



10/08/2019

Dear Mayor, City Council, City Attorney, and City Manager,

It came to our attention at the September 19, 2019 Palomar Airport Advisory Committee (PAAC) meeting that the County will be purchasing property at the west end of the McClellan-Palomar Airport runway. One purchase, the property known as the Durkin Property at 5817 Dryden Place, Carlsbad, CA 92008, is in process. The second one has been planned.

Section 6 of the Carlsbad/County of San Diego Mutual Cooperation and Settlement Agreement, the validity of which C4FA disputes, states:

Property Purchases. Should the County contemplate purchase of additional property for the Airport; such a plan will first be discussed at the staff-level meetings in advance of any public process with the goal of reaching mutual agreement on process to avoid future disagreements or litigation. The City will not adopt the zoning ordinance amendment that it published for public review on January 18, 2019, or any similar ordinance that purports to create an airport boundary line or restrict the acquisition of interests in property for airspace protection or Airport safety zones. The City and County agree that the definition of “airport” and the scope of Public Utilities Code § 21661.6 is not addressed in this Agreement and no actions (or agreement not to act) under this Agreement shall be used by either party as evidence of either Party’s concurrence with a particular interpretation of that Code section.

Based on Section 6 of the Mutual Cooperation and Settlement Agreement referenced above, and assuming without prejudice that it is legally valid, please kindly clarify:

1. What is the goal of the purchase of these properties on the west end of the Airport?
2. What is the City of Carlsbad’s involvement in the purchase?
3. Where is the EIR for the purchase?
4. Per Section 6 of the Settlement Agreement, when was the City of Carlsbad notified and were the purchases discussed? If so, please disclose the nature of those discussions, who was involved, and the City’s position on the purchases?

We request a written reply by October 18, 2019.

Thank you for your assistance in this matter.

Hope Nelson
Citizens for a Friendly Airport

Cc Cory Briggs, Briggs Law Corporation