad landscaping requests, (ii) a history of Carlsbad failing to seriously pursue its scenic corridor demands including by the Carlsbad Council failing to request a joint meeting of the County Board of Supervisors and Carlsbad City Council to resolve the issues.**
- **There is no evidence in the record to show that Carlsbad has ever required county to prove that there is in fact trash underneath the Palomar perimeter slopes – an excuse county consistently uses to avoid planting the slopes. Moreover, there are no landfills on the county Northeast airport unlandscaped parcels.**
- **Plantable Walls. Carlsbad refers to walls greater than 6 feet high. That is misguided. Carlsbad refers perhaps only to new retaining walls that county plans to relocate its runway; Carlsbad should be insisting on plantable walls, whatever the height, if County continues to insist that its landfill slopes can not be permanently landscaped. At least drivers passing the ugly slopes would have a pleasant wall to look at.**
- **Permanent Irrigation. Agree.]**

g. Hazards

i. County to comply with all applicable state and local laws and regulations related to construction on landfills.

[Bender Hazard Comments:

- **Many legal cases routinely hold that a person meeting minimum governmental regulatory standards may still cause substantial harm and be guilty of negligently operating.**
- **Water Quality. As noted in our general letter comments, county has not met the Regional Water Quality Control Board Order No. 96-13 water quality**

objectives for more than twenty years. In fact, the contaminant levels exceed the objectives from as high as 200% to more than 1000%.

- **Water Quality.** Carlsbad needs to insist that the RWQCB demonstrate that sufficient monitoring wells have been properly located at the Palomar premises to assure that more than 20 acres of landfill contaminants are not migrating into Carlsbad ground waters – especially once county, as it plans, starts drilling several hundred holes, each 20 to 50 feet deep, through the Palomar landfills.]
- **Lead.** In approximately 2016, the EPA found that Palomar was one of the more lead polluting smaller airports. The county found more favorable results by moving the testing sites. Anyone touring the airport by being driven on the runway perimeter road knows leaded aviation smells permeate. Carlsbad needs to review both the EPA and county tests and assess the extent of a continuing problem.

C. Information and Transparency

a. County to install improved noise monitoring and flight tracking system to provide real-time access to data through a user-accessible web interface;

i. County to coordinate with City in design and procurement of system.

b. County to institute a regular monthly report on noise.

c. County to work with the City to design an enhanced public information and disclosure program to keep the public informed on a continual basis about Airport impacts and the status of Airport development plans.

i. County to commit to coordinating with the city regarding planned major construction activities, so that residents and businesses can be informed of such activities in a timely manner.

[Bender Transparency Comments:

- **We support the noted measures.**
- **However, true transparency would involve a citywide vote to determine if the residents expanding the airport [10,000 passengers to 500,000 passengers]. Carlsbad has adopted the two goals of maintaining a small-town-feel and supporting business. At some point, those goals conflict. The Carlsbad residents, not five council members should decide which value is more important.]**

K. Wright #5

1959-Palomar Airport Opened

Late 1970's the County asked the City of Carlsbad for city services to include "fire suppression"

1978: The City annexed the airport property.

1979 The County asked Carlsbad to issue a Conditional Use Permit (CUP172) to define development conditions.

Aug 12, 1980: the City Council adopted ordinance 21.53.015 signed by Mayor Ron Packard, after a citizen petition was presented in July 1980 when there was a threat by the county to include two runways. The initiative established that "voter authorization required for airport expansion." I have this document.

Sept. 24, 1980: The Conditional Use Permit 172 was passed by the Planning Commission 6-0 (1 absent) signed by the Planning Commission Chair Edwin Schick jr. In Condition #11, "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. I have this document.

March 6, 1884: Resolution 7530 was passed and signed by Mayor Mary Casler (a 5-0 vote by the Council), designating that Palomar Airport is designated as a General Aviation facility, and that Ordinance #9558 requires a vote of the people before any zone change, general plan amendment or other legislative enactment necessary for the expansion of the airport. And the City General Plan is predicated upon the continued operation of the airport as it is currently designated. I have this document.

LEG ACTION

April 3, 1984: Resolution 7558 was passed and signed by Mayor Mary Casler (5-0 vote by the Council), requesting a Joint Powers Agreement with 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" stating in part "Whereas there is substantial concern among the citizens of this city concerning the possible expansion of the Palomar Airport by an increase in operations or improvement ...which would thereby lead to an increase in airport noise and greater safety risks to the detriment of the citizenry..." Including "provisions preventing expansion of airport facilities such as the addition of a second runway, extension of the existing runway, upgrading of airport facilities ...in order to obtain a Certificate of Operation from the FAA." Also including provisions for a maximum SENEL in any residential area of 78 dBA. I have this document.

Oct. 30, 1984: I have document #10 Board Order #6 signed by Dona Trumble for the Clerk of the Board of Supervisors stating "the Board of Supervisors requested the Chief Administrative Officer to report on Supervisor's Ecker's recommendation relating to a proposed Joint Powers Agreement with the Cities of Carlsbad, Oceanside, San Marcos, and Vista limiting growth of McClellan Palomar Airport for Board consideration with an analysis of the proposal." The proposal was granted a 30 day extension. (Vote 5-0 for the extension). Continued to Dec. 18, 1984. I have this document.

December 4, 1984: Agenda Item Board of Supervisors. "In response to your (the BOS) request, the Chief Administrative Officer has written to the City Managers of Carlsbad, San Marcos, Vista and Oceanside requesting more information pertaining to their cities concerns and desires relative to McClellan Palomar Airport. This information has not been received." I have this document. Could it be that the Cities dropped the ball or the County never acknowledged receipt of requested information?

Dec. 18, 1984: A document was established for a Joint Powers Agreement and presented to the County and Supervisor Eckert including the County of San Diego and the Cities of Carlsbad, Oceanside, San Marcos and Vista. I have the UNSIGNED draft. In short it states "The County Agrees it 1. Will not apply for full airport operating certificate without the unanimous consent of the Cities, 2. Will not construct a second runway at McClellan-Palomar Airport, 3. Will NOT EXTEND THE RUNWAY at McClellan-Palomar Airport,....." I have this document. Unsigned by the county.

★

1990's: without first asking Carlsbad to modify CUP 172 condition 8 and 11, the County asked the FAA to reclassify Palomar Airport as an airport regularly handling commercial aircraft. This essentially reclassified the General Aviation designation to a FAA Part 139 commercial airport.

1997: County approved the Airport Master Plan and failed to present this to the Council for review despite

11/3/04: Zoning Change from L-C (limited control) to M (Industrial) and for a conditional use permit to allow the operation of the existing Palomar Airport Facility. Planning Commission resolution 1698 (passed 6-0). I have this document.

Note: date uncertain, but the County removed the noise monitor from north Carlsbad which measured noise (decibels) of aircraft between 0-500ft. Therefore we have low flying aircraft 24/7 currently that is not measured by the County online Webtrak program. [webtrak.emsbk.com/crq]

The New 2018 Proposed Palomar Airport Master Plan:

1. The County's adoption of an MP Voluntary Noise Abatement Program (VNAP) which fails to monitor in a meaningful way.
2. Proposes to extend the runway from 4897 ft to 5698ft, only 4 ft shorter than John Wayne International despite the extension onto an unstable Landfill.
3. The Land Use compatibility plan (LUCP) on the County's website states that this runway extension is in actuality an expansion.
4. The County's PMP statement that the county has no obligation to comply with Carlsbad Planning or Zoning

Faviola Medina

From: Council Internet Email
Sent: Wednesday, September 12, 2018 9:59 AM
Cc: City Clerk; Jason Haber
Subject: FW: September 11 meeting

City Council Members,
This email came in yesterday late afternoon.
Andi

From: Kathy Fellows
Sent: Tuesday, September 11, 2018 3:34 PM
To: Council Internet Email <CityCouncil@carlsbadca.gov>
Subject: September 11 meeting

Dear Council members:

I'm writing concerning the MCCLELLAN-PALOMAR AIRPORT ACTION PLAN to be presented at today's meeting. I am a Carlsbad resident who is concerned about the additional noise that might come about because of the expansion. Because of the 24 hour use of runways, I appreciate the steps you've taken to speak on behalf of Carlsbad residents to address the noise and other concerns.

Thank you,
Katherine Fellows

Carlsbad CA 92008

ACTION PLAN:

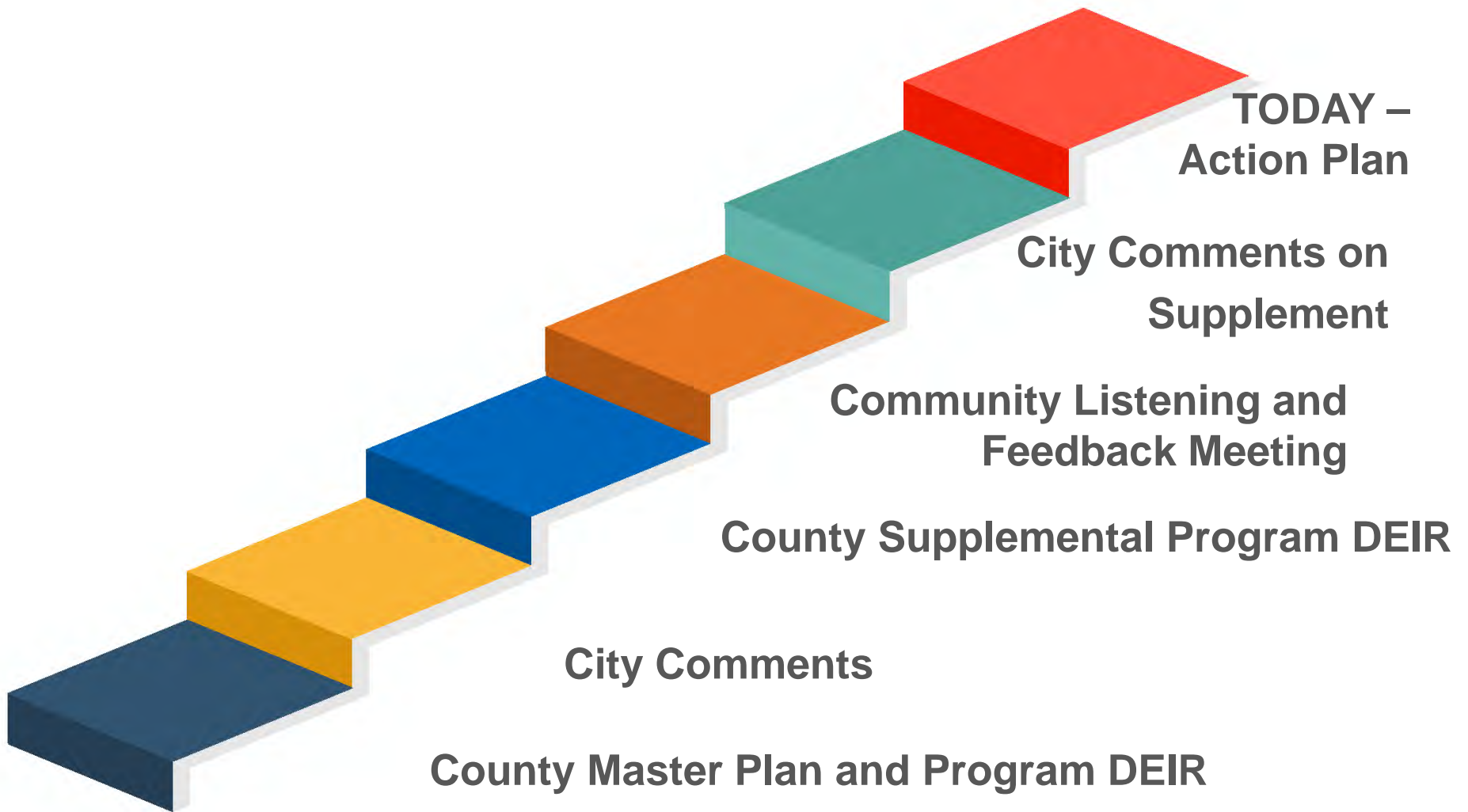
OPTIONS FOR ADDRESSING IMPACTS OF MCCLELLEN-PALOMAR AIRPORT

Peter J. Kirsch

September 11, 2018



How we got here





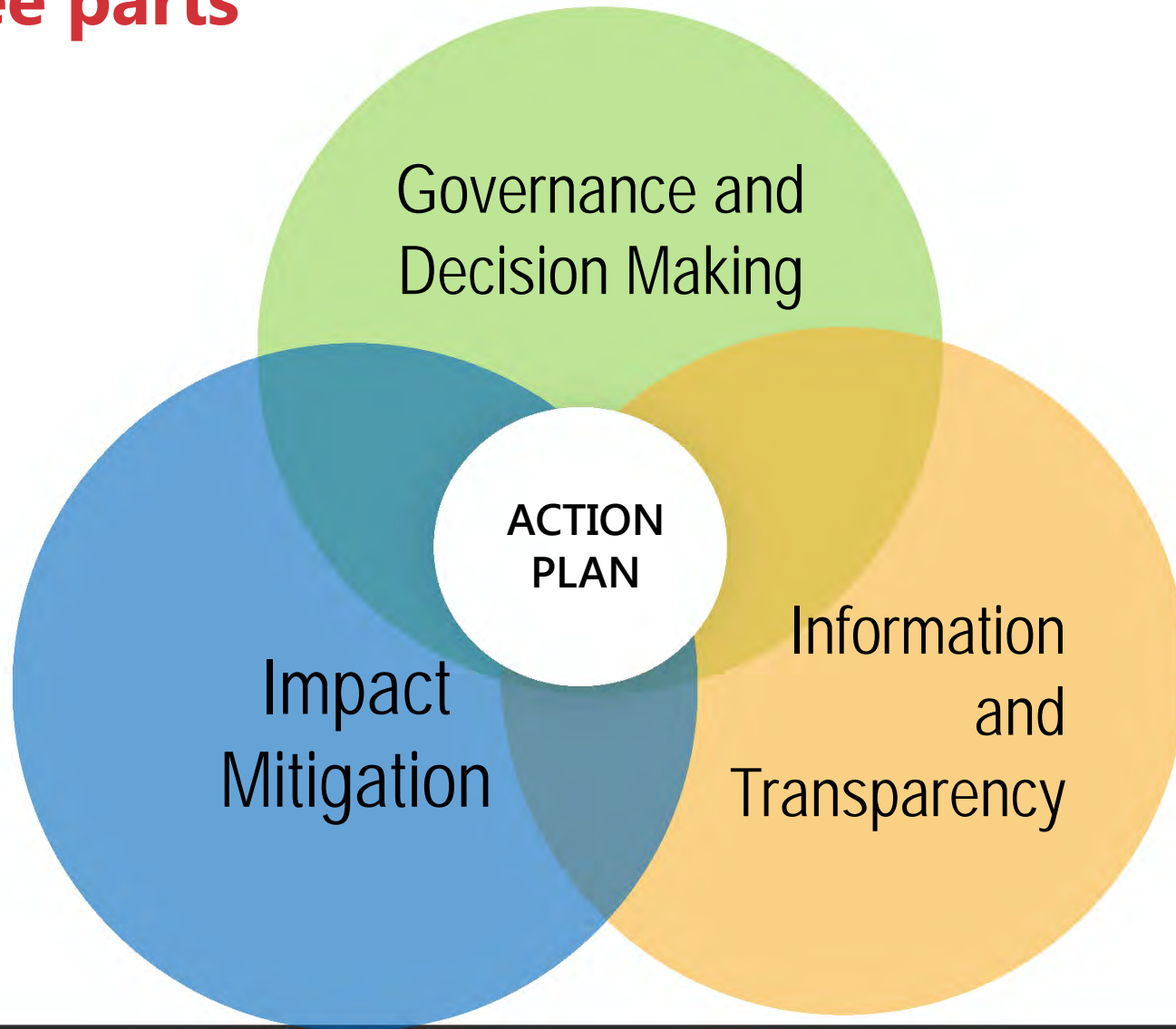
Action plan

Work with the County to identify action items that

- demonstrate City/County cooperation and
- set forth commitments and obligations to address community concerns



Three parts



Airport governance and decision-making

1. Create a Joint Powers Agency for the City and County to operate the airport jointly, or share responsibility for airport operations and future development; or
2. Create an Airport Commission, with representatives appointed by the City, to review and make recommendations on all significant expenditures and airport projects to the County Board of Supervisors; or
3. Amend the Palomar Airport Advisory Committee to include representatives appointed by the City.





Impact mitigation – Land use

1. County to secure City approvals for new land uses or development on airport property.
2. County to work with the City for orderly acquisition of property within runway protection zones and follow requirements of the California Public Utilities Code.



Impact mitigation - Noise

1. County to fully and aggressively enforce existing noise rules.
2. County to strengthen VNAP procedures.
3. County to prohibit aircraft operations greater than the Design Group of the existing Airport except with prior permission required (PPR). Adopt a PPR rule which limits oversize aircraft to 500 operations per calendar year.
4. County to comply with City's limits on construction hours.
5. County to allow City to review and comment on construction noise mitigation plans.



Impact mitigation - Transportation

1. County to implement transportation and traffic mitigation Measures provided in Draft PEIR.
2. Develop a site/employer-based TDM plan.
3. Contribute fair-share payment towards constructing Palomar Airport Road/Camino Vida Roble intersection improvements to mitigate project's cumulative impacts.





Impact mitigation – Biological resources

1. County to implement mitigation measures identified in Draft PEIR, as modified by City's comments on recirculated Biological Resources section.



Impact mitigation - GHG

1. County to implement mitigation measures to reduce greenhouse gas emissions.
 - These can be derived from the County of San Diego Climate Action Plan, City of Carlsbad Climate Action Plan, SANDAG's San Diego Forward regional plan Final EIR, and suggestions included in the Airport Master Plan EIR Climate Change Technical Report, including electric-powered Ground Power Units and Ground Support Equipment.



Impact mitigation - Aesthetic and visual resources

1. County to work with City to design and install landscape improvements along Palomar Airport Road and within runway protection zones (on- and off-airport) to blend with nearby land uses.
2. County to implement landscaping measures addressed in city's comments on Draft PEIR, including:
 - Install appropriate landscaping, including trees, larger screen shrubs and native seed mix on sloped and flat areas along Palomar Airport Road and El Camino Real.
 - Install plantable walls if wall heights exceed six feet.
 - Install suitable irrigation system to allow new plantings and seed to establish and thrive.
 - County to allow the City to review, comment on, and approve the landscaping and screening of future retaining wall(s).





Impact mitigation - Hazards

1. County to comply with all applicable state and local laws and regulations related to construction on landfills.



Information and Transparency

1. County to install improved noise monitoring and flight tracking system to provide real-time access to data through a user-accessible web interface.
 - County to coordinate with City in design and procurement of system.
2. County to institute a regular monthly report on noise.
3. County to work with the City to design an enhanced public information and disclosure program to keep the public informed on a continual basis about Airport impacts and the status of Airport development plans.
 - County to commit to coordinating with the City regarding planned major construction activities, so that residents and businesses can be informed of such activities in a timely manner.



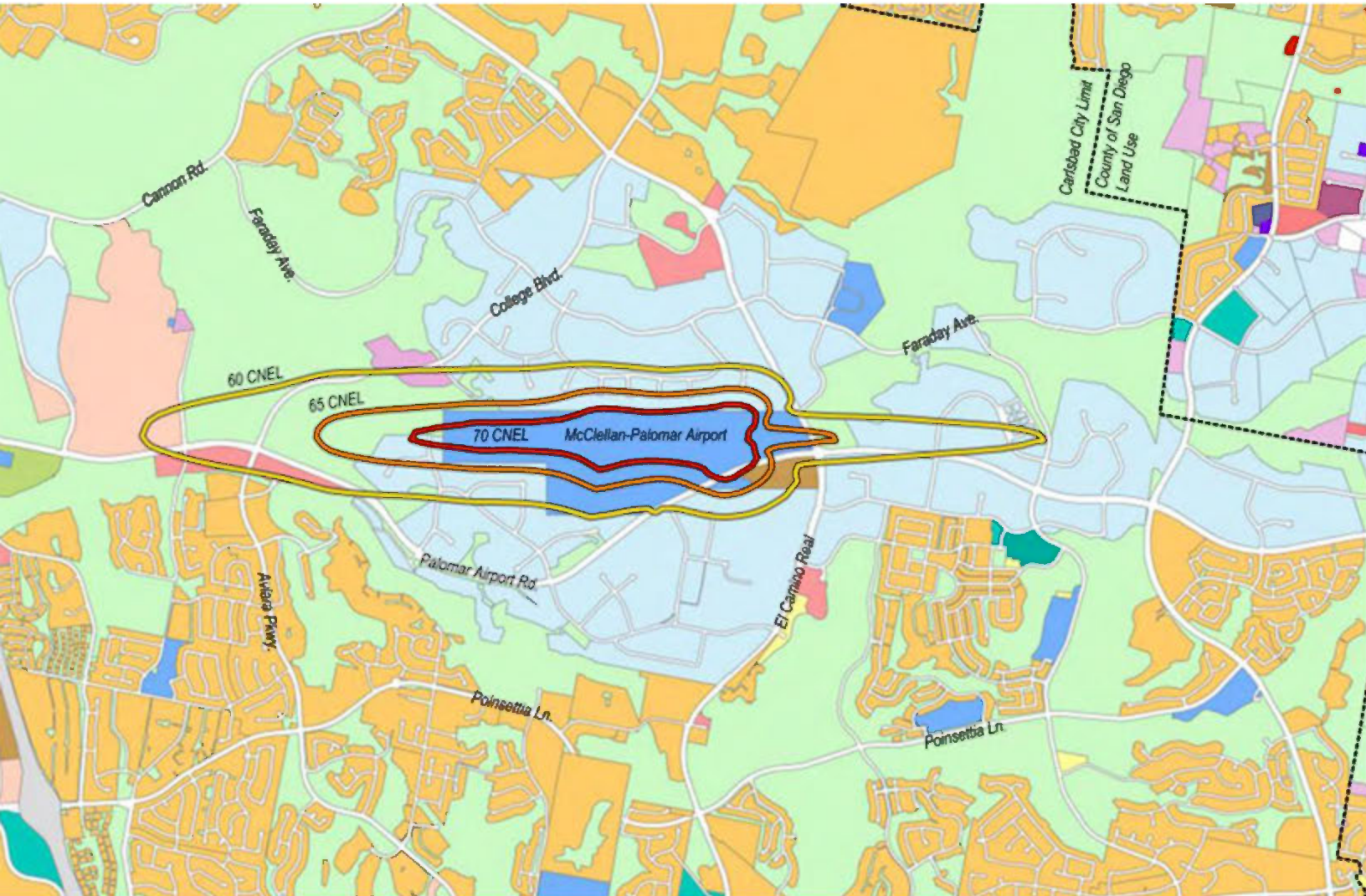
Discussion

Peter J. Kirsch





McClellan-Palomar Airport



- City of Carlsbad Land Use**
- Community Facilities
 - General Commercial
 - Local Shopping Center
 - Office
 - Open Space
 - Planned Industrial
 - Planned Industrial/Office
 - Public
 - Regional Commercial
 - Transportation Corridor
 - Village
 - Visitor Commercial
 - Residential
- Existing Noise Contours**
- 60 CNEL Contour
 - 65 CNEL Contour
 - 70 CNEL Contour



Existing Noise Contours (2016)

