



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

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**DATE:** May 5, 2021

# 13

**TO:** Board of Supervisors

### SUBJECT

**MCCLELLAN-PALOMAR AIRPORT – RESCIND AND VACATE ADOPTION OF THE 2018 MCCLELLAN-PALOMAR AIRPORT MASTER PLAN UPDATE AND DE-CERTIFY PROGRAM ENVIRONMENTAL IMPACT REPORT (DISTRICT: 5)**

### OVERVIEW

The McClellan-Palomar Airport (Palomar Airport) is owned and operated by the County of San Diego and located in the City of Carlsbad. The airport provides general aviation, corporate, and limited commercial services; serves as a gateway to resorts and tourist attractions; and is utilized by regional businesses and residents. Based on an economic vitality study prepared for Palomar Airport, the 34 businesses and activities related to the airport support over 2,600 jobs and generate over \$350 million in economic benefit for the surrounding local communities, including Carlsbad, San Marcos, Vista, Oceanside, and Encinitas. Palomar Airport opened in 1959 prior to the development of the surrounding residential communities and was annexed into the City of Carlsbad in 1978. Palomar Airport is a federally funded public use airport, and while the County owns and operates the ground facilities, aircraft in flight are under the jurisdiction of the Federal Aviation Administration (FAA).

The FAA uses an Airport Reference Code (ARC) to establish safety-related design criteria based on the Critical Design Aircraft – the fastest and widest aircraft that use the airport. The ARC is an alpha-numeric designation based on the aircraft's approach speed (A, B, C, D, or E), and wingspan and tail height (I, II, III, IV, V or VI), whereby A-I aircraft are slower and smaller than E-VI. With over 700 annual takeoffs and landings per year, the Gulfstream 650 is Palomar Airport's Critical Design Aircraft and has a D-III designation. While the airport currently only meets B-II criteria, the Master Plan Update included airfield improvements to meet D-III safety-related design standards.

On December 16, 2015 (3), the County Board of Supervisors (Board) directed staff to update the Palomar Airport Master Plan. The FAA sets forth the framework for preparing airport master plans to align facility improvements over a 20-year period based on the needs of current and future users, with an emphasis on safety. Palomar Airport has two previous master plans. The most recent one, completed in 1997, had reached the end of its 20-year planning period. In addition to considering the findings of a 2013 Feasibility Study presented to the Board on September 25, 2013 (2), which studied a longer runway for Palomar Airport, the Board also directed staff to focus the

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Master Plan update on a C/D–III Airport Reference Code (ARC) classification to incorporate the needs of current airport users, as the preferred alternative.

The primary focus of this Palomar Airport Master Plan Update (MPU) was to identify safety improvements for those aircraft currently using the airport. As part of the MPU, the FAA determined that the Gulfstream 650 is Palomar Airport’s Critical Design Aircraft and has a D-III designation. The MPU provided options, not for an expansion of the airport, but for reconfiguration of the airfield facilities within the existing fence line to better accommodate aircraft currently using the airport and the aircraft expected to use the airport in the future. This is especially important because the County cannot control what aircraft fly into Palomar Airport, but County can improve safety for those that do.

After an extensive planning and public outreach process, with over 30 stakeholder groups, multiple Palomar Airport Advisory Committee (PAAC) meetings, a dedicated project website, stakeholder presentations with user groups, community groups, and cities, three well-attended public workshops, and almost 2,200 emails to interested parties, on October 10, 2018 (1) the Board certified the Programmatic Environmental Impact Report (PEIR) and provided direction on the classification of the Palomar Airport Final Master Plan Update (MPU), selecting the D-III Modified Standards Compliance Alternative with the option for allowing a phased runway extension up to 800 feet.

Upon adoption of the MPU and certification of the Final PEIR, Citizens for a Friendly Airport filed a petition for Writ of Mandate and complaint on November 6, 2018 challenging the Board’s decision (Case No. 37-2018-00057624), alleging there were deficiencies in the Final PEIR, and the County needed to obtain an amendment to a Conditional Use Permit (CUP) for Palomar Airport issued by the City of Carlsbad.

On January 26, 2021, the Superior Court filed a Minute Order (Attachment B) upholding the Final PEIR analysis and dismissing the claims, except on two items. Specifically, the Superior Court ruled that the County adequately analyzed the effects on traffic, greenhouse gas/climate change, energy, and that the PEIR used an appropriate threshold of significance for noise and adequately analyzed potential noise from commercial and non-commercial aircraft operations. While the Superior Court determined the noise analysis completed for the PEIR was generally adequate, the Court found the Final PEIR should have included supplemental noise analysis for areas farther from the airport, specifically for areas where residents reported noise concerns during the public comment period, such as the city of Vista which is located more than five miles from the Airport. Staff has begun conducting this analysis, and it will be completed within six months. In addition, the Superior Court ruled that an amendment to the CUP with the City of Carlsbad is required to implement the D-III Modified Standards Compliance Alternative.

Subsequently, on March 4, 2021, the Superior Court filed a Writ of Mandate (Attachment C) ordering the County to set aside all approvals associated with the October 10, 2018 approval of the MPU, certification for the Final PEIR, and related actions within 60 days. Currently, the County is in the process of supplementing the Final PEIR’s noise analysis with the additional

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review, as directed by the Superior Court. On April 7, 2021, the Board decided to not appeal the Superior Court’s decision.

Today’s request is for the Board to rescind and vacate the MPU and to de-certify the Final PEIR and related environmental findings pursuant to the Court’s order.

**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. De-certify the Final PEIR, SCH No. 2016021105 that was presented to the Board of Supervisors on October 10, 2018 for the McClellan-Palomar Airport Master Plan Update.
2. Rescind and vacate the Findings Concerning Mitigation of Significant Environmental Effects pursuant to Section 15091 of the State CEQA Guidelines.
3. Rescind and vacate the Statement of Location and Custodian of Record.
4. Rescind and vacate the decision and explanation regarding recirculation of the draft PEIR.
5. Rescind and vacate the Mitigation Monitoring and Reporting Program prepared in accordance with Section 15097 of the State CEQA Guidelines.
6. Rescind and vacate the 2018 McClellan-Palomar Airport Master Plan Update.
7. Rescind and vacate direction on the classification of the Palomar Airport final Master Plan Update alternative and associated options, selecting D-III Modified Standards Compliance Alternative with Option #7a.2: allowing a runway extension up to 800 feet in addition to the improvements included on Option #7a.1.
8. Direct staff to return for a future Board hearing to present options and get direction on how to proceed with the McClellan-Palomar Airport Master Plan Update.

**FISCAL IMPACT**

There is no fiscal impact associated with these recommendations. If approved, this request will result in no change in the Airport Enterprise Fund (AEF) for Fiscal Year 2020-2021. There will be no change in net General Fund cost and no additional staff years. While there are no appropriations associated with today’s action, there will be fiscal impacts to the AEF to be determined when the Board provides future direction on how to proceed with the McClellan-Palomar Airport Master Plan Update.

**BUSINESS IMPACT STATEMENT**

N/A

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**ADVISORY BOARD STATEMENT**

A special meeting of the Palomar Airport Advisory Committee (PAAC) has been scheduled for April 26, 2021, to make a recommendation to the County Board of Supervisors (Board) on whether to rescind and vacate the McClellan-Palomar Airport Master Plan Update (MPU) and de-certify the Final PEIR and related environmental findings pursuant to the Court’s order, as well as recommend whether to implement the MPU in the future. This PAAC meeting is after the docket date for this Board Letter, and the PAAC recommendation will therefore be presented at the time of the Board hearing.

**BACKGROUND**

The McClellan-Palomar Airport (Palomar Airport) is owned and operated by the County of San Diego (County) and located in the City of Carlsbad. The airport provides general aviation, corporate, and limited commercial services; serves as a gateway to resorts and tourist attractions; and is utilized by regional businesses and residents. Based on an economic vitality study prepared for Palomar Airport, the 34 businesses and activities related to the airport support over 2,600 jobs and generate over \$350 million in economic benefit for the surrounding local communities, including Carlsbad, San Marcos, Vista, Oceanside, and Encinitas. Palomar Airport opened in 1959 prior to the development of the surrounding residential communities and was annexed into the City of Carlsbad in 1978. Palomar Airport is a federally funded public use airport, and while the County owns and operates the ground facilities, aircraft in flight are under the jurisdiction of the Federal Aviation Administration (FAA).

**Master Plan Update**

On June 14, 2011 (10), at the request of aviation businesses, and with letters of support from the mayors of the North County cities of Carlsbad, Escondido, Oceanside, San Marcos, and Vista, the County Board of Supervisors (Board) directed staff to prepare a scope, budget, and timeline for a study that would thoroughly examine the question of whether the Palomar Airport runway could be extended. This initiative was prompted by the potential benefits of a runway extension: improved airport safety and efficiency, extended aircraft range, and increased economic benefits.

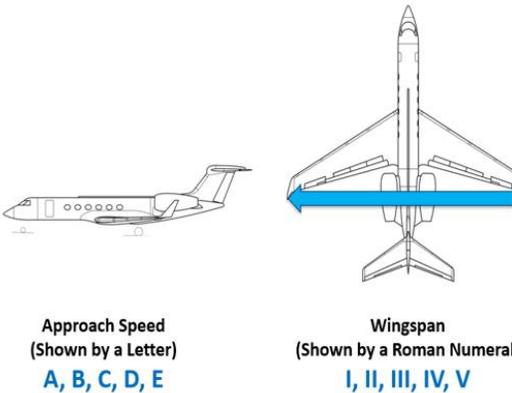
On September 28, 2011 (3), the Board directed staff to conduct a feasibility study, using an independent consultant, to determine if there were potential improvements, including extending the runway, that could make the airport better and safer, while keeping in mind economic perspectives. In part, the feasibility study would determine the possibility of the runway extension, determine if the project would improve runway safety and increase operational efficiency, and consider business prospects at Palomar Airport.

On September 25, 2013 (2), the Board received the completed Feasibility Study for Potential Improvements to Palomar Airport Runway, dated August 1, 2013, prepared for the County by Kimley-Horn and Associates, Inc. It was reported that options and alternatives from the Feasibility Study would be considered as part of an update to the Palomar Airport Master Plan. The Feasibility Study determined that the runway length at Palomar Airport was not sufficient to meet the operational efficiency needs of its users. A longer runway would result in greater safety, improved efficiency, and potentially over \$163 million in additional economic benefits over a 20-year period.

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**Critical Design Aircraft**

During the MPU process, the FAA determined that the Critical Design Aircraft for Palomar Airport is a D-III. The FAA uses an Airport Reference Code (ARC) to establish safety-related design criteria based on the Critical Design Aircraft – the fastest and largest aircraft that use the airport. The ARC is an alpha-numeric designation based on the aircraft’s approach speed (A, B, C, D, or E), and wingspan and tail height (I, II, III, IV, V or VI), whereby A-I aircraft are slower and smaller than E-VI. With over 700 annual takeoffs and landings per year, the Gulfstream 650 is Palomar Airport’s Critical Design Aircraft and has a D-III designation (see diagram below). The primary focus of this Palomar Airport Master Plan Update (MPU) was to identify safety improvements for those aircraft currently using the airport. While the airport currently only meets B-II criteria, the MPU included improvements to meet D-III safety-related design standards. The MPU provided options, not for an expansion of the airport, but for reconfiguration of the airfield facilities within the existing fence-line to better accommodate aircraft currently using the airport and the aircraft expected to use the airport in the future. This is especially important because the County cannot control what aircraft fly into Palomar Airport, but the County can improve safety for those that do.

Critical Design Category Based on Aircraft Speed and Width		Critical Design Aircraft at Palomar			
 <p>Approach Speed (Shown by a Letter) <b>A, B, C, D, E</b></p> <p>Wingspan (Shown by a Roman Numeral) <b>I, II, III, IV, V</b></p>	<p><b>B-II</b></p> 	<p>91-120 knots</p>	<p>49-78 feet</p>	<p>Falcon 2000 (1997 Master Plan: Critical Aircraft)</p> <p>Wingspan: 63.5' Holds 19 passengers</p>	
	<p><b>D-III</b></p> 	<p>141-166 knots</p>	<p>79-117 feet</p>	<p>Gulfstream 650 (2018 Master Plan Update: Critical Aircraft)</p> <p>Wingspan: 99.7' Holds 18 passengers</p>	

On December 16, 2015 (3), three options were presented for the Board’s consideration:

- Remain a B-II standard with continued full compliance.
- Transition to a C/D-III standard with full compliance.
- Transition to a C/D-III standard with modified compliance.

The Board directed staff to proceed with updating the MPU, as described below. In addition to considering the findings of the Feasibility Study recommending a longer runway, the Board also directed staff to focus the MPU on a C/D–III Airport Reference Code (ARC) classification as the preferred development alternative, subject to the preparation of a Programmatic Environmental Impact Report (PEIR).

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The key facility planning document for an airport is a Master Plan, which guides future airport development, including safety improvements, over a 20-year period, as shaped by the operational requirements of current and future users. The planning period covered by Palomar Airport’s 1997 Master Plan ended in 2017. The purpose of a master plan update is to provide a developmental framework that meets existing and future aviation demand in a safe and cost-effective manner. A master plan update further considers environmental, socioeconomic, and community development factors. The objective is to develop a planning road map for the future that is flexible, reasonable, and justifiable, with an emphasis on safety. Market trends, land use opportunities and constraints, phasing, and financial feasibility, are all considered as part of the master plan process. Airport design in a Master Plan is based on the designation of the airport’s critical design aircraft.

According to aviation data at Palomar Airport and applying FAA Advisory Circulars, the Gulfstream VI (which has a D-III classification) meets the threshold for the Critical Design Aircraft and should be used as the basis for FAA safety area improvement projects. This is the largest aircraft category currently using Palomar Airport on a regular basis, more than 500 take-offs or landings annually, and represents the type of aircraft growing in popularity, so safety improvements are planned accordingly. Public involvement and environmental review are also very important in developing a master plan update that meets the needs of the airport users and surrounding community.

After an extensive planning and public outreach process, with over 30 stakeholder groups, multiple Palomar Airport Advisory Committee (PAAC) meetings, a dedicated project website, stakeholder presentations with user groups, community groups, cities, three well-attended public workshops, and almost 2,200 emails to interested parties, on October 10, 2018 (1) the Board certified the PEIR for the Palomar Airport Master Plan. At this time, the MPU included six options:

- D-III Modified Standards Compliance Alternative with a runway extension of 370 feet.
- D-III Modified Standards Compliance Alternative with a runway extension of up to 800 feet. (SELECTED BY THE BOARD OF SUPERVISORS)
- B-II Enhanced Alternative, with no runway extension
- B-II Enhanced Alternative, with a runway extension of up to 200 feet.
- B-II Enhanced Alternative, with a runway extension of up to 900 feet.
- B-II Enhanced Alternative directing staff to return to the Board for further consideration of the D-III Modified Standards Compliance Alternative. (STAFF RECOMMENDATION)

Staff’s recommendation proposed maintaining the B-II classification in the interim, including options which could extend the runway by up to 900 feet, while working to resolve land use concerns associated with a new runway safety area associated with the 123-foot northerly shift of the runway (to meet D-III runway/taxiway separation standards). This staff recommendation would allow Palomar Airport to enhance safety for all aircraft while concurrently working with parcel owners to alleviate land use concerns and positioning the County to be eligible for FAA grant funding for capital improvements. The Board instead provided direction on the ARC

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classification of the MPU, selecting the D-III Modified Standards Compliance Alternative with the option for allowing a phased runway extension up to 800 feet.

**Key Components of the Master Plan Update**

As stated above, the MPU was adopted based on a D-III ARC classification. The ARC is an airport designation for planning and design purposes that is based on the airport’s critical aircraft, which is defined as the most demanding aircraft type, or grouping of aircraft with similar characteristics, that make regular use of the airport. Regular use is 500 annual takeoffs or landings or more. The critical aircraft determination is an important aspect of airport planning and design for federally obligated airports. Based on aircraft wingtip lengths and approach speed, it sets dimensional requirements on an airport, such as the separation distance between taxiways and runways, and the size of certain areas protecting the safety of aircraft operations and passengers. An accurate critical aircraft determination helps to ensure the proper development of airport facilities and appropriate federal investments in airport facilities and matches aircraft operational area dimensions to the most demanding aircraft that regularly use the airport.

The D-III classification would allow for redevelopment of Palomar Airport, within the boundaries of the existing fence-line, to improve operational safety of aircraft currently using the Airport. The major projects identified in the MPU for consideration over the next 20-years include:

- Installation of an Engineered Materials Arresting System (EMAS), at both ends of the runways to enhance safety by helping to stop an aircraft should it overrun the runway.
- Shifting of the runway to the north by 123 feet to increase the separation distance (wingtip clearance) between the runway and taxiway to improve safety.
- Extending the runway, possibly in phases, increasing the length by up to 800 feet for a maximum of 5,700 feet. This would allow current users to extend their range by being able to depart with more fuel. The extension would have the added benefit of reducing noise west of the Airport because aircraft will gain height sooner.
- In the short term, the plan also allowed for the installation of EMAS on the west end and a 200-foot runway extension on the east end of the existing runway. These improvements allowed for interim safety improvements during the planning of the major runway relocation.

The D-III design standards would make Palomar Airport more viable for limited commercial airline service by increasing runway length and safety clearances and adding EMAS.

**Limited Commercial Airline Service**

The FAA certified Palomar Airport for commercial passenger service in 1996. This certification requires specific baseline facilities and ongoing operational procedures, including monitoring, inspections, training, and reporting, to ensure the safety. Historically, United Express operated flights to Los Angeles International from 1996 through April 2015, America West Airlines operated flights to Phoenix from 1999 to 2008. Commercial passenger activity at the Airport increased to a peak of 78,519 enplanements in 2000. However, the events of September 11, 2001, the economic recession in 2008, and the consolidation of airlines through the early 2000s,

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significantly impacted the number of daily flights from 2002 to 2007, and all daily service ended in April of 2015. Historical air service was provided with 30-seat turboprop aircraft.

With continued interest of residents, businesses, airlines, and the FAA, the MPU contemplated future commercial service. However, there are several factors that limit commercial service, such as the ARC, weight-bearing capacity of the pavement surfaces, runway length, passenger terminal capacity, vehicle parking, etc. Considering these limitations, the MPU used 70-seat aircraft for forecasting future commercial service and identifying facility requirements.

This limited commercial service would still benefit residents of North San Diego County by providing a local traveling option that is closer than San Diego International and reducing fuel consumption and emissions and keeping more vehicles off the freeways. The arrival of passengers would support local attractions and businesses. The County would benefit from passenger facility charges (PFCs), landing and terminal fees, and vehicle parking revenue.

To meet the D-III design standards would require shifting the runway to the north by 123 feet and extending the runway an additional 800 feet to the east. These changes to the runway would result in corresponding shifts in areas impacted by noise around Palomar Airport. Specifically, after all runway improvements are completed, the noise from aircraft would be reduced for neighboring residences, since aircraft would be taking off and landing in the runway's ultimate D-III configuration, which is further from residences and closer to open space and commercial/industrial areas.

**Environmental Review Process**

The environmental review process started in 2016 when a Notice of Preparation for the PEIR was circulated for public review from February 29 to March 29, 2016. The Draft PEIR and the Draft MPU were then circulated for a 61-day public comment period from January 19 to March 19, 2018. Based on the comments received during the public review period, the County elected to revise and recirculate portions of the PEIR, including Biological Resources, Greenhouse Gas Emissions, and Energy Use and Consumption, to clarify and strengthen the analysis. Public comments were received on the recirculated portions of the PEIR from June 21 to August 6, 2018. The County received and responded to a total of 138 comment letters from agencies, organizations, and individuals regarding the PEIR and MPU during the initial and recirculated PEIR public review periods.

On October 10, 2018 (1), the Board adopted the MPU and certified the Final PEIR and associated documents pursuant to Section 15168 of the California Environmental Quality Act (CEQA) Guidelines. The PEIR analyzed the environmental impacts from all improvements anticipated in the MPU. Since the PEIR analysis was conducted at a programmatic level, subsequent project-level CEQA review would be required for individual projects prior to construction.

Potentially significant environmental effects identified in the PEIR included impacts to aesthetics and visual resources, biological resources, hazards and hazardous materials, construction noise, and traffic. Strategies to minimize and mitigate these potential impacts were incorporated into the

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PEIR. The Mitigation, Monitoring, and Reporting Program of the PEIR provided a mechanism for compliance with the mitigation measures. The PEIR concluded that impacts could be mitigated to a less than significant level. These impacts and the mitigation measures are as summarized below.

**Significant Impacts and Mitigation**

The following impacts were found to be significant and mitigable as described in the PEIR:

*Traffic* – The traffic analysis utilized the City of Carlsbad methodology and shows that over time, Palomar Airport vehicle traffic may have a cumulative impact at two intersections along Palomar Airport Road at Camino Vida Roble and El Camino Real. Like other development projects in the City of Carlsbad with cumulative impacts, traffic mitigation will be in the form of a fair-share payment to the City prior to the impacts occurring. The City collects these payments and uses them to address traffic congestion within its network.

*Biology* – The MPU proposes elements that require earthwork which will include removal of sensitive vegetation and habitat for sensitive bird species. Biological Resources was one of the Draft PEIR sections that was recirculated to include review of potential impacts associated with the relocation of existing FAA navigational lighting on a parcel owned by the County east of El Camino Real if the runway shifts to the north. Impacts to these biological resources will be mitigated through preservation, creation, and/or restoration of in-kind sensitive habitat and species-based mitigation as overseen by the State and federal resource agencies.

*Aesthetics and Visual Resources* – The MPU anticipates the installation of a retaining wall that would be visible to motorists as they pass by the airport along Palomar Airport Road. Design of the wall will incorporate colors, textures, and landscape, where feasible, as discussed in the City of Carlsbad’s design guidelines to minimize the visual change along the corridor.

*Hazardous Materials* – Palomar Airport is underlain by three cells of an inactive landfill that closed in 1975. The County continues to maintain the inactive landfill to ensure the site is environmentally safe, including monitoring and maintaining landfill gas systems, maintaining stormwater Best Management Practices, maintaining soil cover, and monitoring groundwater quality and surface water. The inactive landfill continues to be monitored by the County’s Department of Environmental Health Solid Waste Local Enforcement Agency, the San Diego Regional Water Quality Control Board, and the San Diego County Air Pollution Control District. Impacts to the inactive landfill will be incorporated into the design of future runway extensions and will be addressed through the implementation of a Soil Management Plan, which will designate standard practices for construction and project-specific protocol to address materials as they are encountered during construction activities.

*Construction Noise* – An analysis was conducted for construction activities and airplane noise. Airplane noise was determined not to be a significant impact based on FAA guidance for evaluating aviation noise. However, construction could result in elevated noise levels during certain activities. Therefore, for future airport projects that will generate construction noise, a demolition and construction management plan will be prepared for each individual project to

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identify specific measures to help ensure surrounding industrial and public properties are not affected by the project’s construction noise.

**Public Engagement in the Master Plan/PEIR Process**

Over the course of three years between the 2015 Board direction to begin updating the airport’s master plan and the project approvals in 2018, staff engaged with over 30 stakeholder groups, including tenants, industry, and local and federal agency representatives, which allowed numerous opportunities for the public to be involved. These opportunities included multiple Palomar Airport Advisory Committee (PAAC) meetings, a dedicated project website, stakeholder presentations with user groups, community groups, cities, and three well-attended public workshops with presentations and exhibits that were also posted to the project website. Interested members of the public signed up to receive notices about the MPU, and there were almost 2,200 email addresses in the project e-blasts. Many comment cards, surveys, and emails regarding the MPU were received and responded to. There were opportunities for the public to learn more about the MPU and give input regarding impacts during the preparation of the PEIR, including three public workshops and public comment periods. On September 20, 2018, the PAAC voted to support staff’s recommendation to the Board to approve the MPU.

**Challenge to the MPU and PEIR**

Upon adoption of the MPU and certification of the Final PEIR, Citizens for a Friendly Airport filed a petition for Writ of Mandate and complaint on November 6, 2018 challenging the Board’s decision (Case No. 37-2018-00057624) alleging there were deficiencies in the Final PEIR, and that the County needed to obtain an amendment to a Conditional Use Permit (CUP) for Palomar Airport issued by the City of Carlsbad.

On January 26, 2021, the Superior Court filed a Minute Order (Attachment B) upholding the Final PEIR analysis and dismissing the claims, except on two items. Specifically, the Superior Court ruled that the County adequately analyzed the effects on traffic, greenhouse gas/climate change, energy, and that the PEIR used an appropriate threshold of significance for noise and adequately analyzed potential noise from commercial and non-commercial aircraft operations. While the Superior Court determined the noise analysis completed for the PEIR was generally adequate, the Court found the Final PEIR should have included supplemental noise analysis for areas farther from the airport, specifically for areas where residents reported noise concerns during the public comment period, such as the city of Vista which is located more than five miles from the Airport. Staff has begun conducting this analysis, and it will be completed within six months. In addition, the Superior Court ruled that an amendment to the CUP with the City of Carlsbad is required to implement the D-III Modified Standards Compliance Alternative.

Subsequently on March 4, 2021, the Superior Court filed a Writ of Mandate (Attachment C) ordering the County to set aside all approvals associated with the October 10, 2018 approval of the MPU, certification for the Final PEIR, and related actions within 60 days. Currently, the County is in the process of supplementing the Final PEIR’s noise analysis by conducting additional review as indicated by the Superior Court. On April 7, 2021, the Board decided to not appeal the Superior Court’s decision. The Final PEIR, as supplemented with the additional noise analysis,

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may be re-certified and relied upon in connection with the Board’s future consideration of the MPU and facility improvements.

Today’s request is for the Board to rescind and vacate the MPU and de-certify the Final PEIR and related environmental findings.

**Rescission/De-certification Impact to Palomar Airport**

While the Superior Court ruling requires rescinding and vacating the MPU and de-certifying the Final PEIR at this time, there are several important projects within the MPU that should be considered by the Board in a future action. The primary focus of the MPU are safety improvements to better accommodate D-III aircraft currently using the Airport. These safety improvements include the construction of an Emergency Material Arresting System (EMAS) to help safely stop an aircraft in the event of a runway overrun. It was determined that EMAS ~~would likely~~ could have prevented a fatal aircraft accident in January 2006 that resulted in four fatalities. Other improvements include increasing the distance between the runway and taxiway to ensure safe wingtip clearance between aircraft and lengthening the runway up to 800 feet to improve aircraft safety and efficiency. It is important to note, however, the MPU does not constitute an expansion of the airport; all proposed improvements are inside the existing airport boundaries. With today’s action, these safety improvement projects will be delayed or canceled, depending on the ultimate ARC designation, B-II or D-III.

**Airport Layout Plan Impacts**

The final step in the MPU process is FAA-approval of the Airport Layout Plan (ALP). The ALP is a large drawing set with data callouts depicting the current airport configuration and future improvements. The ALP depicts both existing facilities and planned development for an airport. Airports who have received a grant for airport development are obligated by grant assurances to always keep the ALP up to date. A current FAA-approved ALP showing the proposed airport development is a prerequisite for programming and issuance of FAA grant funding and proceeding with airport improvement projects. After Board approval in 2018, staff submitted the ALP to the FAA for review and approval. Staff received comments from the FAA requesting additional data callouts and minor grammatical edits and are in the process of incorporating those changes. With today’s action, staff cannot re-submit the ALP to the FAA for final approval, and the FAA-approved ALP, approved in 2010, will remain in effect. However, the 2010 ALP is no longer current and must be updated for the County to remain in compliance with its federal grant obligations.

One proposed project that was identified in the MPU and was also previously shown on the 2010 ALP is the EMAS on the west end of the existing runway. Because this project is shown on an FAA-approved ALP, it is eligible for federal grant funding. This important safety project will continue to be pursued by the County, without being tied to the MPU/PEIR at issue.

**Federal Grant Funding Impacts**

The County primarily relies on FAA Airport Improvement Program (AIP) grants to fund capital projects. AIP funding decisions are based on compliance with FAA requirements, including those

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related to the selection of the design Critical Aircraft. Basing an ALP on a Critical Aircraft that does not meet FAA requirements (something less than D-III for Palomar Airport) will render any projects based on a D-III design standards ineligible for grant funding. This would mean no grant funding for projects like runway-taxiway separation to meet a D-III safety standards.

As a condition of AIP funds, the County is required to comply with federal grant assurances. Among other things, these assurances require the County to not give up land use control or discriminate against any type, kind, or class of aeronautical user. Acting for the purpose of limiting the ability of D-III aircraft to use Palomar Airport would, except in narrow circumstances, be a violation of these assurances. The FAA has authority to issue cease and desist orders and to institute administrative proceedings to compel compliance.

In addition, failing to meet a C/D design standard may make it infeasible to reestablish or continue limited commercial airline service at the Airport. This is because the operating certificates for most current and viable commercial service providers require airport facilities designed to a C/D standard. Corporate and business jets that currently use Palomar Airport would likely be able to continue to do so because they do not require commercial service certifications from the FAA to operate.

**Airport Sustainability Measures**

The Airport Sustainability Guidance Plan (Sustainability Plan) was developed to formalize sustainability measures at each of the eight County airports. The Sustainability Plan incorporates federal, State, and local plans and policies, along with industry best practices, into a framework for day-to-day resource use and emissions reductions, and formalizes guidance for future planning, design, construction, operation, and maintenance of County-owned airport facilities. The Sustainability Plan includes measures for energy efficiency and conservation, renewable energy production, solid waste and recycling, and water and wastewater efficiency and conservation. The Sustainability Plan formalizes an Equipment Life Cycle Assessment, which tracks and identifies energy and water fixtures and equipment for efficiency maintenance and upgrades.

The measures were designed to ensure County Airports meets or exceeds the intent of the 2018 Climate Action Plan measures. The Sustainability Plan implements measures that address energy efficiency, waste diversion, and establish the following performance standards: transition to zero net Energy with the first milestone of 50% by 2030; transition to zero net solid waste with the first milestone of 75% by 2025; and reduce GHGs with the first milestone of 40% below 1990 Levels by 2030. The Sustainability Plan is a living document and is currently being amended to support the County’s new sustainability goals and will be regularly reviewed and updated to meet or exceed any new federal, State, or local requirements. Near-term sustainability projects at Palomar Airport include conversion of County buildings to LED lighting to minimize energy use and pursuing installation of EV charging stations to help reduce GHG emissions.

Not implementing the MPU in the future could have negative impacts on sustainability, by reducing future limited commercial air service that would be contingent on the airport runway projects identified in the MPU. Even increasing limited commercial air service in North County

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would reduce ground transportation emissions by allowing local residents to access air transportation closer to home, giving them an option to reduce/avoid lengthy commutes to regional airports. Based on the driving distance of 35 miles each way between Palomar Airport and San Diego International Airport, each passenger that uses Palomar Airport for commercial air travel would reduce their ground transportation greenhouse gas emissions by approximately 46 lbs. of CO<sub>2</sub>e for each roundtrip.<sup>1</sup>

**Next Steps**

Staff continues to work on the MPU and PEIR by completing additional analysis and reviewing potential impacts. Due to the potential impacts to stakeholders, and public involvement with, and interest in, the MPU, staff completed a broad public engagement effort to provide awareness of these pending actions and impacts that included: (1) posting of information on DPW’s social media pages; (2) email outreach to over 3,000 parties who signed up for Master Plan and PEIR updates; (3) communication and email outreach to federal and State agencies (FAA, Caltrans, resource agencies), local/interested parties (cities, SANDAG, Airport Authority, SDGE, environmental groups, etc.), Palomar Airport tenants, area Chambers of Commerce, the North County and San Diego Economic Development Councils, the North San Diego Business Chamber and Palomar Airport Pilots Association; and (4) presentation to the PAAC. Per the requirement of the Superior Court, the County will complete the supplemental noise analysis. County staff are currently in the process of conducting this analysis. Once complete, the supplemental noise analysis will be included in the Final PEIR. The Final PEIR, as supplemented, may be re-certified and relied upon in connection with the Board’s future consideration of the MPU and facility improvements. County staff will confer with FAA regarding the planning and federal funding implications for safety and facility improvements at Palomar Airport and will pursue the important safety EMAS project on the west end of the existing runway that is not tied to the MPU/PEIR at issue. County staff will return to the Board in a second hearing to present options and receive Board direction on how to proceed with the MPU.

**ENVIRONMENTAL STATEMENT**

This action is for the Board to rescind and vacate the MPU and de-certify the Final PEIR and associated actions in accordance with the Superior Court’s judgment. Therefore, the action is not subject to CEQA because it is not a “project” as defined in the CEQA Guidelines section 15378. No environmental determination is required for this action.

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<sup>1</sup> The base level of data for this is from CARB’s EMFAC2014: California Air Resources Board. Mobile Source Emissions Inventory. EMFAC2014 (2015). <http://www.arb.ca.gov/msei/msei.htm>

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**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**  
N/A

Respectfully submitted,



SARAH E. AGHASSI  
Deputy Chief Administrative Officer

**ATTACHMENT(S)**

- A. Vicinity Map
- B. Minute Order, Superior Court of California (Case No. 37-2018-00057624), filed 01/26/2021
- C. Second Amended Peremptory Writ of Mandate (Citizens for a Friendly Airport vs. County of San Diego, et. al.), filed 02/25/2021

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**AGENDA ITEM INFORMATION SHEET**

**REQUIRES FOUR VOTES:**          Yes        No

**WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED**

   Yes        No

**PREVIOUS RELEVANT BOARD ACTIONS:**

10/10/2018 (1), Certified Final PEIR, SCH No. 2016021105, Adopted the Findings Concerning Mitigation of Significant Environmental Effects, Statement of Location & Custodian of Record, decision and explanation regarding recirculation of the draft PEIR, and the Mitigation Monitoring & Reporting Program, & Approved the Palomar Airport Master Plan Update; 12/16/2015 (3), directed staff to proceed with the Palomar Airport Master Plan focusing on the modified C/D–III classification, subject to the preparation of a PEIR; 9/25/2013 (2), received Feasibility Study for Potential Improvements to Palomar Airport Runway; 9/28/2011 (3), directed staff to conduct Feasibility Study for Potential Improvements to Palomar Airport Runway; 6/14/2011 (10), directed staff to return with scope, cost & timeline for feasibility study for improvements to Palomar Airport; 9/16/1997 (15), approved the 1997 Palomar Airport Master Plan; and 3/19/1979 (66), directed staff to proceed with implementation of the 1975 Master Plan and established the Palomar Airport Advisory Committee.

**BOARD POLICIES APPLICABLE:**

Board Policy F-44

**BOARD POLICY STATEMENTS:**

N/A

**MANDATORY COMPLIANCE:**

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):** N/A

**ORIGINATING DEPARTMENT:** Department of Public Works

**OTHER CONCURRENCE(S):**    N/A

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