

Palomar Airport: The Carlsbad Settlement Agreement, Part III, 236

Goosed

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As noted in yesterday's article, Carlsbad on April 9 claimed five victories from settling its CEQA suit against the county to limit McClellan-Palomar [Palomar] Airport expansion. For the reasons explained yesterday, Carlsbad's claim of receiving increased Settlement Agreement [SA] mitigation benefits is delusional.

Today, let's see how accurate Carlsbad's second claim is: "Outside the boundary of the airport, both the settlement agreement and California law gives the City certain limited zoning power?"

Preliminaries

In a workshop last year, the Carlsbad consultant Kaplan Kirsch and Rockwell (KKR) announced the magic plan to confine Palomar Airport to its existing premises. Simply rezone the area outside the airport to prevent airport uses. In January 2019 Carlsbad started the zoning ordinance.

Yet in Settlement Agreement [SA] ¶ 6, Carlsbad said: "The City will not adopt the zoning ordinance amendment that it published for public review...or any similar ordinance...."

Excuse me? Carlsbad gave away its zoning power and did the exact opposite of what KKR told Carlsbad residents in a public workshop Carlsbad should do? Is KKR now recanting its earlier, very expensive advice? Did Carlsbad leaders "zone out" and give the county something that wasn't even part of the CEQA lawsuit that Carlsbad filed last November?

Top Gun, Tom Cruise, and Goose

Of course, there must be more to the story. Something caused the council to give away more than the farm, the city itself. Immediately, Tom Cruise's [aka movie Maverick's] TOP GUN U.S. military pilot training movie came to mind.

To his co-pilot's [Goose's] horror, Maverick allows a following "enemy" jet fighter to crawl up his jet's a--. At the last minute Maverick applies the jet's air brakes, causing the enemy jet to fly by and into Maverick's gun's sights. Surely, Carlsbad Mayor Hall was executing a similarly brilliant move.

And what was that brilliant move? Settlement Agreement ¶6 also says that both city and county have the right to argue in court what Public Utilities Code § 21661.6 means. That code section says that a future county Palomar Airport plan needs to be filed with the city or county in which the airport is located. There is little doubt that county's position in a suit will be that county files its airport plan with the Board of Supervisors, not the Carlsbad City Council.

So what do you think: Did the county in the Settlement Agreement agree to run any plan for Palomar development outside the airport before the Carlsbad Council?

Or are you seeing four Carlsbad council members [Councilwoman Schumacher did not vote for the SA] on their knees saying: *We are withdrawing our zoning ordinance and thank you, thank you, thank you county for allowing us to tell a court what we think the law means if a majority of the city council ever votes in the future to adopt a new zoning ordinance?*

As Goose said: *"You're going to do WHAT !!! ?"*

[Next time: How Carlsbad's other SA spins also circle the drain.]