

# SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

## Board Members

C. April Boling  
Chairman

Catherine Blakespear  
Greg Cox  
Mark Kersey  
Robert T. Lloyd  
Paul McNamara  
Paul Robinson  
Johanna S. Schiavoni  
Mark B. West

## **AIRPORT LAND USE COMMISSION** **AGENDA**

Thursday, June 4, 2020  
9:00 AM or immediately following the Board Meeting

San Diego International Airport  
SDCRAA Administration Building  
Board Room  
3225 N. Harbor Drive  
San Diego, California 92101

## Ex-Officio Board Members

Gustavo Dallarda  
Col. Charles B. Dockery  
Gayle Miller

## President / CEO

Kimberly J. Becker

This meeting of the Board of the San Diego County Regional Airport Authority Board will be conducted pursuant to the provisions of California Executive Order N-29-20 which suspends certain requirements of the Ralph M. Brown Act. During the current State of Emergency and in the interest of public health, all Board members will be participating in the meeting electronically. In accordance with the Executive Order, there will be no members of the public in attendance at the Board Meeting. We are providing alternatives to in-person attendance for viewing and participating in the meeting.

In lieu of in-person attendance, members of the public may submit their comments in the following manner.

Comment on Agenda Items must be submitted to the Authority Clerk at [clerk@san.org](mailto:clerk@san.org) and indicate the agenda item number you wish to submit your comment for. Comments on specific agenda items may be submitted up until the Chair calls the item. If you indicate in your email that you would like your comment to be read at the meeting, your submitted public comment will be read into the record for 3 minutes or in accordance with the time period established by the Chair. All public comments received up until the time the item is called will be submitted into the written record for the relevant item.

Comment on Non-Agenda Items must be submitted to the Authority Clerk at [clerk@san.org](mailto:clerk@san.org), no later than 4:00 p.m. the day prior to the posted meeting in order to be eligible to be read into the record. The Authority Clerk will read the first 30 comments received by 4:00 p.m. the day prior to the meeting into the record. The maximum number of comments to be read into the record on a single issue will be 16. All other comments submitted, including those received after 4:00 p.m. the day prior and before 8:00 a.m. the day of the meeting, will be provided to the Authority Board and submitted into the written record for the meeting.

You may also view the meeting online at the following link: <https://www.san.org/Airport-Authority/Meetings-Agendas/Authority-Board>

## **REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS**

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the Authority Clerk at (619) 400-2550 or <mailto:clerk@san.org>. The Authority is committed to resolving accessibility requests swiftly in order to maximize accessibility.

*Pursuant to California Public Utilities Code §§ 21670-21679.5, the Airport Land Use Commission ("Commission") is responsible for coordinating the airport planning of public agencies within San Diego County. The Commission has the legal responsibility to formulate airport land use compatibility plans ("ALUCPs") that will (a) provide for the orderly growth of each public airport and the areas surrounding the airport within the County and (b) safeguard the general welfare of the inhabitants within the vicinity of each airport and the public in general. Pursuant to §21670.3, the San Diego County Regional Airport Authority serves as the Commission.*

This Agenda contains a brief general description of each item to be considered. The indication of a recommended action does not indicate what action (if any) may be taken. **Please note that agenda items may be taken out of order.** If comments are made to the Board without prior notice or are not listed on the Agenda, no specific answers or responses should be expected at this meeting pursuant to State law.

Staff Reports and documentation relating to each item of business on the Agenda are on file in Board Services and are available for public inspection.

**NOTE:** Pursuant to Authority Code Section 2.15, all Lobbyists shall register as an Authority Lobbyist with the Authority Clerk within ten (10) days of qualifying as a lobbyist. A qualifying lobbyist is any individual who receives \$100 or more in any calendar month to lobby any Board Member or employee of the Authority for the purpose of influencing any action of the Authority. To obtain Lobbyist Registration Statement Forms, contact the Board Services/Authority Clerk Department.

**CALL TO ORDER:**

**ROLL CALL:**

**NON-AGENDA PUBLIC COMMENT:**

Non-Agenda Public Comment is reserved for members of the public wishing to address the Commission on matters for which another opportunity to speak **is not provided on the Agenda**, and which is within the jurisdiction of the Commission. Please submit a completed speaker slip to the Authority Clerk. ***Each individual speaker is limited to three (3) minutes. Applicants, groups and jurisdictions referring items to the Board for action are limited to five (5) minutes.***

**Note:** Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Commission.

**CONSENT AGENDA (Items 1-2):**

The Consent Agenda contains items that are routine in nature and non-controversial. It also contains consistency determinations that have been deemed consistent or conditionally consistent. The matters listed under 'Consent Agenda' may be approved by one motion. Any Commission Member may remove an item for separate consideration. Items so removed will be heard before the scheduled New Business items, unless otherwise directed by the Chair.

**1. APPROVAL OF MINUTES:**

RECOMMENDATION: Approve the minutes of the May 7, 2020 special meeting.

***CONSISTENCY DETERMINATIONS***

- 2. REPORT OF DETERMINATIONS OF CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLANS: SAN DIEGO INTERNATIONAL AIRPORT 530 42ND STREET, CITY OF SAN DIEGO, 321 IVY STREET AND 2100 & 2102 4TH AVENUE, CITY OF SAN DIEGO, AND 1332-1334 BANCROFT STREET, CITY OF SAN DIEGO; MARINE CORPS AIR STATION MIRAMAR & MONTGOMERY-GIBBS EXECUTIVE AIRPORT KEARNY MESA COMMUNITY PLAN, AMENDMENT TO THE LAND DEVELOPMENT CODE; MCCLELLAN-PALOMAR AIRPORT ALUCP ZONING CODE AMENDMENT FOR DENSITY BONUSES, CITY OF CARLSBAD, AND ZONING CODE AMENDMENT FOR ACCESSORY DWELLING UNITS, CITY OF CARLSBAD:**

RECOMMENDATION: Receive the report.

(Planning & Environmental Affairs: Ralph Redman)

**PUBLIC HEARINGS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

**COMMISSION COMMENT:**

**ADJOURNMENT:**

**Policy for Public Participation in Board, Airport Land Use Commission (ALUC),  
and Committee Meetings (Public Comment)**

- 1) Persons wishing to address the Board, ALUC, and Committees shall complete a "Request to Speak" form prior to the initiation of the portion of the agenda containing the item to be addressed (e.g., Public Comment and General Items). Failure to complete a form shall not preclude testimony, if permission to address the Board is granted by the Chair.
- 2) The Public Comment Section at the beginning of the agenda is reserved for persons wishing to address the Board, ALUC, and Committees on any matter for which another opportunity to speak is not provided on the Agenda, and on matters that are within the jurisdiction of the Board.
- 3) Persons wishing to speak on specific items listed on the agenda will be afforded an opportunity to speak during the presentation of individual items. Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board, ALUC and Committees.
- 4) If many persons have indicated a desire to address the Board, ALUC and Committees on the same issue, then the Chair may suggest that these persons consolidate their respective testimonies. Testimony by members of the public on any item shall be limited to **three (3) minutes per individual speaker and five (5) minutes for applicants, groups and referring jurisdictions.**
- 5) Pursuant to Authority Policy 1.33 (8), recognized groups must register with the Authority Clerk prior to the meeting.
- 6) After a public hearing or the public comment portion of the meeting has been closed, no person shall address the Board, ALUC, and Committees without first obtaining permission to do so.

**Additional Meeting Information**

**NOTE:** This information is available in alternative formats upon request. To request an Agenda in an alternative format, or to request a sign language or oral interpreter, or an Assistive Listening Device (ALD) for the meeting, please telephone the Authority Clerk's Office at (619) 400-2400 at least three (3) working days prior to the meeting to ensure availability.

For your convenience, the agenda is also available to you on our website at [www.san.org](http://www.san.org).

**For those planning to attend the Board meeting, parking is available in the public parking lot located directly in front of the Administration Building. Bring your ticket to the third floor receptionist for validation.**

**You may also reach the SDCRAA Building by using public transit via the San Diego MTS System, Route 992. For route and fare information, please call the San Diego MTS at (619) 233-3004 or 511.**

**DRAFT**  
**AIRPORT LAND USE COMMISSION**  
**MINUTES**  
**THURSDAY, MAY 7, 2020**  
**SAN DIEGO INTERNATIONAL AIRPORT**  
**BOARD ROOM**

**CALL TO ORDER:** Chairman Boling called the meeting of the Airport Land Use Commission to order at 10:07 a.m. on Thursday, May 7, 2020, via teleconference pursuant to Executive Order N-29-20 and at the San Diego International Airport, Administration Building, 3225 North Harbor Drive, San Diego, CA 92101.

**ROLL CALL:**

PRESENT: Commissioners: Blakespear, Boling, Cox, Dockery (Ex-Officio), Kersey, Lloyd, McNamara, Robinson, Schiavoni, West

ABSENT: Commissioners: Dallarda (Ex-Officio), Miller (Ex-Officio)

ALSO PRESENT: Kimberly J. Becker, President/CEO; Amy Gonzalez, General Counsel; Tony R. Russell, Director, Board Services/Authority Clerk; Martha Morales, Assistant Authority Clerk I

**NON-AGENDA PUBLIC COMMENT:** None.

**CONSENT AGENDA (Items 1-2):**

**ACTION:** Moved by Commissioner Robinson and seconded by Commissioner West to approve the Consent Agenda. Motion carried by the following votes: YES –Blakespear, Boling, Cox, Kersey, Lloyd, McNamara, Robinson, Schiavoni, West; NO – None; ABSENT – None; (Weighted Vote Points: YES – 100; NO – 0; ABSENT – 0)

**1. APPROVAL OF MINUTES:**

RECOMMENDATION: Approve the minutes of the March 23, 2020 special meeting.

**CONSISTENCY DETERMINATIONS**

2. **REPORT OF DETERMINATIONS OF CONSISTENCY WITH AIRPORT LAND USE COMPATIBILITY PLANS: SAN DIEGO INTERNATIONAL AIRPORT 3433 & 3443 PICKWICK STREET, CITY OF SAN DIEGO AND 4672-4674 LONG BRANCH AVENUE, CITY OF SAN DIEGO; MARINE CORPS AIR STATION MIRAMAR & MONTGOMERY-GIBBS EXECUTIVE AIRPORT 5255 MOUNT ETNA DRIVE, CITY OF SAN DIEGO; GILLESPIE FIELD 8606 GRAVES AVENUE:**  
RECOMMENDATION: Receive the report.

**PUBLIC HEARINGS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**COMMISSION COMMENT:** None.

**ADJOURNMENT:** The meeting adjourned at 10:08 a.m.

APPROVED BY A MOTION OF THE AIRPORT LAND USE COMMISSION THIS 4<sup>TH</sup> DAY OF JUNE, 2020.

ATTEST:

\_\_\_\_\_  
TONY R. RUSSELL  
DIRECTOR, BOARD SERVICES /  
AUTHORITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
AMY GONZALEZ  
GENERAL COUNSEL

**Airport Land Use Commission**  
**Report of Determinations of Consistency with Airport Land**  
**Use Compatibility Plans**

Item No.  
**2**

Meeting Date: **June 4, 2020**

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Pursuant to Airport Authority Policy 8.30, and acting in its delegated capacity as the Airport Land Use Commission (ALUC) for San Diego County, Airport Authority staff has issued the following consistency determinations per their respective ALUCPs:

**San Diego International Airport ALUCP**

**Construction of 18 Attached Residential Units at 530 42nd Street, City of San Diego**

Deemed Complete & Conditionally Consistent on April 23, 2020

Description of Project: The project involves the construction of 18 attached residential units.

Noise Contours: The proposed project lies within the 60-65 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies residential uses located within the 60-65 dB CNEL noise contour as conditionally compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. Therefore, as a condition of project approval, the residences must be sound attenuated to 45 dB CNEL interior noise level.

Airspace Protection Surfaces: The height of the proposed project structure will be approximately 41 feet above ground level (approximately 179 feet above mean sea level). The proposed project is located outside the SDIA Threshold Siting Surface (TSS). The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA) because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.

Safety Zones: The proposed project is located outside all Safety Zones.

Overflight Notification: The proposed project is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses. Therefore, as a condition of project approval, a means of overflight notification shall be provided for each residential unit.

**Construction of Office Building and 56 Attached Residential Units with Leasable Commercial Space at 321 Ivy Street and 2100-2102 4<sup>th</sup> Avenue, City of San Diego**

Deemed Complete & Conditionally Consistent on May 20, 2020

Description of Project: The project involves the construction of a 4-story office building with 19,336 square feet of office use and the construction of a 4-story mixed-use building consisting of 56 attached dwelling units, 2,510 square feet of retail sales, and 660 square feet of high-intensity service use on a 32,208 square foot (0.74-acre) property.

Noise Contours: The proposed project lies within the 70-75 and 75-80 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contours. The ALUCP identifies office, retail sales, and high-intensity service uses located within the 70-75 and 75-80 dB CNEL noise contours as conditionally compatible with airport uses, provided that the office, retail sales, and high-intensity service uses are sound attenuated to 50 dB CNEL interior noise level. Greater than 50 percent of the mixed-use building lies within the 75-80 dB CNEL, so the standards for that noise contour would apply. The ALUCP identifies residential uses located within the 75-80 dB CNEL noise contour as conditionally compatible with airport uses, provided that the residential uses are sound attenuated to 45 dB CNEL interior noise level. The ALUCP requires that an aviation easement for aircraft noise and height be recorded with the County Recorder. Therefore, as a condition of project approval, the project must be sound attenuated to an interior noise level of 45 dB CNEL for residential uses and 50 dB CNEL for the nonresidential uses, and an aviation easement for aircraft noise and height must be recorded with the County Recorder.

Airspace Protection Surfaces: The proposed project is located within the Threshold Siting Surface (TSS). The height of the proposed project structures will be approximately 257 and 249 feet above mean sea level (55 and 56 feet above ground level), and the height of the proposed construction crane will be approximately 270 feet above mean sea level (89 feet above ground level). The project height is below the maximum compatible TSS height for a project on this site; therefore, the project complies with the TSS. The proposed project would be compatible with the ALUCP airspace protection policies, provided that the structure is marked and lighted in accordance with a determination of no hazard to air navigation issued by the Federal Aviation Administration (FAA) and an aviation easement for airspace is recorded with the County Recorder. Therefore, as a condition of project approval, the structure shall be marked and lighted in accordance with FAA procedures and an aviation easement for airspace is recorded with the County Recorder.



Safety Zones: The proposed project is located within Safety Zone 2 East (2E) – Uptown. The ALUCP identifies residential, office, retail sales, and high-intensity service uses located within Safety Zone 2E – Uptown as each being conditionally compatible with airport uses, provided that the project complies with a total intensity of 272 people per acre. The project site is 0.74 acres, which equates to a maximum compatible intensity of 201 people. The ALUCP provides that for a project with a mixture of residential and nonresidential uses, a maximum of half of the people per acre may be in residential units, calculated at persons per household as specified in the ALUCP. The persons per household for Safety Zone 2E – Uptown is 1.51, which yields a maximum of 66 residential units, and the project complies with 56 units proposed.

With 56 units proposed, the remaining nonresidential portion of the project of 116 people is limited to the occupancy factor for the applicable use, which is 215 square feet per person for office, 170 square feet per person for retail sales, and 60 square feet per person for high-intensity service uses. Based upon the areas devoted to each use at those occupancy factors, the project proposes 90 people in office uses, 15 people in retail uses, and 11 people in high-intensity service uses for a total of 116 people and, therefore, complies with the Safety Zone 2E – Uptown limitation.

Overflight Notification: The proposed project is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses. In instances when an aviation easement is required, the overflight notification requirement is satisfied.

### **Construction of 2 Detached Residential Units at 1332-1334 Bancroft Street, City of San Diego**

Deemed Complete & Conditionally Consistent on May 20, 2020

Description of Project: The project involves the construction of a detached residential unit on each of two contiguous lots.

Noise Contours: The proposed project lies within the 65-70 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies residential uses located within the 65-70 dB CNEL noise contour as conditionally compatible with airport uses, provided that the residences are sound attenuated to 45 dB CNEL interior noise level. The ALUCP requires that an aviation easement for aircraft noise and height be recorded with the County Recorder. Therefore, as a condition of project approval, the building must be sound attenuated to 45 dB CNEL interior noise level and an aviation easement for aircraft noise and height be recorded with the County Recorder.

Airspace Protection Surfaces: The height of the proposed project structure will be approximately 28 feet above ground level (approximately 209 feet above mean sea level). The proposed project is located outside the SDIA Threshold Siting Surface (TSS). The proposed project is in compliance with the ALUCP airspace protection surfaces because the project sponsor has certified that notice of construction is not required to the Federal Aviation Administration (FAA) because the project is located within an urbanized area, is substantially shielded by existing structures or natural terrain, and cannot reasonably have an adverse effect on air navigation.

Safety Zones: The proposed project is located outside all Safety Zones.

Overflight Notification: The proposed project is located within the overflight notification area. The ALUCP requires that a means of overflight notification be provided for new residential land uses. In instances when an aviation easement is required, the overflight notification requirement is satisfied.

### **Marine Corps Air Station (MCAS) Miramar and Montgomery-Gibbs Executive Airport ALUCPs**

#### **General Plan Amendment to Update the Kearny Mesa Community Plan, Rezone, and Amendment to the Land Development Code, City of San Diego**

Deemed Complete & Conditionally Consistent on May 20, 2020

Description of Project: The proposed project involves amendment of the City of San Diego General Plan to update the Kearny Mesa Community Plan and amend the Land Development Code with rezones of certain properties within the project area to include increases in the permitted heights of structures and increased density and intensity, but without any physical construction proposed.

Noise Contours: The proposed project is located within the 60-65, 65-70, and 70-75 dB CNEL noise contours for Montgomery-Gibbs Executive Airport and within the 60-65 and 65-70 dB CNEL noise contours for MCAS Miramar, but does not propose any physical construction. The proposed project would be conditionally compatible if future construction within the project area complies with the City of San Diego Airport Land Use Compatibility Overlay Zone (ALUCOZ), which implements the noise compatibility policies of the applicable ALUCP.

Airspace Protection Surfaces: The proposed project is located within the airspace protection boundaries for both airport ALUCPs and proposes to increase previous height limits, but does not propose any physical construction. The proposed project would be conditionally compatible if future construction within the project area complies with the City of San Diego ALUCOZ, which

implements the airspace protection policies of the applicable ALUCP, including obtaining and complying with the conditions of a determination of no hazard from the Federal Aviation Administration (FAA) for any project meeting FAA notice criteria.

Safety Zones: The proposed project is located within the Transition Zone for MCAS Miramar and Safety Zones 2, 3, 4, & 6 for Montgomery-Gibbs Executive Airport and proposes to increase density and intensity, but does not propose any physical construction. The proposed project would be conditionally compatible if future construction within the project area complies with the City of San Diego ALUCOZ, which implements the safety compatibility policies of the applicable ALUCP.

Overflight Notification: The proposed project is located within the overflight notification area for both airport ALUCPs. The City provides overflight notification to affected properties through the ALUCOZ, and no physical construction is proposed by this project.

### **McClellan-Palomar Airport ALUCP**

#### **Amendments to Zoning Code for Affordable Housing Density Bonus Regulations, City of Carlsbad**

Deemed Complete & Consistent on May 20, 2020

Description of Project: The project proposes amendments to the City of Carlsbad Zoning Code in order to align density bonus regulations with State law and offer additional local incentives to expand the production of affordable housing units. None of the amendments include any physical improvements.

Noise Contours: The proposed project does not involve any actual development and thus does not impact any noise exposure contours of any ALUCP, but any development permitted under this project would be subject to respective sound attenuation or aviation easement requirements as per the ALUCP.

Airspace Protection Surfaces: The proposed project does not involve any actual development and thus does not impact any airspace protection surfaces of any ALUCP, but any development permitted under this project would be subject to notify the Federal Aviation Administration (FAA) if required and comply with any conditions of FAA determinations of no hazard to air navigation.

Safety Zones: The proposed project does not involve any actual development and thus does not impact any safety zones of any ALUCP, but any development permitted under this project would be subject to the applicable safety zone

density limits of the ALUCP, including counting any residential units permitted as density bonuses as dwelling units for purposes of ALUCP safety compatibility.

Overflight Notification: The proposed project does not involve any actual development and thus does not impact any overflight notification requirements of any ALUCP, but any development permitted under this project would be subject to applicable ALUCP overflight notification requirements.

### **Amendments to Zoning Code for Accessory Dwelling Units, City of Carlsbad**

Deemed Complete & Consistent on May 20, 2020

Description of Project: The project proposes amendments to the City of Carlsbad Zoning Code and Village and Barrio Master Plans in order to align the creation of accessory dwelling units and junior accessory dwelling units with State law. None of the amendments include any physical improvements.

Noise Contours: The proposed project does not involve any actual development and thus does not impact the noise exposure contours of the ALUCP, but any development permitted under this project would be subject to sound attenuation or avigation easement requirements as applicable per the ALUCP.

Airspace Protection Surfaces: The proposed project does not involve any actual development and thus does not impact the airspace protection surfaces of the ALUCP, but any development permitted under this project would be subject to notification to the Federal Aviation Administration (FAA) as required and compliance with any conditions of FAA determinations of no hazard to air navigation as applicable.

Safety Zones: The proposed project does not involve any actual development and thus does not impact any safety zones of the ALUCP, but any development permitted under this project would be subject to the applicable safety zone density limits of the ALUCP for primary dwelling units, as accessory dwelling units are not included in ALUCP density limitations.

Overflight Notification: The proposed project does not involve any actual development and thus does not impact the overflight notification requirements of the ALUCP, but any development permitted under this project would be subject to ALUCP overflight notification requirements.

Revised 6/03/2020

**June 4, 2020**  
**ALUC Meeting**

**ITEM 2 -**  
**COMMUNICATION**  
**RECEIVED FROM**  
**THE PUBLIC**



June 3, 2020

Ladies and Gentlemen:

**Regarding:**

- (1) C4FA Request for Continuance of ALUC Proposed Consistency Determination Scheduled for June 4, 2020 as ALUC Agenda Item 2 Re: Consistency of Carlsbad Zoning Density with 2010/2011 Palomar Airport Land Use Compatibility Plan; and**
- (2) C4FA Request for ALUC Expedited Processing of an Update to 2010/2011 McClellan-Palomar Airport Land Use Compatibility Plan as a Result of County 2018 – 2038 Palomar Airport Master Plan and PUC and State Aeronautics Manual Requirements**

As the ALUC has requested, Citizens for a Friendly Airport (C4FA) provides a summary of our June 1 letter to be read into the record. This summary supplements that letter.

On Friday May 29, 2020, Citizens for a Friendly Airport (C4FA) received SDCRAA ALUC notice of the ALUC's intent to act on ALUC Agenda Item 2 on June 4, 2020.

C4FA requests a continuance of this item until ALUC staff has prepared a staff report to the ALUC members analyzing the points below and until ALUC has given the public more time to review the ALUC and Carlsbad positions.

Alternatively, if the ALUC proceeds with this item, we request that the ALUC deny a finding of consistency because the ALUC would not have sufficient information before it to determine whether the ALUC is complying with (1) the California Public Utilities Code (PUC) and (2) the State of California Aeronautics Manual, which State law requires ALUCs to follow, and (3) an UPDATED Palomar Airport Land Use Compatibility Plan.

In a nutshell, the 2010/2011 McClellan-Palomar Airport Land Use Compatibility Plan (LUCP) is out of date for four reasons.

- 1. The ALUC Failed to Update the Palomar Airport LUCP by 2016 and Failed to Conform to the State Aeronautics Manual.*
- 2. The ALUC Failed to Review the County 2018 Palomar Airport Master Plan (PMP) Prior to the Time the County Board of Supervisors Acted on its 2018 PMP and Related PMP EIR.*
- 3. The ALUC has Failed to Timely Update the ALUC 2010/2011 Palomar Airport LUCP.*

4. *Lastly, the ALUC Fails to Provide Adequate Notice to Property Owners Surrounding Airports Who May be Impacted by ALUC Property Noise, Safety, and Occupancy Restrictions.*

For the above reasons, C4FA requests the ALUC continue its consistency review until ALUC staff may prepare a staff report for ALUC members as outlined in this letter or deny the finding of consistency as noted initially in this letter. Please especially note that a June 4, 2020 ALUC consistency determination would automatically fail to comply with county's current Palomar Airport Master Plan, which the county adopted in 2018 and for which the ALUC has failed to designate noise and safety zones.

Thank you for your review and consideration of this letter.

*Hope Nelson*

C4FA by Hope Nelson



June 1, 2020

Citizens for a Friendly Airport  
7040 Avenida Encinitas, Suite 104-467  
Carlsbad, CA 92011

San Diego Regional Airport Authority  
Airport Land Use Commission  
SDCRAA Administration Building  
3225 No. Harbor Drive  
San Diego, California 92101

Mailing Address  
SDCRAA  
P.O. Box 82776  
San Diego, CA 92138-2776

**c/o and Requested Distribution to Addressees Prior to Thursday June 4, 2020 meeting by Tony R. Russell, CRM, MMC. [clerk@san.org and SDCRAA General Phone: 619 400-2400] Director | Board Services/Authority Clerk**

Members: C. April Boiling (Chairperson), Catherine Blakespear, Greg Cox, Mark Kersey, Robert T. Lloyd, Paul McNamara, Paul Robinson, Johanna S. Schiavoni, Mark B. West and Ex-Officio Board Members: Gustavo Dallarda, Col. Charles B. Dockery, Gayle Miller AND President/CEO Kimberly J. Becker

SDRAA Legal Counsel: Amy Gonzalez. [Amy.Gonzalez@san.org]  
VIA: Attn: Ms. Diane Casey (Assistant to CEO Kimberly J. Becker [DCasey@san.org])

State of California  
Department of Transportation  
Division of Aeronautics  
P.O. Box 942873  
Sacramento, CA 94273-0001  
[General Info Phone: 916 654-2852]  
Attn: Amy Choi [CT Org Chart hard to read]  
c/o Cal Trans Director [See May 2020 CT org chart]

City of Carlsbad  
1200 Carlsbad Village Dr.  
Carlsbad, CA 92008  
FOR: City Council, City Manager, City Attorney  
c/o Carlsbad City Clerk  
Clerk@carlsbadca.gov



**Re: (1) Request for Continuance of ALUC Proposed Consistency Determination Scheduled for June 4, 2020 as ALUC Agenda Item 2 Re: Consistency of Carlsbad Zoning Density with 2010/2011 Palomar Airport Land Use Compatibility Plan; and  
(2) Request for ALUC Expedited Processing of an Update to 2010/2011 McClellan-Palomar Airport Land Use Compatibility Plan as a Result of County 2018 – 2038 Palomar Airport Master Plan and PUC and State Aeronautics Manual Requirements**

Ladies and Gentlemen:

On Friday May 29, 2020, Citizens for a Friendly Airport (C4FA) received SDCRAA ALUC notice of the ALUC's intent to act on ALUC Agenda Item 2 on June 4, 2020.

By ALUC Agenda Item 2, Carlsbad requests that the ALUC find that the Carlsbad zoning changes related to Carlsbad high density development are consistent with the development and operation of McClellan-Airport, a County of San Diego owned and operated airport. C4FA clearly disagrees with Carlsbad.

The Airport, though within Carlsbad, is surrounded by developable land in the cities of Carlsbad, Vista, and unincorporated areas of the County of San Diego.

C4FA requests a continuance until ALUC staff has prepared a report to the ALUC members analyzing the points below and until ALUC has given the public more time to review this matter.

Alternatively, if the ALUC proceeds with this item, we request that the ALUC deny a finding of consistency. The ALUC would not have enough data to determine whether the ALUC is complying with (1) the California Public Utilities Code (PUC) and (2) the State of California Aeronautics Manual, which State law requires ALUCs to follow, and (3) an UPDATED Palomar Airport LUCP.

Because Covid ALUC hearing restrictions make communicating orally with the ALUC and Carlsbad difficult, we request that this letter be read into the record at the ALUC June 4, 2020 meeting and all related meetings of the Carlsbad City Council. Only in this way, can we be assured that (1) our concerns have been recognized by ALUC members and (2) that members of the public who are able to watch a broadcast of the ALUC meeting are apprised of the specific C4FA concerns. Because this C4FA letter is from a group of citizens, we request the ALUC allow more than the ALUC-allotted 3 minutes to read the letter into the record.

The 2010/2011 McClellan-Palomar Airport LUCP is out of date for four reasons.

1. *The ALUC Failed to Update the Palomar Airport LUCP by 2016 and Failed to Conform to the State Aeronautics Manual.* As C4FA pointed out in great detail in its September 2018 twenty-nine page letter to the ALUC, the Palomar Airport 2010/2011 LUCP was out of date long before County adopted its October, 2018 new Palomar Airport Master Plan (PMP) to convert Palomar Airport from an FAA rated B-II airport to an FAA D-III airport. For purposes of the Administrative Record, we incorporate the C4FA September 2018 letter by reference.

According to the California Department of Aeronautics Manual, LUCPs should be updated every 5 years. Palomar Airport was due for an update in 2016 – especially since it appears that the SDCRAA ALUC 2011 update was made shortly after the ALUC assumed responsibility under State law from SANDAG. In other words, the newly created Authority and ALUC had little experience in preparing LUCPs at that time. Consequently, it overlooked various issues as C4FA pointed out in its 2018 letter.

2. *The ALUC Failed to Review the County 2018 Palomar Airport Master Plan (PMP) Prior to the Time the County Board of Supervisors Acted on its 2020 PMP and Related PMP EIR.*

The county and the SDRAA ALUC are denying the public a reasonable opportunity to comment on the consistency of proposed zoning changes by cities around Palomar Airport with a CURRENT Palomar Airport LUCP. Just a few facts supporting that conclusion include the following:

- The ALUC is not a Neutral Arbiter of Consistency Issues. In 2010, the ALUC’s “parent,” the full SDCRAA adopted a Regional Strategic Airport Plan (RASP). The RASP lists many ways in which county airports, including specifically Palomar Airport, can expand. While we recognize that the SDCRAA is in the business of promoting airports, the SDCRAA has a PUC statutory duty to act impartially. Having adopted a RASP promoting airport expansions, the SDCRAA should not be undertaking ALUC actions that give the public only the barest notice related to an out-of-date Palomar Airport LUCP.
- The ALUC Failure to Review the County 2018 PMP Prior to Board of Supervisor PMP Action Denied County and the Public 1/8 of the Information that County’s PMP Promised to Provide the Public. When circulated, the County’s PMP and PMP EIR expressly promised the public and reviewing public agencies that County would analyze 8 distinct issues.

One specifically listed issue was the impact of the Palomar Airport D-III conversion and construction of \$100,000,000 plus of Palomar Airport runway extensions and runway relocation improvements on the noise and safety of surrounding communities.

The PUC expressly delegates to ALUCs the duty to prepare Land Use Compatibility Plans so that private and public owners near an airport know if development of their lands will be restricted by noise and safety zones.

Because the ALUC failed to timely act, the County PMP and PMP EIR provide no specific information as to how County Palomar Airport expansion affects development of land parcels outside the airport that will be restricted.<sup>1</sup>

- We understand that the PUC and/or State Aeronautics Manual require an airport owner and operator to submit proposed airport changes to the ALUC prior to the time the owner/operator adopts its plan. That requirement suggests that the Cal Trans Division of Aeronautics expected airport owners and operators to receive

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<sup>1</sup> County and Carlsbad often say Palomar Airport improvements will again be reviewed in the future and hence the 2018 County PMP does not by itself impact safety and the environment. That argument fails for two reasons. First, no one will ever know whether the Supervisors would have adopted the 2018 PMP in the format proposed – which governs Palomar Airport development for 20 years – if the noise and safety impacts on surrounding property owners were known. Those impacts could only be known if the ALUC had timely acted to update the Palomar Airport LUCP. Secondly, the County and Carlsbad argument that the 2028 PMP does not trigger impacts until Palomar Airport physically expands conflicts with an ongoing County and Carlsbad argument. They say that the county cannot limit the size and speed of aircraft using Palomar Airport. Since at least 1990 County has been attracting FAA-rated C and D larger, faster, more fuel-laden airport to Palomar. The Palomar Airport runway does not meet FAA Design Manual requirements for such aircraft. Hence, the existing ALUC LUCP is out of date.

ALUC input before adopting proposed plans. However, county submitted its 2018 PMP to the ALUC only about two weeks before county's Board of Supervisor PMP adoption. We are not aware of any substantive comments that the ALUC has provided to county regarding an updated LUCP as of May 2020.

3. *The ALUC has Failed to Timely Update the ALUC 2010/2011 Palomar Airport LUCP.* Almost two years have passed since C4FA's September 2018 letter to the ALUC noting Palomar Airport LUCP deficiencies and since the Board of Supervisor's October 2018 adoption of its 20-year Palomar Airport Master Plan. And, we understand that the county's proposed 2018 PMP was available to ALUC staff in draft in 2017. Having ignored 3 years of lead time, the ALUC cannot claim in good faith that it is maintaining a CURRENT LUCP that fairly appraises property owners near Palomar Airport of the noise and safety ALUC zone restrictions on their property. In the meantime, many property sales could be occurring substantially affecting buyers and sellers.

The City of Carlsbad, the County of San Diego, and the ALUC are well aware of the problems that lack of ALUC transparency has caused to private property owners surrounding Palomar Airport. We understand that several land parcels just west of Palomar Airport resulted in several proceedings and lawsuits against Carlsbad, the County, and the ALUC from 2014 to 2020.

In a lawsuit concerning 5817 Dryden Place, Carlsbad, CA, the plaintiffs alleged that as a result of the ALUC restrictions, which essentially converted the property from first class office space to a warehouse with very limited occupancy, their property had been unfairly taken and/or restricted. We understand that County bought the Dryden Place property for approximately \$6,000,000 to resolve this most recent lawsuit.

*IF the ALUC had given proper notices to property owners around Palomar Airport when the property was first restricted, the City of Carlsbad, the County, and the ALUC would have avoided hundreds of hours of effort, hundreds of thousands of dollars in attorney fees, and likely a County purchase price substantially below the \$6,000,000.*

4. *Lastly, the ALUC Fails to Provide Adequate Notice to Property Owners Surrounding Airports Who May be Impacted by ALUC Property Noise, Safety, and Occupancy Restrictions. Federal and State Constitutional Due Process Requires More than a Brown Act Blanket Notice of ALUC Agenda Items given to the community generally. The ongoing ALUC inadequate processes have caused prejudice to private property owners surrounding Palomar Airport as noted in the Dryden Place example above.*

For the above reasons, C4FA requests the ALUC continue its consistency review until ALUC staff may prepare a staff report for ALUC members as outlined in this letter or deny the finding of consistency as noted initially in this letter. Please especially note that a June 4, 2020 ALUC consistency determination would automatically fail to comply with county's current Palomar Airport Master Plan, which the county adopted in 2018 and for which the ALUC has failed to designate noise and safety zones.

Thank you for your review and consideration of this letter.

*Hope Nelson*

C4FA by Hope Nelson. [Signing authority for HN given to Ray Bender]

ATTACHMENT: C4FA September 19, 2018 letter noted in text above.

Cc: Cory Briggs, Attorney for C4FA in pending actions with Carlsbad and County.

2020 5 SDCRAA ALUC Palomar Consistency Letter Final Final Final



September 19, 2018

Citizens for a Friendly Airport  
7040 Avenida Encinitas, Suite 104-467  
Carlsbad, CA 90211

San Diego Regional Airport Authority  
Airport Land Use Commission  
SDCRAA Administration Building  
3225 No. Harbor Drive  
San Diego, California 92101

Members: C. April Boiling, Greg Cox, Jim Desmond, Mark Kersey, Robert T. Lloyd, Paul Robinson, Johanna S. Schiavoni, Michael Schumacher, Mark B. West and Ex-Officio Board Members: Tim Gubbins, Jacqueline Wong-Hernandez, , Col. Jason Woodworth  
President/CEO Kimberly J. Becker

SDRAA Legal Counsel: Amy Gonzalez

VIA: Attn: Ms. Diane Casey (Assistant to CEO Kimberly J. Becker [DCasey@san.org]) [Note: Email name and address we were given when calling SDRAA today Wednesday, September 19.)

**Re: ALUC Processing of Update to 2010/2011 McClellan-Palomar Airport Land Use  
Compatibility Plan As a Result of County 2018 – 2038 Palomar Master Plan**

Ladies & Gentlemen:

We understand that the County of San Diego Board of Supervisors will likely approve its twenty-year McClellan-Palomar Airport Master Plan and certify its Programmatic EIR on October 10, 2018. We also understand that the SD ALUC will be updating the 2010/2011 MP Land Use Compatibility Plan to comply with state requirements.<sup>1</sup>

The C4fa-detailed-comments follow in the table below. Please assure that these comments are considered by ALUC staff and the ALUC members when preparing the update.

But a few new comments are appropriate in light of county comments in the last week.

When preparing its MP LUCP update, the ALUC needs to look at the actual Palomar Master Plan (PMP) projects county proposes – as opposed to the labels that county is trying to give its PMP in its last minute effort to overcome public comments on its PMP and Draft PEIR. Here is why.

- *Palomar Critical Design Aircraft.* County’s PMP concedes that more than 500 annual C and D operations have occurred at Palomar annually over the last 15 years. In fact, the number exceeds 10,000 annually in most years. The FAA requires the Airport Reference Code (ARC) to conform to the actual critical design aircraft. Yet county’s recent papers suggests it may “maintain” Palomar as a B-II airport.
- *Runway Safety Area.* County has said in its PMP that it will ultimately place an EMAS [350-foot Engineered Materials Arresting System] at each runway end. However, county’s PMP says it won’t install the east end EMAS for at least 13 years. These facts make it apparent why county may want to continue to say Palomar is a B-II airport when the proper FAA critical aircraft design ARC designation is C. An FAA C designation requires 1000-foot runway safety areas (RSAs) at each end of the Palomar paved runway. Or an FAA-approved EMAS. Count’s clear desire – even with an initial 200-foot runway extension – is to operate without an east end EMAS. As a result an aircraft taking off toward the east and overshooting the runway travels into the Palomar Unit 3 19 acre runway east end landfill, which has a methane gas collection system beginning about 4 feet below the sandy surface.
- *PMP Wingspan Separation.* Quite clearly what county is trying to claim is that it is maintaining a B-II airport to sooth public objections but build projects to meet FAA ARC D requirements. The best example of this is county’s plan to increase the

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<sup>1</sup> The CalTrans State Aeronautics Handbook, which State law requires the ALUC to follow, recommends an update at least every 5 years. So the MP LUCP update was due several years ago, especially in light of the very substantial development of the vacant land around Palomar Airport and within 2 miles of it.

distance between the Palomar taxiway centerline and runway centerline so that larger C and D aircraft with wider wingspans can concurrently operate.

- *Runway Width.* The FAA requirement for runway width of a B airport is 75 feet to 100 feet. Yet county now has a 150-foot runway and will relocate the runway with a similar width.

Thank you for considering the C4fa comments. **Please confirm your receipt of this email and the distribution of the comments to Raymond Bender at [benderbocan@aol.com](mailto:benderbocan@aol.com) and 760 752-1716. We also request (i) actual notice of all meetings at which the ALUC will consider the MP LUCP Update and (ii) copies of all materials that ALUC provides ALUC members at least two weeks before the meeting at which the ALUC considers an MP LUCP update so that C4fa members have a fair opportunity to review the issues. That process will allow better C4fa input at the upcoming ALUC meeting considering the MP LUCP Update. We also request that the ALUC determine and provide actual notice to the property owners surrounding Palomar Airport that may be impacted by Updated ALUC MP LUCP noise and safety maps. As mentioned in the table below, we understand that some owners whose property was impacted by the 2010/2011 ALUC MP LUCP Update did not timely receive actual noise and were substantially adversely affected.**

**PLEASE ESPECIALLY NOTE THAT THE BELOW TABLE CONTAINS SEVERAL SCREEN SHOTS WHICH MAY TAKE A MINUTE TO APPEAR ON THE COMPUTER SCREEN. PLEASE ASSURE THE SCREEN SHOTS ARE PRESENT BEFORE REPRODUCING COPIES FOR THE INTENDED RECIPIENTS.**

<b>Comments of Citizens for A Friendly Airport (C4FA.org) on ALUC Update of 2010/2011 McClellan-Palomar Land Use Compatibility Plan as a Result of County's New Twenty Year Palomar Master Plan</b>
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<p>Preliminary Comments:</p>
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| <ul style="list-style-type: none"><li>• <b>C4fa.</b> Citizens for a Friendly Airport is a citizens group, whose members have provided comments to County and Carlsbad on (i) the March 2018 County PMP Programmatic EIR (PEIR); and (ii) the June 2018 County re circulated portions of the PEIR.<sup>2</sup> C4fa maintains a website at C4fa to inform the public about the impacts of county's proposed Palomar Master Plan projects.</li></ul> |
|--|

<sup>2</sup> After receiving comments from the city of Carlsbad's nationally recognized aviation law firm (Kaplan, Kirsch, and Rockwell) and the public, county in June 2018 requested further PEIR comments on biological, greenhouse gas (GHG), energy consumption, and Runway Protection Zone (RPZ) issues. By August 6, 2018 Carlsbad and the public again commented noting major deficiencies in the county PEIR assumptions, facts, methodologies, and analyses.

- **C4fa McClellan- Palomar Land Use Compatibility Plan [LUCP] Concerns.**

- Based on reviewing the process previously followed by the SDRAA ALUC, Carlsbad residents are concerned that the ALUC process does not sufficiently analyze or inform the public of ALUC restrictions on lands near the airport.
- For instance, at a Carlsbad Council meeting earlier this year, two businessmen appeared before the Council and noted (i) ALUC restrictions have caused them to lose more than \$1 million, essentially converting a first class office building, to use for limited storage and (ii) they became aware of ALUC LUCP restrictions incidentally, not by ALUC actual notice.
- The ALUC should assure that new ALUC restrictions resulting from the county 2018 PMP and/or Airport Layout Plan (ALP) are properly adopted with **actual notice** to the property owners who may be impacted so they can timely provide their input to the ALUC.

- **C4fa Public Input.** C4fa members have appeared before the Carlsbad City Council five times since February 2018 to provide the council information related to county's PMP and PEIR and also attended PMP workshops. County operates MP pursuant to Carlsbad CUP 172, which county says in its current PMP and PEIR, that county need not comply with.

- **Savecarlsbad.com** For the last two years, one C4fa member (Graham Thorley) has maintained the website [www.savecarlsbad.com](http://www.savecarlsbad.com) to inform the public of Palomar-related issues.

- **Carlsbadpatch.com & San Diego Free Press Palomar Info.** For the last four years, one C4fa member (Ray Bender) has posted more than 200 articles on Carlsbadpatch.com related to Palomar developments and had seven articles published in the San Diego Free Press related to Palomar issues.

- **The 3 PMP Projects.** The county 2018 PMP proposes three basic Palomar Airport expansion projects:

- **D-III Conversion:** Converting Palomar from an FAA-rated B-II airport to a D-III airport to handle a higher percentage of corporate jets and passengers by regularly scheduled air carriers. County forecasts a future passenger level of 304,000 to 575,000 depending on marketing success. In December 2016, Supervisor Horn stated it was

time for Palomar to replace the GA aircraft with the larger, faster commercial aircraft. **Attachment A** to these comments provides a transcript of Mr. Horn's comments, which advise small aircraft to move to other airports.<sup>3</sup>

- **200-foot Runway Extension & West End EMAS & East End RSA (Near Term).**
- **Runway Relocation north about 100 feet, and a total either 800-foot extension or 900-foot extension from 4900 feet to 5700 or 5800 feet, and EMAS at both west and east ends (Longer Term).** County's PMP and PEIR conceal the 900-foot extension (rather than 800-foot extension) in the following way.
  - **At the December 15, 2016 BOS meeting, four of the five BOS members accepted the SD consultant Kimley-Horn recommendation for an up to 800-foot extension.** Supervisor Horn did not he pressed the consultant to come up with an extra 100-feet.
  - **On the surface, the 2018 PMP projects refer to an up to 800-foot extension.** However, Kimley-Horn as directed by Supervisor Horn suggested a massive west runway end retaining wall costing about \$12 million in order to create additional land.
  - **County in the past, without any fanfare or notice to the SDCRAA ALUC increased the Palomar runway from 4700-feet to the current 4900-feet.**
  - **In other words, quite clearly what the BOS intends to do is approve an unneeded west end \$12 million retaining wall so that county at some time in the future with a CEQA negative declaration can add 100 feet to its then 800 cumulative extension.**
  - **CONCLUSION: The ALUC needs to pin the county down or simply analyze a 900-foot runway extension rather than an 800-foot runway extension.**
- **D-III Conclusion:**
- **Although county in the last week has suggested it might label Palomar as a B-II airport, its PMP makes clear that it is undertaking improvements for a D-III airport. The PMP improvements documenting that include D-III sized runway lengths and widths; installing 350-foot EMASs [eventually] in lieu of 1,000 foot RSAs to meet D-III FAA RSA requirements; building a \$12 million runway west end massive retaining wall, which is not needed for an 800-foot runway extension but is needed for a 900-foot runway extension; and installing \$8.6 million of navigational aids. As noted initially above, judge county not by its labels but by the actual improvements it intends and passenger levels it forecasts, which determine the size of the ALUC-designated noise and safety areas.**

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<sup>3</sup> As the SDCRAA recognized when it prepared its 2010 Regional Airport Strategic Plan (RASP), the SDCRAA can divert aircraft from Lindbergh Field by changing rate structures that discourage Lindbergh Field use and encourage aircraft to Palomar. This is just one example of how increased FAA-rated C and D aircraft using Palomar will displace the smaller general aviation aircraft.



- **Specific McClellan-Palomar Land Use Compatibility Plan Issues.** C4fa members have reviewed the 2010/2011 McClellan-Palomar LUCP. Based on that review, we request that ALUC staff discuss the below issues in its report and recommendation to the ALUC members when considering how to update the 2010/2011 MP LUCP.
- **Table Part A below discusses specific ALUC compatibility issues that the county PMP project elements raise. Table Part B below indicates why various sections in the ALUC 2010/2011 MP LUCP require updating.**

## PART

### LUCP Issues raised by the County 2018 PMP Project Elements

**Preliminary Note:**

The SDCRAA ALUC airport Land Use Compatibility Plan (LUCP) process follows the guidance set forth in the CalTrans Division of Aeronautics “*California Land Use Planning Handbook.*” In § 2.4.2 entitled *ALUCP Amendments* at page 2-9, the Handbook states: “*A comprehensive review and update is recommended at least every five years. The ALUC last updated the McClellan-Palomar LUCP in 2010/2011, about 7 years ago.*”

As noted below, in the last 12 months alone, Carlsbad has authorized construction projects within 3 miles of the airport totaling more than 1,000,000 square feet. Accordingly the ALUC should be starting a “comprehensive” MP LUCP review even before county submits its proposed \$110,000,000 Twenty-Year Palomar Master Plan project expansion.

Also, note that when the ALUC last updated the MP LUCP, the ALUC used the Cal Trans 2002 Handbook edition. [See § 1.2 at page 1-4 of 2010/2011 MP LUCP.]

In short, a new ALUC analysis redefining airport-related noise and safety zones needs to take into account (i) considerable Carlsbad development near the airport, (ii) the latest requirements of the 2011 Cal Trans Handbook, and (iii) county’s desire to both extend its runway 800-feet over a methane emitting landfill and to relocate the runway and convert Palomar from an FAA-rated B-II airport to an FAA-rated D-III airport.

#	Issue	Old v. New and/or	Requested ALUC Analysis & Points to be Considered
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		Clarifications	
1	Runway Size	Phase 1: 4900-foot to 5100 [EXISTING Runway location]	<ul style="list-style-type: none"> <li>● Advise how the 5 existing noise areas and 5 existing safety areas will change</li> <li>● Points to consider include: <ul style="list-style-type: none"> <li>○ <b>Post 2010 Carlsbad Development.</b> Carlsbad has permitted many hotels and developments just south of Palomar Airport Road (PAR) within 2 miles of MP since the 2011 LUCP;</li> <li>○ <b>D.R. Horton Runway Approach Development.</b> As these comments are written, D.R. Horton is building many new townhouses directly within the Palomar east approach path;</li> <li>○ <b>20-Fold Forecasted Increase in Passenger Traffic.</b> County forecasts air carrier annual passenger increases from less than 15,000 today to between 304,000 and 575,000 in its twenty-year plan<sup>4</sup>.</li> <li>○ <b>Displacement of GA Aircraft and Upward Swing in FAA-Rated C and D Aircraft.</b> Supervisor Horn at a Board of Supervisor meeting set a goal of displacing general aviation aircraft in favor of commercial aircraft. [See our Table Attachment A, Horn 12/15/16 Transcript.]</li> </ul> </li> </ul> <p>When FAA-rated A and B aircraft crash, they carry comparatively few people and comparatively little fuel. When FAA-rated C and D aircraft crash, they typically carry far more people and fuel and crash at faster speeds. The table below provides a rough listing of fuel and passenger loads. In the last four years, Palomar has handled few air carriers and very light passenger loads. Most B and C aircraft operations were corporate with the aircraft carrying 2 to 8 people. As the table shows, as aircraft size, speed, and fuel carriage increases, the aircraft in a crash is a bigger bomb capable of causing great damage. The many manufactured housing units about 2 miles east of the Palomar Airport runway would easily be destroyed by a large</p>

<sup>4</sup> As the current MP LUCP notes (See C-5 of Appendix C) ALUC-designated safety zones take into account harm to aircraft occupants as well as safety on the ground.

aircraft crashing into the mobile home park.

**REQUEST: When calculating its new MP LUCP safety areas, the ALUC should include its own Risk Safety Table showing how converting Palomar from a B-II airport to a D-III airport or D-III airport and changing the aircraft mix will increase safety concerns. How will the size of the impact areas and dispersion areas change with D-III aircraft v. A or B aircraft?**

Comparative Risks: A v. B v. C v. D Aircraft				
Size	Max Take Off Weight	Max Approach Speed (knots)	Max People at Risk on Aircraft	Max Fuel Load (lbs.) and (gal)
A	2,750 pounds	91	2	432 (72 gal)
B	?	121	30	
C	?	141	60	?
D	91,000 pounds	166	110	41,300 (6,883 gal)

2	Runway Size	Phase 2: 100-foot North Relocation and Rebuild: 4900-feet to 5700 feet <sup>5</sup>	<ul style="list-style-type: none"> <li>• Advise how the 5 noise and 5 safety areas will change again when county both shifts its runway north and extends the runway 800 feet in total.</li> <li>• Points to Consider – in addition to those in Item 1 above – discuss the issues below. <ul style="list-style-type: none"> <li>○ <b>Added Threats to ECR Traffic.</b> With the existing 4900-foot runway, landing aircraft touch down about 1200 feet from ECR. With a 5700-foot runway, landing aircraft will touch town about 400 feet from ECT. At an approach speed of 166</li> </ul> </li> </ul>
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<sup>5</sup> We are aware that the 2010/2011 MP LUCP refers to the ALUC analyzing runways in the range of 4,000 to 6,000 feet in length. However that analysis involved a B-II airport serving 90% small GA aircraft with comparatively few passengers. As noted in the table above, a Palomar Airport handling predominantly B, C, and D aircraft and hundreds of thousands more passengers raises entirely different safety considerations.

			<p>knots, the aircraft travels about 280 feet per second. So an 800-foot extended runway will place 100,000 pound landing aircraft about 1.5 seconds from ECR traffic. It appears that landing aircraft would be about 100 feet above ECR car and truck rooftops. When updating the MP LUCP, please provide the accurate data to replace our estimated data and assess the increased risk.</p> <ul style="list-style-type: none"> <li>○ <b>Added Threats to Areas North of Relocated Runway &amp; Taxiway.</b> Relocating the runway north removes north Palomar Airport aircraft parking. That movement combined with faster, larger aircraft increases the chance of an errant aircraft sliding into private property north of the runway. Assess this risk.</li> <li>○ <b>Changes in Risks Resulting from EMAS Installs.</b> Palomar now has no Engineered Material Arresting Systems (EMASs). County plans to install two EMASs, one at each relocated runway end (with the east end EMAS delayed about 15 years.) EMASs are meant to control rolling aircraft (at the end of takeoff or end of landing) traveling no more than about 70 knots). However, an EMAS install requires the county to designate a “buffer” area between the interior EMAS and runway-landing threshold. In short, the landing runway threshold will be displaced to assure landing aircraft touching down at 121 to 166 knots do not enter the EMAS closest to landing. Accordingly, the threshold displacement alters the approach RPZ area. In the updated MP LUCP, distinguish the approach and departure RPZs and explain how county PMP project changes affect their designation.</li> </ul> <ul style="list-style-type: none"> <li>● <b>REQUEST: In the updated MP LUCP, address the issues discussed above.</b></li> </ul>
3	County-Designated RPZ Areas	County’s June 21, 2018 Re-circulated PEIR RPZ Areas	<ul style="list-style-type: none"> <li>● County’s June 21, 2018 Re-circulated PEIR parts includes redrawn RPZs for various Palomar Airport alternatives. For the many reasons set forth in our August 2018 comments, to the county PEIR re-circulation, the county-depicted RPZs are incomplete and often misdrawn. See the Bender comment Items 31 – 43 at pages 51 – 75 of the Comments on the County Re-circulated PEIR portions. We mailed hard copies of our comments to the ALUC during the week of August 6. The ALUC also has our binder comments from March 2018, which describe in detail why county’s PMP and PEIR fail to comply with Government Code Planning and Zoning requirements, which we understand the ALUC needs to review to find that the County General Plan is consistent with the ALUC Updated 2018 MP LUCP.</li> </ul>

			<ul style="list-style-type: none"> <li>• Rather than repeat all of our PMP PEIR RPZ comments, we incorporate them by reference. In sum: <ul style="list-style-type: none"> <li>○ County is incorrect when it suggests that future RPZ areas will be smaller than current RPZ areas. The increased airport mix of faster, larger aircraft will enlarge the areas. If the ALUC disagrees, please explain in your updated MP LUCP.</li> <li>○ In preparing the RPZ areas, county has failed to properly account for EMAS installations and EMAS/runway buffer areas.</li> <li>○ County has failed to provide drawings actually showing the property owners impacted by new RPZs.</li> </ul> </li> <li>• <b>REQUEST: In the updated MP LUCP, address the issues above.</b></li> </ul>
4	Passenger Load and Larger Aircraft	Increase from 15,000 to as much as 575,000	<ul style="list-style-type: none"> <li>• The ALUC 2010/2011 MP LUCP refers to a then existing 15,000 annual Palomar passengers with projected passengers of 35,000.<sup>6</sup></li> <li>• County’s 2018 PMP forecasts a low passenger range by 2036 of 304,000<sup>7</sup> (county’s PAL 1) annual passengers and a high of 575,000 (county’s PAL 2).<sup>8</sup></li> <li>• <b>REQUEST: The ALUC Updated 2018 MP LUCP needs to assess the increased passenger risk resulting from:</b> <ul style="list-style-type: none"> <li>○ <b>Up to 15 to 20 times as many passengers being handled; and</b></li> <li>○ <b>Passengers using 100 seat aircraft rather than 30 to 50 seat aircraft, which means crashes will occur with substantially more fuel aboard and likely at faster speeds.</b></li> </ul> </li> </ul>
<p><b>PART B</b></p> <p><b>Comments on Sections in the ALUC 2010/2011 MP LUCP Requiring Updating</b></p>			

<sup>6</sup> See MP LUCP, Table IV-2 at page 4-13.

<sup>7</sup> See 2018 PMP, Table 3.17 at page 3-33.

<sup>8</sup> See 2018 PMP, page 4-2 and county based this number on an earlier ALUC RASP.

**Comments on ALUC 2010/2011 MP LUCP Chapter 1 entitled *Introduction***

1	§ 1.1, Overview p. 1-1	<ul style="list-style-type: none"> <li>• Compatibility v. Consistency</li> <li>• PUC References</li> </ul>	<ul style="list-style-type: none"> <li>• <b>ALUC Terminology: Compatibility v. Consistency.</b> Throughout the LUCP, the ALUC uses the terms “compatibility” and “consistency.” ALUC does not well define the difference between the terms. Clarification would be helpful. <ul style="list-style-type: none"> <li>○ We understand “compatibility” to focus on whether local community land use policies around Palomar are compatible with the standards established in the Cal Trans, Division of Aeronautics, Land Use Planning Handbook and the standards that ALUC establishes.</li> <li>○ In contrast, we understand the term “consistency” to focus on whether (i) local community-adopted General Plans are “consistent” with the ALUC-established airport compatibility standards or (ii) inconsistent because a local entity has qualified its acceptance. .</li> <li>○ We especially focus on this issue as a result of a C4fa member conversation with ALUC staff last year. In that conversation, the staff member was especially sensitive to the use of these two different terms. We wish to be accurate. Precise guidance would be helpful.</li> </ul> </li> <li>• <b>REQUEST: If our understanding of the meaning of the two terms is incorrect, please clarify the correct use of these terms in the ALUC updated MP LUCP. If our understanding is correct, revise the MP LUCP to more clearly make the distinction. Consider supplementing the ALUC MP LUCP definitions, which occur later in § 2.2.</b></li> <li>• <b>MP LUCP Statutory References.</b> The MP LUCP Appendix A reproduces various laws. It would be helpful if the MP LUCP cross referenced Appendix A when citing the law.</li> </ul>
	§ 1.1.2 Statutory Requirements p. 1-2 et	<ul style="list-style-type: none"> <li>• ALUC – FAA Jurisdictional Issue</li> </ul>	<ul style="list-style-type: none"> <li>• At p. 1-3, the MP LUCP notes that the “<i>ALUC has no jurisdiction over federal lands.</i>” Due to the 2018 county PMP projects proposed, interesting issues arise as to how the foregoing limitation impacts ALUC noise and safety areas for the following reasons: <ul style="list-style-type: none"> <li>○ <b>FAA Leased Lands.</b> The ALUC needs to clarify what “<i>federal lands</i>” means. The</li> </ul> </li> </ul>

seq	<ul style="list-style-type: none"> <li>Public Notice Issues Related to ALUC Adoption of MP LUCP</li> </ul>	<p>FAA does not own the MP northeast parcel at El Camino Real (ECR) and Palomar Airport Road (PAR). However, the 2018 county PMP lists among the projects that will be carried out the installation of \$8.6 million dollars of navigational improvements that will be necessary on the northeast parcel as a result of county extending its runway 800 feet eastward. County leases various land areas on the northeast parcel to the FAA. <b>Question: Are lands leased to the FAA within ALUC jurisdiction? Are lands leased to the FAA within the city of Carlsbad land use jurisdiction?</b></p> <ul style="list-style-type: none"> <li>○ <b>RPZs.</b> If lands leased to the FAA are not within ALUC jurisdiction, how does that conclusion impact, if at all, the designation of RPZ zones and other safety zones that the ALUC designates in its updated MP LUCP? We understand that in the past, the ALUC – when determining the five safety zones around Palomar – has included the northeast parcel as the Runway Protection Zone (RPZ)</li> <li>● <b>REQUEST: In the updated MP LUCP, explain:</b> <ul style="list-style-type: none"> <li>○ <b>Whether the ALUC does or does not have jurisdiction over lands that the county leases to the FAA for navigational aids and provide the FAA correspondence confirming the ALUC’s conclusion.</b></li> <li>○ <b>Whether and how such leased land impacts the ALUC designation of MP LUCP noise and safety zones.</b></li> </ul> </li> <li>● <b>ALUC NOTICES TO PROPERTY OWNERS.</b><sup>9</sup> MP LUCP § 1.1.2 discusses laws applicable to the ALUC creating an MP LUCP but says nothing about what notices the land owners affected by ALUC designation of noise and safety zones are entitled to. The importance of this issue is shown by recalling recent history. <ul style="list-style-type: none"> <li>○ <b>Adversely Affected Landowners.</b> We understand that several months ago several businessmen owning land within MP LUCP land-restricted areas appeared before the Carlsbad city council. They noted that ALUC restrictions had greatly restricted the</li> </ul> </li> </ul>
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<sup>9</sup> The C4fa comments are general in nature. No attempt is made to analyze legal issues. We note though that the ALUC restricting land uses around Palomar without first giving actual notice to known property owners in a relatively restricted area seems to raise federal and state due process issues similar to those arising in condemnation and inverse condemnation actions.

			<p>value of their office facility, perhaps by as much as \$ 1 million. They indicated they had never been given actual notice of the restrictions. The Carlsbad Council refused to grant a variance for use of the property.</p> <ul style="list-style-type: none"> <li>○ <b>Due Process Standard.</b> We have no idea what the ALUC position is on this issue. Perhaps it is (i) the ALUC has no obligation to give actual notice to affected property owners or (ii) constructive notice by publication in newspapers is adequate. C4fa has no notice of what the legal standard is. And that is precisely the point. The ALUC is undertaking regulation without fully informing those regulated what their rights are. If the ALUC is constructively taking property by regulation, property owners should be given actual notice so they can appear at the ALUC meeting at which their property interests may be adversely affected.</li> <li>● <b>REQUEST: In §1.1.2 of the updated MP LUCP, explain what notices the ALUC will give to property owners affected by its proposed noise and safety zone designations. If the ALUC position is that no actual notices are required, explain why not. Also state the newspapers that the ALUC does use when it publishes notices of its actions.</b></li> </ul>
<b>Comments on ALUC 2010/2011 MP LUCP Chapter 2 entitled <i>Airport Land Use Commission Policies</i></b>			
2	§ 2.2.14 CNEL p. 2-3	<ul style="list-style-type: none"> <li>● Berkeley Keep Jets Over the Bay, 111 Cal.Rptr.2d 598 SNEL</li> </ul>	<ul style="list-style-type: none"> <li>● The MP LUCP states in § 2.2.14 that CNEL is the land use metric adopted by the State of California for land use planning. State law includes both legislative and court made law. In <i>Berkeley Keep Jets Over the Bay</i>, the court concluded that airport planning also required analysis of Single Noise Events (SNELs). The MP LUCP definitions in § 2.2 do not address this issue.</li> <li>● <b>REQUEST: In its updated MP LUCP, explain how the ALUC will consider the SNEL analysis issue in its analysis now that the court has required it. In that discussion, explain how SNELs affect student learning. See for instance the August 2018 report entitled “Assessing Aircraft Noise Conditions Affecting Student Learning – Case Studies” by Arup and Partners and Cornell University and Queen Mary University. We reproduce the cover page from the report below to aid you in finding it.</b></li> </ul>

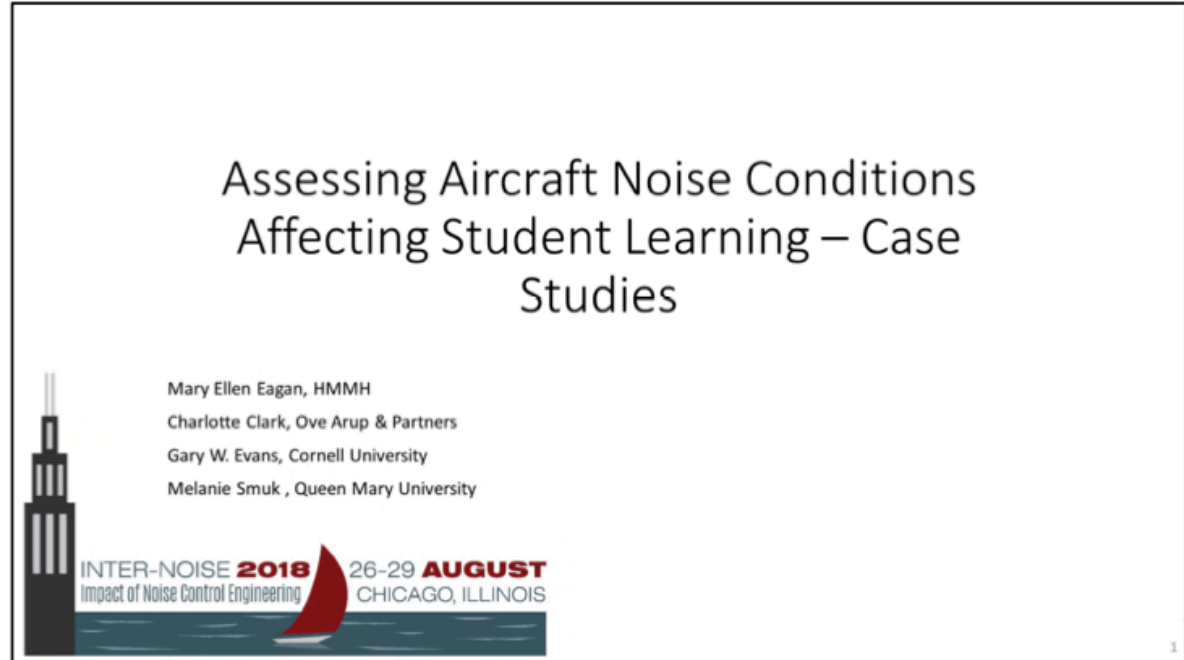


§ 2.4  
Airport  
Impact  
Types,  
p. 2-10  
and §3.6  
Over-  
flights at  
pp. 3-55  
et seq

- Overflights

**Recall also that the ALUC has identified its responsibility to assess the impacts of aircraft Over flights. [ See MP LUCP p. 2-11; MP LUCP §2.4.2(d)]. In MP LUCP § 3.6, the ALUC does discuss overflight policies. However, the ALUC in essence simply says that if you are a property buyer and get notice that an airport is nearby, the ALUC has satisfied its obligation because the State dictates such notice.**

**But telling property owners that the airport may affect their homes is entirely different from forewarning them that their children’s education may be impacted – as the noted report documents.**



			<ul style="list-style-type: none"> <li>• <b>Overflights.</b> Various MP LUCP sections, including § 2.4.1 and § 3.6, refer to aircraft overflights as one of the four ALUC concerns. In a nutshell, the ALUC says it can do little if anything about such flights. Perhaps the ALUC could improve its analysis. For instance general aviation over flights dump lead from leaded aviation fuel on houses below.<sup>10</sup> <ul style="list-style-type: none"> <li>○ <b>Overflights trigger both noise and safety concerns.</b> Neither the FAA, nor county, nor ALUC describe what over flights are proper and which are not.</li> <li>○ We suspect that few if any ALUC Board members could explain when overflights violate the law by being too low as related to the distance of aircraft taking off and arriving at Palomar. We did not see anything in the MP LUCP, which explains this.</li> </ul> </li> <li>• <b>REQUEST: In the ALUC MP LUCP, state (i) when aircraft arriving at and leaving Palomar Airport are deemed to be too low and hence raise safety concerns, (ii) the written source of the info that the ALUC is using, and (iii) the official complaint procedure with contact info that concerned members of the community may use when such situations occur.</b></li> </ul> <p><b>From the perspective of C4fa, the ALUC shirks its duty if its response is: Talk to the FAA or Talk to the County. We understand that the answer to the foregoing question needs to relate the aircraft altitude to its distance from Palomar and perhaps to the type of aircraft (FAA-rated A, B, C, or D).</b></p>
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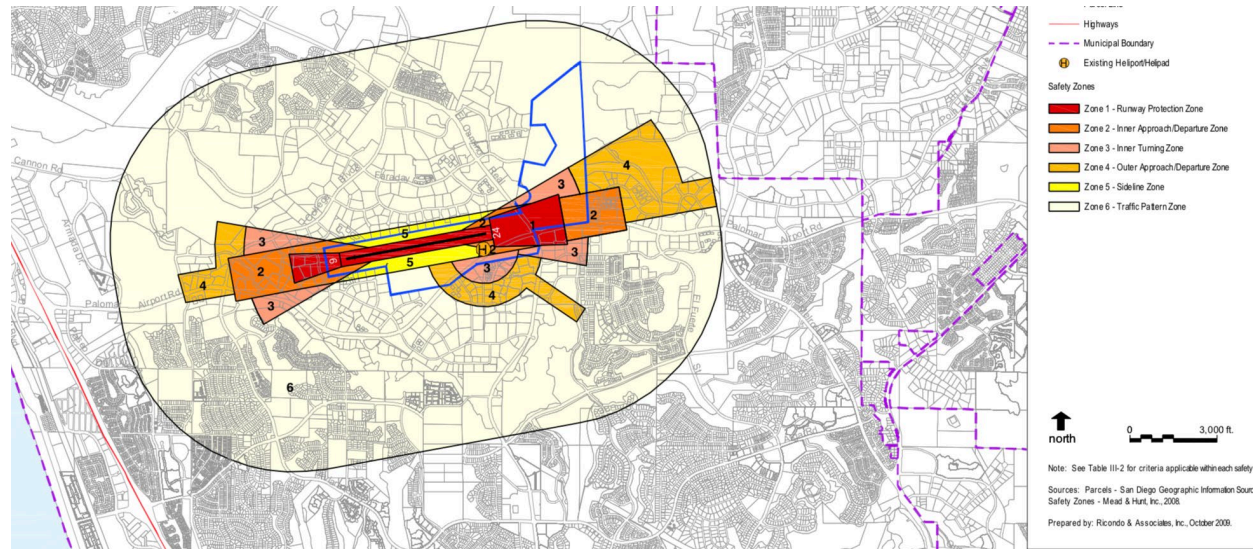
<sup>10</sup> Because the use of leaded aviation fuel is so bad, we understand that the present FAA target to eliminate the sale of leaded aviation fuel is December 2018. However, private GA pilots tell us that leaded additives are readily available and when the sale of leaded aviation fuel is eliminated, they will simply use the additives – rather than buying a new engine or retrofitting their old engines at substantial cost.

§2.4 and § 2.6.1 and § 2.8 and § 2.9 and § 2.12

Consistency of Vista General Plan with ALUC Compatibility Plan

**Also, provide an answer in terms of meaningful street locations. An answer along the lines of: Aircraft departing Palomar must be at least  $x$  feet above mean sea level when more than  $y$  miles from the airport does not tell the reader where the  $x$  mile limit is. The ALUC can accomplish that by including in its updated MP ALUC Thomas Guide Atlas maps with appropriate radii from the airport shown.**

- The ALUC 2010/2011 MP LUCP Exhibit III-2 [“Compatibility Policy Map Safety”] shows the ALUC Safety Zone 4 stopping just shy of the Vista Municipal boundary. If the Palomar runway is extended 800-feet to the east, it appears based on the Exhibit III-2 scale that property owners within the city of Vista will be impacted. The colored LUCP Exhibit III-2 provides better information but a reproduced black and white Exhibit III-2 is reproduced below.



	<p>2.4 and § 2.6.1 and § 2.8 and § 2.9 and § 2.12</p>	<p>Consistency of County General Plan with ALUC Compatibility Plan</p>	<ul style="list-style-type: none"> <li>• Based on the county 2018 Palomar Master Plan, it appears the ALUC needs to resolve an issue it has not previously recognized. <ul style="list-style-type: none"> <li>○ Note from the MP LUCP Exhibit III-2 above that the county airport has an irregular parcel outlined in blue (in the original drawing) in a north-south orientation.</li> <li>○ This irregular parcel crosses the Runway Protection zone and safety zones 2, 3 and 4.</li> <li>○ That parcel is on the Northeast corner of El Camino Real (ECR) and Palomar Airport Road (PAR).</li> <li>○ In theory, county operates Palomar Airport pursuant to Carlsbad Conditional Use Permit (CUP) 172. However – <ul style="list-style-type: none"> <li>▪ The Carlsbad CUP 172 boundaries [as shown in a CUP attachment] do not extend across El Camino Real to the Northeast airport parcel.</li> <li>▪ Moreover, County in its 2018 PMP and in related statements has said that it is not bound to comply with Carlsbad planning or zoning because county is a superior governmental entity.</li> </ul> </li> <li>○ Although county has adopted a General Plan as required by the Government Code, the GP on its face states that it applies to the unincorporated areas of the county.</li> <li>○ Accordingly, if county wants to build any structures within the irregular parcel outlined in blue noted above – which county owns – there is neither a Carlsbad General Plan nor a County General Plan.</li> <li>○ Conclusion: Until either (i) county says any structures it wishes to place within the irregular blue shaped area are subject to Carlsbad Planning and Zoning or (ii) county amends its General Plan in accordance with Government Code requirements to apply county planning and zoning to the affected area, it would be impossible for the ALUC to make the statutorily required finding of consistency with the ALUC’s updated MP LUCP.</li> <li>○ Note: The same issue applies at Gillespie Field and should be addressed in the Gillespie LUCP.</li> </ul> </li> <li>• <b>REQUEST: In the Updated MP LUCP, advise (i) how the county PMP projects will impact Vista residents and (ii) what actual notices the ALUC will give to Vista property owners impacted by the county Palomar Runway extension.</b></li> </ul>
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			<ul style="list-style-type: none"> <li>• <b>REQUEST: In the Updated MP LUCP, advise how the ALUC will address the issue of county placing structures in the irregularly shaped blue area noted above when structures in this area exist in a “No Man’s Land” currently not regulated by Carlsbad (because the county denies the Carlsbad jurisdiction) and not regulated by the county because the county plan applies to unincorporated areas of the county and the relevant area is with the boundaries of the city of Carlsbad.</b></li> </ul>
<b>Comments on ALUC 2010/2011 MP LUCP Chapter 3 entitled <i>McClellan-Palomar Airport Policies and Maps</i></b>			
3	§ 3.2 § 3.2.1 § 3.2.2	Compatibility Zone Designation	<ul style="list-style-type: none"> <li>• These sections seem inconsistent for these reasons: <ul style="list-style-type: none"> <li>○ § 3.2.1 suggests that the 2010/2011 MP LUCP is based on the FAA approved 2008 ALP, which refers to an ultimate ARC of C-II.</li> <li>○ § 3.2.2 in contrast refers to ALUC-designated safety zones based on “general aviation” aircraft [as opposed to commercial sized aircraft].</li> <li>○ The risk to people on the ground in safety zones and the size of the crash debris field increase dramatically as aircraft increase in weight, fuel carried, and speed.</li> <li>○ Similarly, the risk to people in a crashing aircraft increase dramatically depending on whether an FAA-rated 90,000 pound aircraft carrying 6,000 pounds of fuel, and traveling faster carries 5 corporate passengers or 100 commercial air carrier passengers.</li> <li>○ In short, did the ALUC 2010/2011 safety zones analysis base its zone designations on the 10,000+ larger aircraft then using Palomar [despite the inaccurate designation of the critical design aircraft as the Falcon] or only on the “general aviation” aircraft that the 2010/2011 MP LUCP refers to? Where is the supporting proof and calculations of the crash debris fields to support the ALUC conclusion?</li> </ul> </li> <li>• <b>REQUEST: In the Updated MP LUCP (i) address the issues noted above and (ii) rather than referring to “general aviation” aircraft, provide a table showing the heaviest, most fuel laden, and fastest aircraft used to determine the crash safety areas and debris fields. Also in a technical Appendix provide the assumptions, methodology, and</b></li> </ul>

			computer model used to determine the noise and safety zones so that a consultant retained by the public may review them.
	§ 3.2.2	Runway Length and Orientation	<ul style="list-style-type: none"> <li>• <b>REQUEST: Because county plans to relocate its runway northward, and hence change the orientation of the runway, which the ALUC analyze in 2010/2011, in the Updated MP LUCP, show how the safety areas change. Presumably, that analysis means increasing the restrictions on some property owners and reducing the restrictions on others. Likely, such changes will have a material financial impact on such owners. Accordingly, in the Updated MP LUCP, provide maps and lists of property owners impacted to assure that such property owners received proper procedural due process of the intended changes.</b></li> </ul>
	§ 3.3	Noise Compatibility Policies for McClellan-Palomar Airport	<ul style="list-style-type: none"> <li>• The ALUC noise analysis applies CNEL principles only. In <i>Berkeley Keep Jets Over the Bay</i>, 111 Cal.Rptr.2d 598, the California courts imposed an additional noise analysis requirement to account for numbers of Single Noise Event Levels (SNEL).</li> <li>• <b>REQUEST: In the Updated MP LUCP also provide a SNEL analysis especially as it relates to Carlsbad schools near the airport. As noted in Item 2 at page 14 above a 2018 study of the impact of noise on schools shows that student learning can be substantially disrupted by aircraft noise. If the ALUC does not provide an SNEL analysis, explain why so that the issues are properly framed for court review.</b></li> </ul>
<b>Comments on ALUC 2010/2011 MP LUCP Chapter 4 entitled <i>Background Data: McClellan-Palomar Airport and Environs</i></b>			
4	Table IV-2 at p. 4-13 and 4-14	Enplanements	<ul style="list-style-type: none"> <li>• Note that the 2010/2011 MP LUCP assumed 15,000 to 35,000 annual enplanements whereas the 2018 PMP forecasts 304,000 to 575,000 annual enplanements.</li> <li>• In other words prior Palomar operations endangered about 30 persons per aircraft and forecasts about 100 persons per aircraft being endangered.</li> </ul>

		<p>Metroplex Flight Path Changes</p> <p>Helicopter flight path changes resulting from new hospitals and schools.</p>	<ul style="list-style-type: none"> <li>• In addition the increased passenger load means higher numbers of larger, faster, more fuel-laden aircraft flying, which changes the size and shape of the crash debris zone.</li> <li>• Note also that the FAA’s implementation of NextGen [which fans out flight paths over a broader area as reflected by noise suits against the FAA from communities now suffering noises in neighborhoods not formerly in issue] changes the Flight Track usage at Table IV-2 on page 4-14, which the ALUC relied on to prepare its 2010/2011.</li> <li>• Also, Table IV-2 at page 4-15 relied for its analysis on the location of certain hospital and schools. We understand that in the last 8 years, more schools and hospitals have been built and presumably will be addressed in the Updated MP LUCP since crash locations for helicopters ferrying patients will change.</li> </ul>
	<p>Table IV-3 at p. 4-23 and 4-24</p>	<p>Improvements near runway</p> <p>County General Plan Consistency</p>	<ul style="list-style-type: none"> <li>• Table IV-3 is seriously out of date. In the last 4 years alone, Carlsbad has approved major commercial (many hotels) and residential units within 2 miles of an extended Palomar runway. The new ViaSat HQ campus alone is nearly 1,000,000 square feet.</li> <li>• The ALUC information in Table IV-3 at p. 4.24 related to the County General Plan confuses us. <ul style="list-style-type: none"> <li>○ Palomar Airport as well as much of the impact noise and safety areas are within the city of Carlsbad.</li> <li>○ In its 2018 PMP, the county says that – as a superior governmental entity – county is not bound by Carlsbad Planning and Zoning.</li> <li>○ We also understand that the County General Plan expressly says that it applies only to unincorporated areas. Any county Palomar Airport owned areas within Carlsbad [such as the entire airport Palomar parcel on the northeast corner of Palomar Airport Road and El Camino Real] is within the city of Carlsbad.</li> <li>○ It appears therefore that county uses county land in a “NO MAN’s” land not covered by the Carlsbad General Plan and not covered by the County General Plan or the GP policies..</li> <li>○ Accordingly, it appears that the last half of Table IV-3 on p. 4.24 is incorrect. Please update and explain what changes will be made and why. Please assure that the</li> </ul> </li> </ul>

	§4.3.2 at p. 4-33	Compatibility Data: Safety	<p>ALUC is basing its revision on what the San Diego Board of Supervisors has actually adopted in writing, as opposed to merely San Diego staff opinions.</p> <ul style="list-style-type: none"> <li>• This section relies on various flight paths for its designation of safety zones. As noted above, the FAA introduction of Metroplex changes the prior data – as will relocation and extension of the runway from 4900 feet to 5700 feet.</li> <li>• <b>REQUEST: Address the issues noted above in the ALUC Updated MP LUCP.</b></li> </ul>
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**Comments on ALUC 2010/2011 MP LUCP Appendix C entitled *Airport Land Use Compatibility Concepts***

1.	ALUC 2010/2011 Safety Analysis	See Appendix C [Airport Land Use Compatibility Concepts]	<ul style="list-style-type: none"> <li>• At page C-6, the ALUC notes that the State Aeronautics Division Handbook requires analysis of commercial and general aviation airport safety contours. <ul style="list-style-type: none"> <li>○ The ALUC then presents Exhibits C-1 and C-2, which respectively depict accident safety distribution contours for arriving and departing general aviation aircraft.<sup>11</sup></li> <li>○ The ALUC did not provide similar exhibits depicting accident safety distribution contours for commercial arriving and departing aircraft.</li> <li>○ As suggested above, we would expect commercial aircraft crash debris fields to be significantly different in shape and size due to their size, much greater fuel capacity, and speed.</li> </ul> </li> <li>• <b>REQUEST: In the updated MP LUCP, add the commercial debris fields so safety impacts can be assessed of Palomar transitioning from a B-II airport to a D-III airport. When showing the fields superimpose them over actual properties owned so that such owners have proper notice as to how their properties may be restricted.</b></li> </ul>
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<sup>11</sup> We assume the Exhibit term “accident distribution contour” is a euphemism for the distribution of aircraft debris during a midair safety event [loss of aircraft parts] or crash into the ground.



			<ul style="list-style-type: none"> <li>• At page C-6, the ALUC also notes that ALUC-designated safety zones have a “spatial” and “time” element. When the ALUC prepared its 2010/2011 MP LUCP, the FAA had not yet implemented its Next Generation [NextGen] Satellite Aircraft guidance system.<sup>12</sup> In 2010 (see p. C-7), the ALUC assumed aircraft approaches extended 2000 feet on either side of the runway centerline. NexGen changes this assumption. <ul style="list-style-type: none"> <li>○ Under the FAA pre-NextGen FAA Control Tower procedures, aircraft tended to have more uniform, repetitive flight paths.</li> <li>○ In contrast, under NextGen, which Palomar is in the process of implementing, flight paths will “fan out” into broader departure and arrival patterns. Accordingly, it is foreseeable that the ALUC safety zones will broaden. How this occurs is no doubt a difficult analytic problem, possibly requiring ALUC to retain aviation experts.</li> <li>○ We simply note that a properly updated ALUC MP LUCP will address this issue.</li> </ul> </li> <li>• <b>REQUEST: In the updated ALUC MP LUCP explain what criteria the ALUC uses to assess the number of feet that aircraft will approach and depart from the Palomar runway under NextGen instead of the currently used 2000-foot ALUC assumption.</b></li> <li>• At page C-14, in Table C-1 entitled “<i>Safety Zone Aircraft Accident Risk Characteristics</i>,” the ALUC evaluates various aircraft maneuver risks. It did not evaluate risks associated with Engineered Material Arresting Systems (EMAS) because Palomar in 2010/2011 did not have any EMASs. <ul style="list-style-type: none"> <li>○ The county 2018 PMP proposes installation of EMAS systems in phases. As noted above, an EMAS is designed to handle aircraft</li> </ul> </li> </ul>
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<sup>12</sup> In the San Diego region, the FAA has referred to NexGen as its Metroplex Plan, possibly due to the substantial community opposition and lawsuits that NexGen has generated.

			<p>overshooting a runway at about 70 miles per hour.</p> <ul style="list-style-type: none"> <li>○ An EMAS at the approach end of a landing aircraft is NOT designed for the approaching aircraft use. FAA-rated C and D aircraft can approach at up to 141 knots. Hence, approaching aircraft must avoid the approach end EMAS at all costs.</li> <li>○ In addition, an aircraft taking off easterly from Palomar [the Santa Anna Wind scenario] today has 1000 feet of actual sandy area outside the runway in which to stop. If the runway is extended 800 feet and an east end EMAS installed, any aircraft overshooting the runway and EMAS will endanger heavy traffic on El Camino Real, which adjoins the airport.</li> <li>○ An EMAS designed for 70 knot aircraft will not stop an aircraft on takeoff traveling 100 knots. This scenario can occur whenever an aircraft has a mechanical defect or physically incapacitated pilot.</li> </ul> <ul style="list-style-type: none"> <li>● <b>REQUEST: Accordingly, in the ALUC updated MP LUCP explain how a Palomar installation of EMAS systems both improves and reduces safety and changes the ALUC-safety-designated zones under various assumptions. If the runway is extended 800-feet and an East end EMAS is added, the threat to traffic on El Camino Real (perhaps 100 feet from the EMAS end) seems significantly higher for aircraft entering the EMAS at above the 70 knot design speed – as where the aircraft encounters a mechanical failure.</b></li> <li>● At page C- 15, the 2010/2011 MP LUCP discusses the “consequences variable.” Specifically, how large is the “swath size,” area over which accident debris is spread and hence the property and people on the ground at risk in a crash. The existing LUCP refers to a swath size of about a football field for general aviation aircraft. However, the existing LUCP provides no data for commercial aircraft.</li> </ul> <ul style="list-style-type: none"> <li>○ Since county plans to convert Palomar from an FAA-rated B-II</li> </ul>
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			<p>airport to a D-III airport, the number of heavy, fast moving aircraft carrying 2,000 to 6,000 pounds of aviation fuel will increase substantially.</p> <ul style="list-style-type: none"> <li>○ The consequences variable also takes into account the contamination that aircraft crashes may cause. On October 15, 2013, county’s consultant SCS Engineers provided the county a report discussing the highly toxic materials that aircraft today routinely carry. Please obtain a copy of the full report from the county to review all consequence hazards. We attach the first page of the report at the end of this table. We also quote several report sentences listing the (i) pathogenic materials, (ii) radioactive materials, (iii) highly flammable materials, (iv) corrosive materials, and (v) cryogenic liquids turning to harmful gases that aircraft routinely carry.</li> <li>● <b>REQUEST: In the updated MP LUCP, describe the swath size for various commercial aircraft that will use Palomar in the future. Break out the swath size by size, speed, and expected fuel loads on larger aircraft.</b></li> <li>● <b>REQUEST: In the updated MP LUCP, describe how the swatch size enlarges when aircraft liquids turn to dangerous gases. In other words, crashing aircraft parts endanger only property and persons within the debris field. But the winds blow chorine and other gases over a wider area. Address this issue in your updated MP LUCP.</b><sup>13</sup></li> <li>● At page C-16, the old MP LUCP notes that safety area designation depends in part on density and intensity requirements. In the last 7 years, Carlsbad developers have added substantial high density facilities along Palomar Airport Road including multiple hotels. Currently, a major</li> </ul>
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<sup>13</sup> Many private and governmental Risk Management Plans [such as those involving property with large tank farms storing hydrocarbon and/or chemical products] provide such analysis.

			<p>Bressi Ranch addition of commercial and residential is underway. Similarly, D.R. Horton is building townhouses and condominiums about 2 miles east of Palomar.</p> <ul style="list-style-type: none"> <li>• On August 20, 2018, the FAA released its revised AC No. 150/5200-38 entitled “<i>Protocol for the Conduct and Review of Wildlife Hazard Site Visits, Wildlife Hazard Assessments, and Wildlife Hazard Management Plans.</i>”<sup>14</sup> As the AC notes, an important factor in assessing aircraft safety is the likelihood of bird strikes. The AC requires an assessment of how development around the airport can change bird habitat. In the last 12 months, it appears that developments within 3 miles of the airport are removing more than 1 million square feet of existing bird habitat. These developments include the (i) new ViaSat HQ building on El Camino Real just south of Palomar; (ii) multiple hotels just southeast of Palomar Airport Road; and (iii) the very large Bressi Ranch addition of commercial and residences southeast of PAR.</li> <li>• <b>In the updated MP LUCP, identify the increased Carlsbad density and intensity within 3 miles of the airport and how such development affects the ALUC-designated safety zones.</b></li> <li>• At page C-18, the 2010/2011 LUCP notes: “<i>Runway Proximity: In general, the areas of highest risk are closest to the runway ends ... .</i>” <ul style="list-style-type: none"> <li>○ As noted above, aircraft now landing or taking off from Palomar touch down at least 1100 feet from the adjacent El Camino Real, a major arterial gridlocked at peak hours.</li> <li>○ Extending the runway eastward by 800 feet, will reduce this distance to 300 feet or a 2 second distance for a C or D aircraft approaching at about 150 knots.</li> <li>○ The ALUC has not in the past identified any land use restrictions</li> </ul> </li> </ul>
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<sup>14</sup> The FAA so-called “Advisory Circulars” (ACs) establish the protocol that airports receiving FAA grant funds must follow. The county has previously received in excess of \$30 million in FAA grant funds.

			<p>that can protect vehicles on roads adjacent to airports.</p> <ul style="list-style-type: none"> <li>• <b>REQUEST: In the Updated MP LUCP (i) identify the increased risks to traffic on ECR from a county 800-foot runway extension and (ii) identify measures by which this risk could be reduced.</b></li> <li>• At page C-20, the 2010/2011 MP LUCP notes: “Among other hazards to flight, bird strikes represent the most widespread concern. “ The ALUC then references FAA open landfill requirements. However, it appears that the ALUC 2010-2011 LUCP made no effort to evaluate (i) the number of bird strikes affecting aircraft using Palomar or (ii) the amount of birds in the area. In the past, bird strikes presented mainly risks to a few corporate flyers and air carrier passengers. However, county’s new 20-year plan proposes to serve 304,000 to 575,000 air carrier passengers.</li> <li>• <b>In the Updated MP LUCP (i) identify the level of concern that bird strikes may cause at Palomar [Note: The MP website available to pilots notes substantial birds in the spring.]; (ii) identify the extent to which birds displaced by construction of more than 1,000,000 feet of empty land within 3 miles of the airport may be diverted to the MP northeast corner of ECR and PAR; and (iii) restrictions that might reduce the bird population in conformance with applicable laws.</b></li> </ul>
<b>Comments on ALUC 2010/2011 MP LUCP App D, <i>Methods for Determining Concentrations of People</i></b>			
1	Property Restrictions	Appendix D	<ul style="list-style-type: none"> <li>• By imposing its restrictions, the ALUC has the power to reduce the value of property by more than 50%. Accordingly, the manner of calculating restrictions should be clear. Appendix D does not do that.</li> <li>• Appendix D has several tables providing information but gives no examples of real life situations to explain how the ALUC applies the data. Laypersons owning property in a possibly impacted safety area are left to guess how the ALUC makes its calculations.</li> </ul>

			<ul style="list-style-type: none"> <li>• <b>REQUEST: In the Updated MP LUCP, provide at least 10 examples of how the restrictions on commercial and industrial property and on governmental property such as schools is calculated. When providing the calculations, state the assumptions the ALUC is making, the specific data source relied on, and show the calculations.</b></li> <li>• <b>REQUEST: It appears that relocation of the runway may reduce restrictions on a few properties. Identify these properties [recognizing that reduced restrictions are contingent on the runway actually being relocated] so that the ALUC has inversely condemned property by restrictions no longer applicable. Show the revised safety area borders precisely so that properties benefiting from a runway relocation may be properly identified.</b></li> </ul>
<b>Comments on ALUC 2010/2011 MP LUCP Appendix D entitled <i>General Plan Consistency Checklist</i></b>			
1	Consistency		<ul style="list-style-type: none"> <li>• <b>Request: As noted above, verify the impacted property that is and is not within the County General Plan, which appears to apply only to unincorporated areas of the county.</b></li> <li>• <b>Request: If impacted properties are owned by the county but within the city of Carlsbad, verify that the county will comply with the ALUC restrictions since county has said it need not abide by Carlsbad planning and zoning.</b></li> </ul>

Attachment A  
Transcript of Supervisor Bill Horn December 15, 2016 Board of Supervisor  
Statement Documenting Conversion of Palomar to Airport for Larger Commercial Aircraft in Place of  
General Aviation Recreational Aircraft

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."



County Consultant SCS Engineers Report Entitled  
Evaluation of Possible Environmental Impacts of An Aircraft Crash  
Into the Landfill Cover at Palomar Airport Landfill

Bender Comment: We provide the title page and relevant SCS report excerpts. The title page follows the excerpts for technical computer insert reasons. We are of course aware that the ALUC focuses on land outside Palomar Airport. We provide the report because it well describes the environmental risks of a large fuel laden aircraft crashing anywhere. Hence, it is relevant to the ALUC's designation of Safety Zones outside the Airport.

**Identification of Palomar Aircraft Crash Hazards**

- **Spillage of flammable liquids such as Jet fuel:** *“These fuels are highly combustible, burn at extremely high temperatures, can be corrosive to aircraft equipment and are highly toxic to human beings ... Ignition of the jet fuel or other flammable material, upon impact, could also be highly probable.” [p. 3]*
- **Burning of solids.** *“Post-crash fires can result in burning of ... aircraft batteries and electrical equipment, engines, tires, wheels, pathogenic substances, radioactive materials, and metals such as aluminum and fiber-reinforced polymer composites of the aircraft fuselage and wings. ... If the crash occurs during the dry season, grass fire could ignite and spread to other areas of the site and create secondary environmental issues such as smoke (air quality issues), as well as possible offsite wildfires and or burn, smoke and or structural damage to other onsite or offsite property.” P. 3]*
- **Spillage of cryogenic liquid.** *“Cryogenic liquids ... are used as cooling agents to reduce engine temperatures ... . These liquids are ... on the Hazardous Materials Information System. Hence, even low quantities of cryogenic liquids can expand into large volumes of gases ... . If not stored in containers with adequate pressure-relief devices, enormous pressures can build up within the containers. The impact from an aircraft rash can cause a sudden rapid increase in the internal pressure of the container. Results can range from damage to surrounding equipment, structures, explosions, called ‘boiling liquid expanding vapor explosion,’ to asphyxiation hazards.” [p. 4]*
- **Pressurized liquid and/or vapor release.** *“Aircraft utilize a variety [of] hydraulic and pneumatic accumulators, which contain pressurized air or fluids that assist in the operation of equipment ... . [R]upture can] lead to sudden discharge of large amounts of pressurized fluids, resulting in destruction of property, and possibly injury to persons in proximity to the rupture.” [p. 4]*

- **Pipe rupture.** *“Impact from an aircraft crash may result in extensive damage to nearby above/below-grade utility lines. Damage or rupture of a buried water, gas or storm drain line, could contaminate nearby soils and water bodies. Emission release from pipes could severely compromise the air quality and even cause explosions, depending on the contents of the carrier pipes. Impact to piping associated with the GCCS [methane gas collection and control system] may damage the system and cause a release of LFG to the atmosphere. If the LFG concentration is within flammable ranges and an ignition source is present, explosions or fires may occur. ...” [p. 4]*

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## SCS ENGINEERS

October 15, 2013  
File No. 01213281.00

DRAFT

Mr. Jason Forga, P.E.  
County of San Diego  
Department of Public Works  
5510 Overland Avenue, Suite 210  
San Diego, CA 92123

**Subject: Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California**

Dear Mr. Forga:

The County of San Diego (County) is currently evaluating the possibility of extending the east end of the existing runway at the McClellan-Palomar Airport (Airport). Since the Airport is constructed on a closed landfill site equipped with a below-grade landfill gas (LFG) collection and control system (GCCS), SCS Engineers (SCS) was retained to evaluate the possible environmental impacts of a potential aircraft crash into the landfill cover at the site. Please note that this report attempts to evaluate the worst case "what-if" scenario, and assumes that the impact from an aircraft crash into the landfill cover would result in uncovering buried solid waste materials and damage to the GCCS. Whether or not this scenario is possible, is beyond the scope of this report. Further analysis on whether or not the landfill cover could be penetrated by an aircraft impact, and to what degree, may be the subject of a future study. These services were approved by the County, and Task Order #250 was issued authorizing work on August 30, 2013.

### 1 BACKGROUND

Palomar Airport, located in Carlsbad, California, is owned and operated by the County (Figure 1: Location Map). The airport is partially located over a closed landfill site, which operated as a Class III municipal solid waste (MSW) disposal facility between 1962 and 1975. Over time, the anaerobic decomposition of the organic waste components buried in the landfill produces a by-product gas known as LFG. LFG primarily consists of about 50 percent methane and 50 percent carbon dioxide. It also includes trace amounts of nitrogen and oxygen, and minute amounts of non-methane organic compounds (NMOCs) and inorganic compounds. Methane, is a principle component of natural gas, and is explosive at concentrations of 5 percent and 15 percent by volume, in air. Hence, to prevent possible hazards associated with the migration of methane beyond the limits of the buried waste footprint, a below-grade GCCS has been installed on the site that collects and disposes the collected LFG in an enclosed flare.