

# Palomar Airport: The Carlsbad Settlement Agreement, Part IV, 237

## The Requiem

By Raymond Bender, Neighbor | Apr 14, 2019 10:10 am ET | Updated Apr 14, 2019 11:31 am ET

After seeing an amazing news event, you've likely heard the phrase: "You can't make this stuff up." Well, apparently when it comes to the Carlsbad Settlement Agreement [SA] with the county, Carlsbad can.

Carlsbad's April 9, 2019 letter claimed that Carlsbad mitted 5 benefits by settling its CEQA suit against the county related to expanding McClellan-Palomar [Palomar] Airport. The last two Patch articles explained how the Carlsbad SA accepted mythical mitigation and torpedoed the city's zoning powers.

Today, we put the last 3 Carlsbad claims to rest.

### **Carlsbad Claim 3: Thanks to the SA, County Will Continue to Abide by Carlsbad Conditional Use Permit [CUP 172]**

What an odd claim. Carlsbad approved the SA in March 2019. The county BOS approved the county's Palomar Program EIR in in October 2018 – before Carlsbad even filed its CEQA lawsuit.

County's October EIR said county would continue to voluntarily endeavor to follow Carlsbad's CUP 172 process when expanding Palomar. See county comment L3-37 at EIR Attachment page D-91.

### **Carlsbad Claim 4: Carlsbad is Not a "Reliever Airport"**

Carlsbad says Palomar is not a reliever airport, presumably meaning that Lindbergh will not add aircraft traffic to Palomar.

But Carlsbad and county also say Palomar is an FAA-classified B-II airport with facilities (including only a 350-foot Runway Safety Area at the runway end) designed for the smaller, slower B-II aircraft.

So larger, faster FAA-rated C and D aircraft do not use Palomar, correct Carlsbad? Oh, wait a sec. Palomar for the last 15 years has served 5,000 to 10,000 C and/or D sized aircraft annually – even though the FAA says runways for such aircraft should have 1000-foot RSAs at each end.

Moreover when voting for county's 2018 Palomar expansion, Supervisor Roberts noted that the vote allowed Palomar to add capacity to the county airport system.

What a relief: Palomar is not yet formally dubbed an FAA-reliever airport. Palomar will just handle more larger, faster aircraft.

**Carlsbad Claim 5: "The SA does not Facilitate any Palomar Expansion."**

Have you noticed that when Carlsbad makes this claim, Carlsbad refuses to quote state law and Carlsbad's own Municipal code, which classify extending runways as airport expansions? See Public Utilities Code § 21664.5. See also Carlsbad M.C. 21.04.140.1 ["Expansion" means to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements."]

OK Carlsbad: Put up or shut up. Turn over the entire, very expensive Denver law firm KKR analysis of the expansion issue so the public can see why you ignore the laws above. Carlsbad residents paid for it. Where is it?

But then again, maybe county spending more than \$100,000,000 on Palomar improvements is just cosmetic.