



March 16, 2018

Cynthia Curtis, Environmental Planning Manager
County of San Diego
Department of Public Works
5510 Overland Avenue, Suite 410
San Diego, CA 92123

Re: Comments on the McClellan-Palomar Airport Master Plan Update and Draft
Program Environmental Impact Report

Dear Ms. Curtis:

The City of Carlsbad submits the attached comments on the McClellan-Palomar Airport Master Plan Update and Draft Program Environmental Impact Report (DEIR) prepared in connection with the Master Plan Update.

The City and San Diego County have had a cooperative working relationship regarding the operation of the Airport and the County's compliance with the City's land use policies related to the Airport. We expect and appreciate that the County will continue its long-standing policy of respecting the City's land use policies and objectives. To that end, we believe that the Master Plan Update should acknowledge that history and the County's intentions in that regard. With a goal of continuing that cooperation, the City requests that revisions to the Master Plan Update and Draft EIR focus on the following principal areas of concern, consistent with our detailed comments:

1. For transparency, the documents should properly, accurately and consistently describe the nature and extent of future airport operations. The public deserves a thorough and plain-English explanation of the types and extent of commercial service expected to be accommodated by the Master Plan Update projects and the extent to which future commercial traffic is merely accommodated or induced by the Master Plan Update projects.

2. The documents should thoroughly analyze and disclose the impacts of the Master Plan Update projects and aircraft operations, including impacts related to aesthetics, noise, surface transportation, air quality, biological and greenhouse gas emissions.

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3. We request that the County commit to robust and effective mitigation measures to mitigate the impacts on Carlsbad residents of the Master Plan Update projects.

4. As noted above, the public expects that the documents will clearly describe the County's intentions regarding the extent to which the County will abide by, and conform to, the City's land use regulations related to the Airport.

The City looks forward to working with San Diego County and its consultants to ensure that the Master Plan Update and its various project components are undertaken in a manner that does not compromise the health and well-being of Carlsbad residents, while ensuring that requirements for safety and air navigation are met at the McClellan-Palomar Airport.

Sincerely,



Scott Chadwick
Chief Operations Officer

cc: Carlsbad City Council

MASTER PLAN UPDATE COMMENTS

Capitalized terms not otherwise defined below have the meanings set forth in the Master Plan Update. References to CEQA Guidelines refer to California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000 -15387.

I. COMMENTS APPLICABLE TO MULTIPLE SECTIONS OF THE MASTER PLAN UPDATE

The following comments address issues that apply to multiple sections of the Master Plan Update.

A. Definition of Airport Property and Indication of Airport Boundaries

McClellan-Palomar Airport is referred to throughout the Master Plan Update as the “Airport”; however, it is unclear from this definition what property is considered to be within the airport boundary. Moreover, the various exhibits included in the Master Plan Update do not consistently indicate a single airport boundary. For example, certain exhibits indicate that the parking area to the south of the airport is within the airport boundary (see, for example, Exhibit 2.1 [Existing Airfield Facilities] [p. 2-2], while others do not include this area (see, for example, Exhibits 2.17 [Compatibility Policy Map - Safety] [p. 2-40] and 5.1 [Airport Influence Area/Safety Zones] [p. 5-11]). Please distinguish between the boundary of County-owned airport property and the boundary of airport operations, and ensure that these definitions and boundaries are used consistently throughout the Master Plan Update. Additionally, please clarify how these boundaries relate to the area subject to CUP 172 and CUP 172(B). Moreover, as discussed below in relation to the DEIR, please ensure that the definitions and boundaries used to identify the airport property in the Master Plan Update are also used consistently within the DEIR, which does not appear to include the area to the northeast of El Camino Real and Palomar Airport Road within the Airport Study Area (the “Eastern Parcel”).

As the County recognizes, a proper identification of the airport boundary has more than mere practical implications. Under FAA regulations, the County is required to maintain both a current Airport Layout Plan and an airport property map, both of which accurately depict the real property that is subject to FAA grant obligations. (See generally, FAA Order 5190.5B, *Airport Compliance Manual*, § 7.18.) Whether a particular parcel is (a) merely owned by the County but not formally designated as part of the airport; (b) owned by the County, designated as part of the airport and properly approved by the FAA for non-aeronautical uses; or (c) owned by the County, designated as part of the airport and authorized only for aeronautical uses, are all significant legal distinctions that affect the future uses of the property, and the role of the City and the County in planning for use of the property. The designation of County-owned property as lying within the boundary of the airport has financial and legal significance under federal, state and local law; the City needs to understand the precise boundary in order to comment meaningfully on key elements of the Master Plan Update. The Airport Layout Plan is

not included in the Master Plan Update and there is an indication that it will be attached, perhaps to the final version after final approvals. We request that the Master Plan Update include both the current and proposed Airport Layout Plan in its entirety (to include the airport property map and appropriate maps of airport safety geometry).

The Master Plan Update also fails to disclose whether the County is planning to seek FAA approval for the change in designation of any airport property from aeronautical to non-aeronautical uses or whether the County is planning to designate any County-owned property that lies outside the Airport Layout Plan as airport property for purposes of FAA regulations. Such planning is crucially important for the City to understand its role and the potential flexibility in future uses of such property. Providing a copy of the Airport Layout Plan airport property map (or Exhibit A to the latest FAA grant application) will be enormously valuable for public evaluation of the Master Plan Update.

Finally, "Airport" should only be used to mean the facility or the location of the airport, not an entity capable of taking action with respect to the Proposed Project. See, for example, Section 5.7.6 (Preferred Airfield Alternative), which provides that "It is also recommended that the Airport pursue land acquisition for any and all existing and ultimate RPZs although this action may not be determined as practical..." (p. 5-42) Please ensure that the term "Airport" is not used to refer to an action by the County.

B. Modification of D-III Standards

The Master Plan Update contemplates that the project improvements will consist of the D-III Modified Standards Compliance Alternative. We presume that the Master Plan Update is referring to the airport design standards contained in the latest edition of FAA Advisory Circular 150/5300.13A, *Airport Design*. As the term implies, adoption and implementation of this alternative will require FAA formal approval of a Modification of Standards ("MOS") applicable to certain airfield design standards. Such modifications are also contemplated by the DEIR, which notes with respect to the separation normally required between runways and taxiways: "Despite not achieving the full 400-foot runway-taxiway separation distance, the FAA could potentially approve the layout if the County formally requests a Modification to Standard to the FAA." (Section S.5.4 [D-III Modified Standards Alternative] [p. S-5]).

While historically the FAA was fairly liberal in granting an MOS, current FAA policy does not routinely allow an MOS except in extraordinary circumstances. It is important that the County disclose: (a) the process involved in seeking such approvals; (b) why the County believes that the FAA will approve an MOS; (c) what modifications to FAA standards will be sought; (d) what operational or land use conditions are likely to be imposed in connection with any MOS approval; and (e) how failure to secure an MOS approval will affect the elements of the Master Plan Update. Of course, if the County has already secured informal or conditional approval of an MOS as contemplated in the Master Plan Update, that approval should be explained.

C. Runway Protection Zones (“RPZ”)

The City has the following comments and questions regarding the ways in which the RPZs are addressed in the Master Plan Update.

1. In connection with most Master Plan Update approvals (and undoubtedly in connection with approval of an MOS), the FAA will seek to have the County indicate whether it has plans for bringing its safety area geometry into compliance with *Airport Design*. The Master Plan Update appropriately addresses compliance with requirements for the Runway Safety Area and other runway safety zones such as the Object Free Area and Building Restriction Line. However, the airport does not presently have FAA-compliant Runway Protection Zones (“RPZs”) and it appears that the Master Plan Update does not contemplate property acquisitions that would be necessary to achieve compliance. In the interest of transparency, and to educate those portions of the public who are not intimately familiar with *Airport Design* or with the FAA policy on use of real property within the RPZs (https://www.faa.gov/airports/planning_capacity/media/interimLandUseRPZGuidance.pdf), we request that the Master Plan Update explain (a) the FAA policies on permissible land uses within the RPZs; (b) whether the County intends to seek to have restrictions imposed on land use consistent with FAA policies by the jurisdiction with land use regulatory authority over each such parcel; (c) whether the County will seek to acquire property within the RPZs, if practical; and (d) what, if any, operational changes or restrictions will be imposed in light of the non-compliant RPZs. The City is especially interested in whether the FAA is likely to seek from the City land use restrictions on non-County-owned property within the RPZs and what such restrictions are planned to be.

2. As noted above, the City wishes to know whether the County intends to acquire additional property within the RPZs. Section 5.7.6 (Preferred Airfield Alternative) provides that “It is also recommended that the Airport pursue land acquisition for any and all existing and ultimate RPZs although this action may not be determined as practical [see discussion above]. At a minimum, the Airport should demonstrate that it is taking all steps possible to protect land uses within existing and ultimate RPZs. These actions should not fall under the definition of ‘expansion’ identified in CUP-172 as the size of the RPZs represent existing conditions.” (p. 5-42 – 5-43). The acquisition of RPZ land is also recommended in the DEIR (see, for example, DEIR Section 2.3.2.3 [Airport Hazards], noting that “land within RPZs should be secured at the earliest opportunity” [p. 2-65] and Section 5.1.2 [Project’s Component Parts], noting that “lands within these areas would be sought over time for property interest as opportunities arise.” [p. 5-3])

In contrast to these statements, the County explains elsewhere in the Master Plan Update that it has intentionally abstained from acquiring such land. Section 5.4.2.1 (General Environmental and Land Use Constraints) states that “The County in developing the Master Plan has voluntarily avoided any property acquisition to support the expansion of airport facilities beyond current property boundaries.” (p. 5-6). Section 5.7.1.2 (Constraints Regarding

Airfield Alternative 2) further notes that “Expansion of Airport would trigger vote of Citizens of Carlsbad in accordance with Section 21.53.015 of the City’s Municipal Code due to the need to acquire additional land to accommodate airport facilities and City of Carlsbad to amend CUP-172.” (p. 5-27)

Please address how the land acquisition recommended in Section 5.7.6 of the Master Plan Update may affect the need for additional approvals from the City or the County. In particular, as noted in the previous Comment section, if the County (or the FAA) seeks land use changes on non-County-owned property, the Master Plan Update should indicate what such proposed changes are and the process that the County proposes to use to seek such changes.

3. Please address how the Proposed Project will impact the size and location of the current RPZ areas. Section 5.7.6 (Preferred Airfield Alternative) of the Master Plan Update provides that “the size of the RPZs represent existing conditions.” (p. 5-42). The Master Plan Update does not describe an increase in the size of the RPZs in its text. However, a comparison of Exhibit 2.1 (Existing Airfield Facilities) (p. 2-2) and Exhibit 5.10 (Phased Development Exhibit) (p. 5-54) shows that the western RPZ appears significantly longer, and the eastern RPZ appears significantly smaller, in the future development scenario. We understand these changes are needed in connection with the proposed redesignation of the airport as a D-III category airport. Please clarify if and how the RPZ areas are planned to change under the Master Plan Update, including any consequences this may have with regard to CUP 172 and CUP 172(B). This also should be done to ensure that the Master Plan Update is consistent with the DEIR, which discusses that the RPZs will shift in location in connection with relocating the runway north and extending its eastern end (see DEIR Section 2.3.2.3 [Airport Hazards] [p. 2-65]).

D. Change in Airport Reference Code

The Master Plan Update explains the FAA policies governing changes in the airport reference code (as set forth in *Airport Design*) that are necessitated by the largest commonly used aircraft at the airport. This explanation is useful but begs the question that the public needs to understand: if at least 500 D-II aircraft have been using this airport notwithstanding its designation as a B-II airport, have all of these operations (and other operations by aircraft larger or faster than B-II aircraft) been operating unsafely at this airport? In other words, would it be unsafe for the airport to continue to accommodate aircraft larger and faster than B-II aircraft until such time as the County is able to make the safety improvements contemplated in the Master Plan Update? These questions are important because it is not immediately clear to the non-expert public whether the proposed improvements are designed to *remedy an unsafe condition* at the airport or, more optionally, designed to *enhance* airport safety for the benefit of users and the general public. In particular, the Master Plan Update should clearly explain whether, in the absence of the proposed airfield improvements, aircraft in categories above B-II would either discontinue to use the airport altogether or would decrease their usage for safety reasons.

The County appears to take the position in the Master Plan Update that the airfield improvements are merely designed to accommodate aircraft that are already using the airport, albeit with a compromised margin of safety. If so, the Master Plan Update also needs to explain (a) whether the enhancement of the airport to comply with D-III standards (with a MOS) would create an inducement for even larger aircraft, i.e. aircraft that are faster and larger than D-III, to use the airport or whether there are other physical characteristics, e.g., runway length or pavement weight-bearing capacity, that would prevent such growth; and (b) whether the existing fleet mix would change once the airport becomes officially able to accommodate larger aircraft.

E. Distinguishing Safety and Business Benefits of a Runway Extension

The Master Plan Update explains that a longer runway would allow larger aircraft to take off with full fuel loads, as certain aircraft that currently utilize the airport are only able to take off with reduced fuel loads. The purpose of extending the runway is also explained as a way of enhancing safety (see, for example, pages ES-7 and ES-8); however the specific safety benefits of the runway extension (as opposed to the construction of Engineered Material Arresting Systems) are not described. This is also applicable to the DEIR (see, for example, DEIR Section 1.1.2 [Meet Runway Length], stating that “A longer runway would enhance safety and operational capabilities of the existing and future fleet of aircraft at the airport....” [p. 1-4])

It is important for both the Master Plan Update and the DEIR to clearly distinguish between the safety mandates and rationale for the runway extension and the business or user-enhancement benefits. While a longer Takeoff Run Available (“TORA”) and other runway geometries certainly could enhance the maximum stage length of departing flights, the Master Plan Update does not explain these benefits, quantify the benefit to the County or the users, or, most importantly, explain whether such benefits are the driving force or only a minor factor in seeking a runway extension. It is especially important for the Master Plan Update to forecast the number of operations that would be affected by the longer runway, in particular the number of operations that would not occur *but for* the runway extension and how many operations would exist *with or without* the runway extension but be able to take advantage of the longer stage length available because of the longer runway takeoff distance available.

It appears that the longer runway will principally provide business benefits by making the airport more attractive for long-stage-length operations. The Master Plan Update, however, also asserts that there are safety imperatives driving the runway extension but those safety benefits are neither disclosed nor explained. Beyond the obvious statement that a longer runway is almost always safer, the Master Plan Update should address the safety benefits of the proposed runway extension, and explain where there is a safety mandate from the FAA (or requirement under applicable *Airport Design* standards) that is driving the runway extension.

F. NEPA Documentation for FAA Approvals

Neither the Master Plan Update nor the DEIR adequately explains the NEPA process that will be used to secure necessary FAA approvals for Master Plan Update components. While the FAA allows airport sponsors to prepare joint CEQA and NEPA documents, the County has not chosen this path. It is important, therefore, to disclose the County's strategy for NEPA documentation because that strategy will fundamentally affect the level and depth of public participation in the FAA approval process. For example, the County should disclose the following: (1) is the County going to seek conditional FAA approval of the Airport Layout Plan as envisioned in the Master Plan Update or will it seek approval of each component of the Master Plan Update as it becomes ripe for decision; (2) will the County request that the FAA prepare NEPA documentation on the entire Master Plan Update or only on specific project components once timing and financing become clearer for that component; and (3) does the County contemplate that some or all of the Master Plan Update components will require a federal EIS prior to FAA approval or will an Environmental Assessment or even a Categorical Exclusion (or documented Categorical Exclusion) be sought under FAA Order 5050.1B? The answers to these key questions will help the public understand whether the review of this DEIR and Master Plan Update will be only the initial opportunity for public participation or whether it is the only such opportunity.

G. General Readability

The Master Plan Update should be revised to ensure that all section, exhibit and table references are correct in the text of the document, and that conflicting, inconsistent, or unsubstantiated statements are addressed (certain of these statements are identified in later comments below). Please ensure that tables and exhibits include proper labelling and numbers, for example: Exhibits 2.13 and 2.14 are mislabeled (Exhibit 2.13 depicts General Plan planned land uses but is labelled "Airport Area Existing Land Use", while Exhibit 2.14 appears to depict existing land uses and is labelled "Airport Area Future Land Use") (pp. 2-32 and 2-34); Exhibit 5.2 (Airfield Alternative 1) (p. 5-24) includes a reference to the "Airport Property Line" in the legend, but the line does not appear to be shown on the actual exhibit; and Table 6.7 (Airport Capital Improvement Plan) (p. 6-7) includes numerous arithmetical errors that render it difficult to understand. Addressing these issues will greatly improve the readability of the Master Plan Update.

II. SECTION SPECIFIC COMMENTS ON MASTER PLAN UPDATE

The following comments address issues that are particular to specific sections of the Master Plan Update.

A. Section 2 – Inventory of Existing Conditions

1. Section 2.10.5 (Policy F-44 “Development of McClellan-Palomar Airport”) (p. 2-44)

Section 2.10.5 describes the purpose and content of County Policy F-44, and notes that “The new McClellan-Palomar Airport Master Plan lays out a new comprehensive 20-year plan for development of the Airport, making Board Policy F-44 Development of McClellan-Palomar Airport duplicative....[F]ollowing adoption of the McClellan-Palomar Airport Master Plan the Board of Supervisors may determine Board Policy F-44 is no longer needed and repeal it.” (p. 2-44)

Of potential significance is the fact that Board Policy F-44 limits scheduled commuter airline operations to 70-seat aircraft, while the Master Plan Update does not. Please consider whether the repeal of Board Policy F-44 is an action that would need to be evaluated in the DEIR. The DEIR notes the existence of Board Policy F-44 (p. 3-86) but includes no discussion of whether the Master Plan Update conflicts with Board Policy F-44, nor what the considerations may be in repealing Board Policy F-44.

B. Section 3 – Aviation Activity Forecast

1. Section 3.2 (Aviation Activity Forecast – Introduction) (p. 3-1)

The Master Plan Update provides in Section 3.2 that “Since the ‘planning-level’ scenario is beyond the specific tolerance for future projections, submitted forecasts of aviation activity have not been approved by FAA in their entirety.” (p. 3-2) Section 3.2 further references a memorandum issued by the FAA Los Angeles District Office on October 10, 2017, stating that “the FAA had no objections if the County chose to base local land use planning decisions on the ‘planning-level’ forecast, however, any related mitigation measure would not be eligible for Airport Improvement Program funding.” Please address how the lack of: (1) FAA approval of submitted forecasts; and (2) Airport Improvement Program (“AIP”) funding for mitigation measures related to ‘planning-level’ forecasts, might impact the feasibility of the Proposed Project.

The statement in the Master Plan Update that the FAA Los Angeles District Office has no objections to use of Planning Activity Levels (“PALs”) in lieu of specific data does not address the question of whether the FAA has formally approved the use of any forecast other than the Terminal Area Forecast (“TAF”). Both the proposed forecast in the Master Plan Update and the

regional forecast differ substantially from the latest TAF, so the appropriate Airport District Office approval letter should be referenced in, and attached to, the Master Plan Update.

Because the proposed forecast, especially with respect to commercial passenger enplanements, differs so dramatically from the FAA TAF, it is incumbent on the County to explain why its forecast passenger enplanement level is so high. The Master Plan Update explains why the FAA passenger enplanement forecast is too low, but it does not include any data to substantiate the growth that the County projects. In particular, if the County has information from existing or proposed new commercial operators, the Master Plan Update should disclose that information.

Finally, the availability of commercial service at small regional airports has seen a resurgence in the last few years for myriad economic reasons. In some regions, such as the San Francisco Bay Area, Seattle and Los Angeles, the growth of commercial passenger service has been led by the increased inconvenience of large hub airports (e.g., SFO, SEA, LAX, respectively) and regional surface traffic congestion. In other places, such as Tampa Bay and the Boston metropolitan area, the relative cost of operating at the large hub and the growth of ultra-low-cost carriers (e.g., Allegiant and Spirit) have been the driving factors. And at still others, growth has been driven by a single new innovative carrier such as Rise, SurfAir, Blade and other start-ups operating very small aircraft outside the regulatory ambit of the Transportation Security Administration. The Master Plan Update forecast should place the projected enormous growth in commercial passenger enplanements at the airport in this context. In particular, does the County contemplate that congestion at San Diego International Airport (“SAN”), surface travel times to SAN, or the growth of startups like CalJet to be the driving force(s) for growth at the airport? Are there other startups whom the County believes may be interested in establishing service at the airport? What are the opportunities or impediments to an increase in commercial service? Given that service with large transport category aircraft such as the A320 or B737 is likely, does the County expect that the introduction of the new, efficient C-series regional passenger aircraft from Bombardier (<https://commercialaircraft.bombardier.com/en/cseries.html>) and similar aircraft from Dornier (<https://www.fairchild-dornier.com/3.html>) will have a significant impact on operations at the airport? These are all questions that the public has been asking and should be addressed in the Master Plan Update.

2. Section 3.2 (Aviation Activity Forecast – Introduction) (p. 3-1)

CEQA Guidelines § 15144 states that “While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.” To that end, please provide a more comprehensive discussion of whether the planned improvements will induce demand at the airport, with a particular focus on whether: (1) an extended runway would attract additional air carriers traveling longer distances; and (2) the County expects that air cargo operations would be introduced to the airport, given the growth of e-commerce and increased demand for faster, more efficient delivery services.

The issue of induced demand is especially important for this Master Plan Update. For many airports, capital improvements are designed primarily to accommodate existing or reasonably foreseeable future demand caused by extrinsic forces (e.g., regional growth, increase in aircraft movements generally, etc.) This Master Plan Update appears to contemplate induced demand by: (a) increasing the design category of the airport from B-II to D-III; (b) increasing runway length; and (c) making the commercial passenger facilities more attractive to air carriers. The Master Plan Update and the DEIR should disaggregate the forecast to show the portion of the increase that is attributable to extrinsic economic factors and the portion of the increase that is induced, i.e., attributable to improvements in airport facilities.

C. Section 5 – Alternative Analysis

1. Section 5.4.2.2. (Existing Conditions – Environmental Factors – Air Quality) (p. 5-6)

Section 5.4.2.2 explains that a runway extension would allow for aircraft to take off from the airport without having to make a second fuel stop at a nearby airport, noting that “With the runway improvements, the efficiency or “green benefits” of the project would help to offset overall fuel usage and, hence, greenhouse gas and other air quality emissions.” (p. 5-7) This assertion is made without reference to any supporting evidence. Please explain the basis for this assertion. Please also provide context for this assertion by explaining how many flights this change is anticipated to impact. We understand from Airports Director Peter Drinkwater that, to the best of his knowledge, there is currently only one flight per week that needs to make a second fuel stop at a nearby airport (as stated at the February 13, 2018 public workshop hosted by the County).

2. Section 5.4.2.12 (Existing Conditions – Light Emissions and Visual Effects) (p. 5-18)

Section 5.4.2.12 notes that the proposed improvements “include potential runway and taxiway extensions that would alter existing slopes and likely require a retention wall. The City of Carlsbad Landscape Manual (February 2016) identifies policies and requirements that correspond with Community Theme Corridors. Due to the existing landfill and methane collection system, and steep slopes associated with a potential retention wall, adherence to these policies and requirements may be challenging, however, they should be followed to the extent possible.” The Master Plan Update also refers to a potential retaining wall at the west end of the runway. (p. 5-19)

Please provide greater detail regarding the location, length and height of both of these retention walls. Section 5.7.3 (Airfield Alternative 4 – D-III – On Property) explains that the taxiway extension “is proposed over an area that has an approximate drop-off of 50 feet from

the airfield,” which would seem to indicate that the first described retaining wall also would need to be as much as 50 feet in height. (p. 5-33)

Furthermore, it is unclear from the above description at what point in the development process the County would seek to incorporate the screening and landscaping measures outlined in the Landscape Manual, or how these measures would be implemented. Please provide additional information regarding these measures.

In addition to Carlsbad Landscape Manual policies and requirements, Carlsbad Municipal Code Chapter 21.95 (Hillside Development Regulations) also addresses development affecting hillsides. One of the purposes of this chapter is to “preserve and/or enhance the aesthetic qualities of nature hillsides and manufactured slopes by designing projects which relate to the slope of the land, minimizing the amount of project grading, and incorporating contour grading into manufactured slopes which are located in highly visible public locations.” (Section 21.95.010(B)) Please assess the applicability of these Hillside Development Regulations to the project and state whether the County intends to adhere to these provisions as well as to those of the Landscape Manual. Additionally, the City requests that it be able to review, comment on and approve the plans for hillside/slope grading, the retaining walls, and the screening thereof.

Additional comments regarding the DEIR’s discussion of the retaining walls are provided below, in DEIR Comment II.B.3 of this letter.

3. Section 5.7.7.2 (Interim Airfield Alternative -- Constraints) (p. 5-44)

Section 5.7.7.2 notes that the Interim Airfield Alternative may not be eligible for FAA AIP funding, and that “a significant portion of the Preferred Airfield Alternative presented in Section 5.7.5¹ may not be eligible for FAA or State grants.” (p. 5-44) However, Table 6.7 (ACIP) includes such potential funding, with a note in Section 6.2 (ACIP) acknowledging that securing funding from the FAA for some of these components “may be challenging.” (p. 6-6) Please provide a more detailed description of how project costs are anticipated to be met if FAA funding cannot be secured for certain components.

Tables 6.4 (Operating Revenues), 6.5 (Operating Expenses), and 6.6 (Operating Revenues and Expenses) (all p. 6-5) also appear to show operating losses without any current debt service. This would seem to indicate that airport revenues cannot support the cost of project components without FAA funding.

¹ Please note that the reference to Section 5.7.5 on p. 5-44 of the Master Plan Update is incorrect, as the Preferred Airfield Alternative is discussed in Section 5.7.6.

4. Exhibit 5.10 (Phased Development Exhibit) (p. 5-54)

Exhibit 5.10 indicates an area labeled “Reserved for Future GA Parking”. If parking were constructed in this location, a retaining wall almost certainly would be required. However, this is not discussed in the Master Plan Update. Please ensure that the Master Plan Update explicitly states where retaining walls would be needed in connection with the project improvements, including labeling the location of such retaining walls in this exhibit.

5. Table 5.1 (Preferred Development Strategy by Phase) (p. 5-53)

Aesthetic projects, such as retaining walls and associated landscaping costs, are not included in Table 5.1, which is described as listing “the various recommended improvement projects and development programs by phase. These listed projects form the basis of the Airport Capital Improvement Program (ACIP).” (p. 5-52) Please update this table to include aesthetic improvements as a component of the ACIP.

We also note that cost estimates for the area reserved for General Aviation parking and for other improvements are noted as “TBD.” This information is needed to more fully understand the costs associated with the ACIP. Please include such cost estimates in the final Master Plan Update.

D. Section 6 – Airport Capital Improvement Plan

1. Table 6.7 (ACIP) (p. 6-7)

Table 6.7 displays the ACIP, based on Exhibit 5.10, and outlines various capital expenditures. As with Table 5.1, aesthetic improvements, particularly retaining walls and corresponding landscaping, need to be included in the table as separate project components with their own phasing and budget line items. The City has for many years emphasized the need for the County to undertake aesthetic improvements to the airport perimeter; as the Proposed Project is now anticipated to have a further significant impact on visual resources, mitigation is required by the DEIR, and must be funded accordingly. Near-term slope improvement projects should be contemplated as part of the overall program, rather than solely as part of mitigation, as they will be needed in advance of the retaining walls.

[COMMENTS TO THE DEIR BEGIN ON THE FOLLOWING PAGE]

DRAFT EIR COMMENTS

Any capitalized terms not otherwise defined below have the meanings set forth in the DEIR. References to CEQA Guidelines refer to California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000 -15387.

I. COMMENTS APPLICABLE TO MULTIPLE SECTIONS OF THE DEIR

The following comments address issues that apply to multiple sections of the DEIR.

A. Clarification of Proposed Project Components

CEQA Guidelines § 15126.6 requires consideration and discussion of alternatives to the Proposed Project, providing that “The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” To that end, please provide a comprehensive outline of the components of the Proposed Project, so that the Proposed Project may more accurately and readily be compared with the alternatives considered. Chapter 4 of the DEIR compares the Proposed Project to the project alternatives with respect to both project objectives and potential impacts. These elements are discussed in the text of the chapter and in Tables 4-1 (Comparison of Project Alternatives to Project Objectives) (p. 4-17) and 4-2 (Comparison of Project Alternatives to Significant Proposed Project Impacts) (p. 4-19), respectively. However, this chapter does not include a clear description of the components of the Proposed Project as compared to the components of the project alternatives. Without such a description, it is very difficult to distinguish how the Proposed Project varies from the D-III Modified Standards Alternative.

The difficulty in comparing the project alternatives is exacerbated by the fact that the Proposed Project is referred to in the Master Plan Update as the ‘D-III Modified Standards Compliance Alternative.’ It is very easy for the reader to confuse the ‘D-III Modified Standards Compliance Alternative’ (selected as the Proposed Project) with the ‘D-III Modified Standards Alternative’ (which was not selected). A clear description of the Proposed Project components, and a table comparing these components with those of the project alternatives, would help the reader to distinguish the Proposed Project from the other options.

B. Definition of Airport Property

As discussed above with respect to the Master Plan Update, it is unclear from the definition of “Airport” what property is considered to be within the airport boundaries. Please distinguish between the boundary of County-owned airport property and the boundary of airport operations, and ensure that these definitions and boundaries are used consistently throughout the DEIR.

C. Study Area Boundaries

CEQA Guidelines § 15124(a) requires that “the precise location and boundaries of the proposed project shall be shown on a detailed map.” The DEIR includes a map indicating the project Study Area (Figure 1-2 [Vicinity Map] [p. 1-23]) but this map does not include the Eastern Parcel, even though the eastern RPZ overlaps with this area (see Figure 1-5 [Conceptual Development Phases] [p. 1-29]). Please explain why the RPZ is not included in the Study Area.

Additionally, it appears that the relocation of a Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (“MALSR”) is being contemplated outside of the Study Area, in the Eastern Parcel. Section 1.3 (Project Location) states that “the Proposed Project site does not include the vacant County-owned parcel located at the northeast corner of Palomar Airport Road and El Camino Real. All improvements are proposed on the existing airport use areas northwest of the Palomar Airport Road/El Camino Real intersection.” (p. 1-11) This assertion is also made in Section 3.1.7.1 (Land Use and Planning – Existing Conditions) (p. 3-81) and elsewhere in the DEIR. However, Fig. 1-3 (Runway Safety Areas and Runway Object Free Areas) (p. 1-25) of the DEIR appears to show MALSR being present in the Eastern Parcel, and Section 1.2.1.1 (Near-term Projects) further states that the “200-foot extension would also require the relocation of the MALSR located east of the runway....The additional lighting system would be located on County-owned land that is currently vacant. A portion of this land is designated as Open Space.” (p. 1-7)

We understand that the relocation of MALSR is considered a federal action as “The FAA is the owner and responsible agency for this lighting system.” (Section 1.2.1.1 [Intermediate-term Projects] [p. 1-8]) However, as the land impacted by the relocation is County-owned, analysis of this action still is required. Such an analysis is also relevant because it will inform federal agencies of potential impacts of the Proposed Project (see Section 1.5 [Intended Uses of the EIR] [p. 1-14]). As such, please expand the Study Area boundaries to include the RPZ and MALSR. Please also evaluate the potential environmental impacts of relocating the MALSR.

D. NEPA Documentation for FAA Approvals

Neither the Master Plan Update nor the DEIR adequately explains the NEPA process that will be used to secure necessary FAA approvals for Master Plan Update components. Please refer to Master Plan Update Comment I.F, above, for the City’s questions with respect to the County’s strategy for NEPA documentation.

II. COMMENTS ON PARTICULAR SECTIONS OF THE DEIR

The following comments are particular to specific sections of the DEIR.

A. Chapter 1 (Project Description, Location, and Environmental Setting)

1. Inclusion of Environmental Review and Consultation Requirements in Project Description

CEQA Guidelines § 15124(d)(1)(C) states that the EIR Project Description must contain “A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.” While the DEIR considers related environmental review and consultation requirements in its analysis of the Proposed Project’s impacts, these requirements do not appear to be outlined in the Project Description. Please add such a section to the DEIR Project Description.

2. Section 1.1.2 (Meet Runway Length/Width Requirements) (p. 1-4)

Section 1.1.2 notes that a “longer runway...is not defined or required by FAA Design Standards for a D-III airfield.” (p. 1-4) Please confirm if this is why the runway extension is not eligible for FAA AIP funding; if not the cause, please explain what is.

3. Section 1.2.1.3 (Long-term Projects (13-20 years)) (p. 1-8)

This Section notes that in connection with the MALSR relocation (discussed above in DEIR Comment I.C of this letter) “Minor trenching to connect electrical utilities to the new locations of the navigational aids would be necessary.” (p. 1-9) We note that in addition to the minor trenching mentioned, MALSR relocation also would require foundations for relocated light structures as well as a maintenance path or road. Please ensure that the DEIR describes all physical improvements required in connection with the MALSR relocation.

4. Section 1.3 (Project Location) (p. 1-11)

Section 1.3 provides that “The City of Carlsbad maintains land use authority outside of the boundaries of the County-owned land” (p. 1-11) and Section 2.1.1 (Existing Conditions) similarly notes that “The airport is located within the municipal limits of the City of Carlsbad, but is not subject to its land use authority.” (p. 2-5) However, the distinction between the City and County’s land use authority is not simply demarcated by the boundary of County-owned property. The City maintains land use authority for private development on County-owned airport land and is responsible for issuing building permits for such non-public use structures (see Section 3.1.6.1 [Existing Conditions], explaining that “...future private development at the

Airport is subject to discretionary review by the City” [p. 3-69], as well as DEIR Comment II.C.6, below). Airport improvements also are subject to CUP 172 and CUP 172(B), issued by the City. As such, this section should more thoroughly address the respective land use authority of the City and the County in the DEIR.

Additionally, Section 2.1.1 states that “because the Airport is located within the City of Carlsbad’s municipal limits, the County’s Zoning Ordinance does not apply to the Proposed Project.” (p. 2-3) When read together with the statement in Section 1.3, this language implies that there are no land use regulations applicable to the airport. Please clarify this statement.

5. Section 1.4.3 (Site Characteristics) (p. 1-12)

In keeping with DEIR Comment I.C, above, regarding the inclusion of the MALSR in the Study Area boundaries, please include a description of the Eastern Parcel and existing navigational aids in this description of airport site characteristics, rather than in the preceding section on surrounding land uses.

6. Section 1.8 (List of Past, Present, and Reasonably Anticipated Future Projects in the Project Area) (p. 1-15)

Section 1.8 notes that “City of Carlsbad records were reviewed for development project environmental documents within two miles of the airport for potential cumulative environmental impacts...”, yet the DEIR provides no explanation for why a two-mile radius was chosen to define the area within which cumulative impacts would be evaluated. (p. 1-15) Please explain why a two-mile radius was chosen, in accordance with CEQA Guidelines § 15130(b)(3), which requires that a cumulative impacts analysis “...define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.”

7. Section 1.9.2 (Promotion of Economic Growth) (p. 1-17)

Section 1.9.2 provides that “Based on CEQA Guidelines, the Proposed Project includes improvements to an existing airport that would not significantly induce economic or population growth...” (p. 1-17) However, the 2013 Feasibility Study for Potential Improvements to McClellan-Palomar Airport Runway, prepared by Kimley-Horn & Associates, Inc., identifies economic growth resulting from the proposed runway extension. Please discuss the economic growth findings of this study, or explain why such findings are not applicable to the DEIR review.

8. Table 1-3 (Matrix of Project Approvals) (p. 1-19)

The table notes that the FAA is the agency responsible for approving the Airport Layout Plan. Please also add that the FAA is responsible for the relocation of the MALSR, if this is correct.

9. Table 1-4 (Cumulative Projects List) (p. 1-19) and Figure 1-7 (Cumulative Projects Map) (p. 1-33)

In July 2017, the City provided the County with a list of projects to include in the evaluation of cumulative impacts of the Proposed Project. It appears that a number of these projects were omitted from the DEIR analysis. Omitted projects include the Legoland Hotel, Westin Hotel (including timeshares), and the International Floral Trade Center, among others. Please update the evaluation of cumulative impacts to include the projects provided in this list, or explain why these projects were omitted from the analysis.

This comment is also applicable to the near-term cumulative projects listed in Traffic Study Table 9-1, included in Appendix E. A number of projects identified by the City for the cumulative impacts noise analysis were not included in the study, and the reason for their omission is unclear.

B. Chapter 2 Significant Environmental Effects of the Proposed Project

1. Section 2.1.1 (Aesthetics and Visual Resources – Existing Conditions) (p. 2-1)

Section 2.1.1 provides that “The Airport’s primary viewers are motorists along Palomar Airport Road. These viewers’ exposure to visual changes from a project are temporary and transient, lasting only as long as they are traveling on Palomar Airport Road adjacent to the Airport.” (p. 2-2) This characterization does not account for the fact that many of the same commuters drive along this route daily, resulting in viewers’ repeated exposure to airport projects, and thereby downplays the significance of this exposure. Please update this description to more accurately characterize viewer exposure.

2. Section 2.1.1 (Aesthetics and Visual Resources – Existing Conditions) (p. 2-1)

Section 2.1.1 describes the various components of the regulatory framework that control the aesthetics and visual resources impacted by the Proposed Project (p. 2-3). Please update this list to include the Carlsbad Landscape Manual, which establishes a structure for designing and maintaining landscapes in new construction and renovated landscapes, as well as Carlsbad Municipal Code Chapter 21.95 (Hillside Development Regulations), which regulates development affecting hillsides and steep slopes.

3. Section 2.1.2.1 (Visual Character and Visual Quality – Analysis) (p. 2-5)

Section 2.1.2.1 explains that the Proposed Project “would introduce a retaining wall along the southern slope of the Airport along Palomar Airport Road (near its intersection with El Camino Real)...Because this portion of the Airport currently consists of a natural slope, introduction of this retaining wall would contrast with the existing visual character and quality of the site. Therefore, implementation of the Proposed Project would result in *significant impact* related to visual character and visual quality.” (p. 2-6)

The City has the following comments and questions regarding the retaining wall and the corresponding landscaping needed to screen it.

a) Please better identify the specific height and location of this wall, as it is not indicated in Figure 1-5, Phased Development Plan (p. 1-29), nor anywhere else that we could find. A retaining wall would need to be constructed on the western end of the runway, in addition to the southern slope of the airport, but is not shown, either. Please provide this information on a map.

b) Taxiway A would be extended in two phases: a 200-foot near-term extension, and then a 600-foot long-term relocation/extension. Please discuss whether the retaining wall would similarly be constructed in two phases to accommodate both taxiway extensions. Also, the Taxiway A extension(s) appears to conflict with the existing vehicle service road at the southeast end of the airport. How would the vehicle service road be modified, and what effect would it have on the extent of the future retaining wall? Please confirm that no retaining wall would be necessary along El Camino Real to accommodate the future runway extension, EMAS, vehicle service road and runway lighting.

c) The description of the retaining wall provides that “the County will incorporate aesthetic measures from the City of Carlsbad, including the *City of Carlsbad Scenic Corridor Guidelines* as discussed in Section 2.1.2.1 (see Section 2.1.2.4 [Consistency with Adopted Goals, Policies, and Ordinances] [p. 2-10]). Explicit reference also should be made to adhering to the Carlsbad Landscape Manual.

d) Section 2.1.2.1 discusses the existing slopes along Palomar Airport Road and El Camino Real, and explains that several factors prevent implementation and landscaping of this area, the primary reason being that the eastern slope “functions as the protective cap (cover) for the inactive landfill underlying portions of the Airport boundary.” (p. 2-6) The City recognizes that these factors limit the potential landscaping and screening options, however the City does not believe that they eliminate all viable options. Please consider the following landscaping measures:

i. Utilize the slope areas outside of the landfill footprint, as it appears there are fairly wide, flat areas at the base of the slope along Palomar Road and more narrow areas on El Camino Real that are outside of the landfill footprint. Appropriate landscaping, including trees and larger screen shrubs, could be installed in these areas to provide

screen/softening of the slopes beyond, and to provide a more desirable view corridor on these major streets.

ii. Install plantable walls if wall heights exceed six feet.

iii. As permanent pressurized irrigations lines are not permitted on the landfill's surface, including the slopes (see p. 2-7), install pressurized mainlines at the base of the slopes in the public right-of-way outside of the landfill footprint. Install non-pressurized irrigation lateral lines above-grade up the slopes to allow for proper germination and the establishment of plantings. Use large radius rotors to minimize the number of lateral lines needed, thus reducing removal and replacement costs during maintenance grading operations. If irrigation can be added, explore an appropriate native seed mix that could establish in the clay cap or be added to a shallow layer of more conducive soil.

iv. As an alternative to permanent pressurized irrigation lines, consider master valves/check valves and leak detectors to avoid damage. These elements could also be installed at the bottom of the slopes.

v. The native seed mix that is being used to treat the slopes has not been performing well, and it is unclear if this is due to the clay soil being devoid of nutrients and/or a lack of irrigation, but most likely it is due to a combination of both factors. If allowable, providing a shallow layer of more appropriate soil over the clay cap would be more conducive to plant growth.

e) Section 2.1.2.1 notes that "State Guidance requires the County Landfill Management Unit to properly maintain the slope, often by grading." (p. 2-7) Please explain why state guidance requires grading and whether installation of a retaining wall would eliminate the need for such periodic regrading.

f) We understand that the protective cap over the landfill is "a non-permeable layer consisting of three feet of clay rich soils that are designed to exclude water infiltration." (p. 2-7) As the cap is impermeable, please explain the concern for irrigation, even of shallow-rooted groundcover.

g) The City seeks a commitment from the County to allow the City to review, comment on, and approve the landscaping and screening of the retaining wall, as no such commitment is currently outlined in the DEIR. Section 2.1.4 (Mitigation Measures) provides that "The future retaining wall would be designed in consideration of the City of Carlsbad Scenic Corridor Guidelines to the degree feasible since any modification of the inactive landfill slopes would require coordination and oversight by applicable State and local agencies." (p. 2-11) While the City recognizes that there are certain limitations to the way in which the retaining wall may be landscaped and screened, the City must have an opportunity to review and provide oversight of the proposed landscaping measures.

4. Section 2.1.2.1 (Visual Character and Visual Quality – Analysis) (p. 2-5)

While Section 2.1.2.1 discusses the need for a retaining wall along the southern slope of the airport along Palomar Airport Road, the DEIR does not discuss the need for a retaining wall associated with future GA parking, although one would almost certainly be required. The only reference to such a retaining wall appears in Section 4.2.2.1 (Comparison of the Effects of the No Project Alternative to the Proposed Project – Aesthetics), which notes that “The No Project Alternative would not result in any airport improvements identified under the Proposed Project, such as extension of Taxiway A or future general aviation parking that would necessitate a retaining wall visible along Palomar Airport Road.” (p. 4-3)

Please revise the Visual Character and Visual Quality Analysis to include the potential for a retaining wall in this location, and discuss relevant measures to mitigate the visual impact of such a wall. Please note that the comments provided above with respect to the runway/taxiway retaining wall(s) also apply to a retaining wall in this location, apart from the slope-specific comments provided. The City also requests that it be able to approve the hillside/slope grading, landscaping, and screening of a retaining wall as needed in connection with GA parking.

5. Section 2.1.2.1 (Visual Character and Visual Quality – Analysis) (p. 2-5)

Please clarify whether the proposed relocation of MALSR has been included in the consideration of light and glare impacts discussed in Section 2.1.2.1. This Section provides that the “Airport would be required to comply with applicable regulations as set forth in the County Light Pollution Code and the McClellan-Palomar ALUCP, as well as the FAA to ensure that light and glare would not result in safety hazards. As a result, any change in lighting with the Proposed Project would be *less than significant*.” (p. 2-7) As the MALSR has not been included within the Study Area boundaries set forth in the DEIR, it is unclear whether this conclusion also applies to the proposed MALSR relocation.

6. Section 2.2 (Biological Resources) (p. 2-17)

The following comments apply to the entirety of Section 2.2 and should be addressed, as applicable in the setting, analysis, and mitigation portions of this Section.

a) Section 2.2 provides that “Biological resources data presented in this section include information obtained through a search of sensitive species and habitats databases for sensitive species known to occur within two miles of the project site.” (p. 2-17) Please explain why two miles was determined to be the appropriate radius for obtaining information regarding sensitive species surrounding the airport.

b) As previously discussed in this letter, the DEIR states that the Master Plan Update does not propose impacts to the Eastern Parcel. We believe this statement is somewhat misleading, as the MALSR will need to be relocated to accommodate the runway shift. This relocation will likely require relocation of the MALSR into the preserve area or the Pre-Approved Mitigation Area ("PAMA"), which will likely result in habitat loss. Please analyze the movement of the MALSR into the preserve area or the PAMA and the associated impacts. (Please also see DEIR Comment II.C.1 below, questioning whether the relocation of MALSR may impact land subject to a conservation easement.) Also, please analyze the impacts of the relocation of MALSR on the requirements set forth in the letter dated March 7, 2011 to Cynthia Curtis from the U.S. Fish and Wildlife Service and the California Department of Fish and Game (attached to Appendix B, Biological Resources Technical Report, at page 165).

c) The DEIR states that the airport "is subject to a Wildlife Hazard Management Plan (WHMP; C&S 2015) as approved by the FAA in 2016.... Components of the WHMP include wildlife control actions such as habitat management, hazing, and harassment. The FAA requires a zero-tolerance for hazardous wildlife on the airfield within the framework of federal and state regulations." (p. 2-17) The DEIR also correctly notes in Section 2.2.1.1 that, "Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a 'take' under the [Federal Endangered Species Act] FESA. Section 9(a) of the FESA defines "take" as 'to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.' 'Harm' and 'harass' are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species' behavioral patterns." (p. 2-18) Please address how the FESA requirements affect the need to prevent wildlife from entering airport property and whether such activities would be considered "take" under the FESA. Also, please disclose what environmental assessment, if any, was conducted in connection with the 2016 approval of the WHMP.

d) This Section does not fully analyze the cumulative impacts of the Master Plan Update on the Diegan coastal sage scrub. Please note that the 4(d) rule limits cumulative impacts to the coastal sage scrub of 5% of coastal sage scrub in the County. Please discuss these limits and evaluate whether the cumulative takes of the coastal sage scrub for the period of the Master Plan will be able to stay within these limits. If not, please provide additional mitigation to address impacts to the coastal sage scrub.

e) The DEIR does not address requirements of the Coastal Zone Management Act ("CZMA"). Please note that a nesting gnatcatcher pair identified in the DEIR appears to occupy habitat in the coastal zone directly adjacent to the airport property, and that this habitat area is designated as Proposed Hardline in the City's Habitat Management Plan ("HMP"). The HMP is a California Coastal Commission-certified component of the City's Local Coastal Program. Given that the Master Plan Update projects propose to receive federal funding, the DEIR should address whether federal consistency review under the CZMA would be required and the potential results of that consistency review, including whether the City's HMP

conservation policies for properties inside of the coastal zone would apply. Note, in particular, the City's HMP policies for conserving gnatcatchers and their habitat in the Coastal Zone.

f) The DEIR does not appear to analyze potential impacts to offsite vernal pools. Please address those impacts, as well as the application of the CZMA federal consistency review and the City's HMP conservation policies that could apply to those impacts. (See for example, HMP Policy 7-14a, specific to this site [p. D-119].)

7. Section 2.3.1 (Hazards and Hazardous Materials – Existing Conditions) (p. 2-49)

We understand that the landfill classification was changed from Category 1 to Category 2 on July 12, 2016, "meaning there is a reduced risk to drinking water." (p. 2-50) Given that previous County objections to irrigation of landfill slope areas were due in part to groundwater contamination concerns, please discuss whether this change in classification improves the feasibility of providing landscaping and irrigation on the slopes along Palomar Airport Road and El Camino Real. (See DEIR Comment II.B.3 above).

8. Section 2.3.2.2 (Projects with Existing On-site Contamination (p. 2-62)

This Section notes that "Construction activities would include runway and taxiway improvements over landfill Unit 3, and potential general aviation parking over landfill Unit 1." (p. 2-63) Construction methods described elsewhere in the DEIR describe drilling hundreds of holes into and through the bottom of landfill Unit 3 to install displacement column piles into competent soils in order to support the runway extension. Please update the description in this Section to clarify that the construction activities would not only occur over landfill Unit 3, but also into the Unit. Additionally, the DEIR should discuss potential hazards associated with this construction method, or explain why such an analysis is not needed.

Please reevaluate whether mitigation measure M-HZ-1, described in Section 2.3.5 (Mitigation Measures) (p. 2-67), sufficiently addresses the potential hazards associated with this construction method.

9. Section 2.3.2.3 (Airport Hazards) (p. 2-64)

California state law requires each county with jurisdiction over an airport served by a scheduled airline to designate an Airport Land Use Commission ("ALUC") and requires the ALUC to prepare a land use compatibility plan ("ALUCP") for each such airport (California Public Utilities Code § 21670(b)). In San Diego County, the San Diego County Regional Airport Authority ("SDCRAA") acts as the ALUC. Section 2.3.2.3 provides that the "SDCRAA is the responsible agency within San Diego County for regulating land uses within the AIAs ["Airport Influence Areas"] of 16 public-use and military airports." (p. 2-65) While SDCRAA is the

responsible agency for determining the compatibility of land uses, land use authority still resides with the municipality. Please update Section 2.3.2.3 to make this distinction clear.

10. Section 2.3.2.3 (Airport Hazards) (p. 2-64)

Section 2.3.2.3 provides that “the marginal shift in RPZs would not render existing or approved land uses incompatible with an applicable ALUCP or constitute a hazard to aviation.” (p. 2-65) The current ALUCP assigns lands within the airport influence area to a Safety Zone numbered 1 through 6 (see ALUCP Exhibit III-2). Safety Zone 1 is the RPZ and is the most restrictive in terms of compatibility of land uses. ALUCP Policy 3.4.12 states that the basic compatibility criteria for Safety Zone 1 preclude most uses, including any new structures and uses having an assemblage of people. Further, “the presumption is that the airport owner owns or intends to acquire property interests - fee title or easements - sufficient to effectuate this policy. The ALUC policy is to encourage airport acquisition of these property interests in all of Safety Zone 1 with funding assistance from the FAA.”

The analysis in this Section alludes to the ALUCP policy regarding the RPZ (Safety Zone 1), but does not address compatibility restrictions imposed on land uses in Safety Zones 2 through 6. It is conceivable that the northward shift of the runway and corresponding shift of the Safety Zones (in addition to the RPZ) could result in properties being placed in a more restrictive Safety Zone. This could in fact render an existing or approved land use incompatible with the ALUCP. In light of this potential outcome, please update this Section to address potential impacts to properties in all of the Safety Zones, not just the RPZ. (Please refer also to Master Plan Update Comment I.C, above, which address the treatment of the RPZs in the Master Plan Update.)

11. Section 2.3.6 (Conclusion) (p. 2-68)

This Section states that “The construction and operation of any structures on the inactive landfill units associated with the Proposed Project will comply with Title 27 CCR, Section 21190(g) to ensure there is no release of CH₄.” (p. 2-68) Please also address whether the proposed bridge method for constructing the runway extension can be accomplished without the release of methane.

12. Section 2.4 (Noise) (p. 2-73)

The CEQA Initial Study Checklist for the DEIR requires that a project “located within an airport land use plan” must be evaluated to determine whether the project would “expose people residing or working in the project area to excessive noise levels.” (See DEIR Appendix A, p. 33) We presume that this checklist item refers to projects located within areas subject to an ALUCP under California law. To meaningfully address this issue, individual noise events, such as a single aircraft flyover noise levels, must be taken into consideration.

While the DEIR includes analysis using the Community Noise Equivalent Level (“CNEL”) cumulative noise metric, local residents have a legitimate concern as to how the Proposed Project will affect the number of additional nighttime overflights, the frequency of those overflights, and their effect on sleep disturbance. This concern is of particular significance because no restrictions on aircraft operating hours are proposed at the airport. Single noise events must be analyzed in order to adequately address whether residents will be exposed to noise levels that rise to the level of being annoying or interfering with daily activities. Please include such an analysis in the evaluation of noise impacts of the Proposed Project. Please assure that this analysis includes an evaluation of impacts to Carlsbad residents living both north and south of Palomar Airport Road.

13. Section 2.4.1 (Noise -- Existing Conditions) (p. 2-73)

To evaluate noise impacts, Section 2.4.1 explains that “An ambient noise survey was conducted based on twelve noise measurements taken in ten separate locations.” (p. 2-74) The locations of these measurements are shown on Figure 2.4-3 (Ambient Noise Measurements) (p. 2-93). It is clear from this figure that while 15-minute ambient noise measurements were taken in all directions surrounding the airport, 24-hour noise measurements were not taken to the north of the airport. Carlsbad residents have expressed concern regarding both the noise impacts of aircraft overflights throughout the night, and the lack of measurements taken to the north of the airport. Please explain why no 24-hour noise measurements were taken in this location.

14. Section 2.4.1 (Noise -- Existing Conditions) (p. 2-73)

The FAA’s proposed Southern California Metroplex “NextGen” air navigation system has the potential to affect flight patterns and schedules within the vicinity of the airport. While San Diego County has no control over the FAA or its management of navigable airspace, there is no doubt that the implementation of FAA’s Metroplex plans has caused considerable community concern and disruption throughout the nation – from northern California to Phoenix and from Seattle to Washington, DC. In light of the cumulative impacts of these new flight track procedures and the Proposed Project, please update the DEIR to evaluate noise impacts in the context of FAA flight track changes. The City previously provided this comment to the County in connection with the 2016 publication of the DEIR Notice of Preparation, but no discussion of the interplay between the FAA’s NextGen system and the Proposed Project was included in the DEIR.

15. Section 2.4.2 (Noise -- Analysis of Project Effects and Determination as to Significance) (p. 2-77)

Section 2.4.2 provides that “The analysis in this PEIR includes a comparison of the Proposed Project’s potential aviation noise impact associated with increased commercial air service activity in existing (2016) conditions, and future (2036) conditions. The County has no discretion or enforcement over non-commercial aviation activity, so the noise impact analysis does not include anticipated growth of non-commercial aircraft growth over the planning period.” (p. 2-78)

This statement is both incomplete and not meaningful for CEQA purposes. First, the quotation in the DEIR is not complete. The technical report states: “As the County has the discretionary authority to allow for additional commercial service operations at the Airport, the noise analysis included not only an evaluation of impacts generated from the Proposed Project improvements, but an evaluation of the change in noise generated from the increase in commercial aircraft operations forecasted in the Airport Master Plan.” (Appendix D, Executive Summary, p. vii). Please clarify whether the statement in the DEIR or in the Appendix is accurate because the two statements are fundamentally different.

The City understands that the County may not directly place restrictions on any aeronautical activity with FAA approval under the federal Airport Noise and Capacity Act of 1990. This statute applies equally to both commercial and non-commercial airport users. Contrary to the statement in the DEIR, no distinction is recognized based upon the type of user. Notwithstanding limitations on the County’s authority under federal law, there is nothing in CEQA which exempts the County from analyzing: (1) increases in aircraft activity attributable to the Proposed Project, even if it does not have the independent legal authority to control that activity; and (2) cumulative impacts of aircraft operations at the airport – regardless of the type and regardless of whether such impacts are attributable to the Proposed Project. The purpose of the DEIR is to analyze impacts even if the County itself cannot prevent those impacts and the County’s authority is only relevant in the later discussion of mitigation.

While the County has extremely limited authority to limit actual aircraft operations, the County does have considerable (and virtually plenary) authority to develop (or not develop) facilities to accommodate aircraft users. For example, the County enters into ground leases with fixed-base operators that service aircraft of various sizes and types, and as a ground-facility manager, it has at least indirect control over whether facilities are provided either to *accommodate* or to *induce* certain types of commercial or general aviation operations. As an example, if the County chose not to provide facilities to accommodate certain types of aircraft, while it could not prohibit those aircraft from operating at the airport (if their operation were safe), and while it could not prohibit a private sector service provider from accommodating those operations (if doing so complied with the County’s minimum standards), the decision on what facilities to provide, when to provide those facilities, the price at which services are

provided, and the general level of customer service for users would all be highly relevant in the level of operations by that type of aircraft. It is, therefore, overly simplistic and inaccurate to assert that the County has no control over aircraft operations and that it therefore need to examine the impacts of certain types of operations. We request that the County explain that, while the County has no discretion or enforcement over *either commercial or non-commercial* aviation activity, its decisions on where, when and how to provide facilities will have an effect on aircraft operations. The County should explain the relationship between facilities and operations for both commercial and non-commercial operations. For clarity, the County should explain the cumulative impacts of: (1) actions within the County's control; (2) actions as a result of the Proposed Project; and (3) cumulative actions that result in an increase in aircraft operations at the airport.

Regardless of the legal extent of County authority, the County should explain transparently that the impacts of aircraft noise are not tied to whether particular operations are commercial or non-commercial in nature and are not tied to the County's lack of legal authority to regulate such operations. The noise impacts of both of these types of operation should be analyzed in the DEIR as noise impacts. The California Airport Land Use Planning Handbook provides at D-27 that "For general aviation, solid data may be scarce and use of estimates may become necessary." While the County may not have comprehensive data on general aviation, it must not disregard the potential noise impacts from this form of aviation. CEQA Guidelines § 15144 states that "While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can." Best efforts should therefore be made to anticipate non-commercial aircraft growth over the planning period, and to analyze the potential aviation noise impact of such growth in the DEIR. (It is worth noting that general aviation airports in the United States routinely prepare noise contours, engage in noise compatibility planning under Part 150 of the Federal Aviation Regulations, mitigate noise impacts and, most importantly, prepare forecasts of aviation activity to justify capital projects. The County clearly has the expertise comparable to that of other general aviation airport proprietors to engage in such analysis.) The County should distinguish in its noise analysis between cumulative noise impacts and those impacts that are attributable to the Proposed Project.

16. Section 2.4.2.1 (Noise Sensitive Land Uses) (p. 2-79)

The noise analysis in the Master Plan Update and DEIR considers two different forecast planning scenarios – PAL 1 (totaling 195,000 annual aircraft operations) and PAL 2 (totaling 208,004 annual aircraft operations) (see DEIR p. 2-80). We note that the current ALUCP assumes 289,100 annual operations (see ALUCP p. 3-2), which is a substantially larger figure than that presented in either PAL 1 or PAL 2. Please address the reasons for this difference. In particular, if the County rejects the ALUCP forecast, the DEIR should explain why the County's projections are more reliable than those previously done as part of the ALUCP process.

17. Section 2.4.2.1 (Noise Sensitive Land Uses) (p. 2-79)

This Section provides that “In accordance with FAA guidelines, the noise analysis is measured by comparing conditions with and without the project in the same implementation year (i.e., 2036)... In other words, for the purpose of the noise analysis, the ‘without project’ scenario anticipates that aircraft operations would naturally continue to increase overtime [sic] regardless of commercial airline activity or capital improvements associated with the Master Plan Update.” (p. 2-79) Essentially, two future baselines are being compared against one another, instead of comparing existing conditions to projected ones, to determine noise impacts to noise sensitive land uses.

CEQA Guidelines § 15125(a) requires that “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. The environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

CEQA requirements are therefore generally understood to require that measured existing conditions be used as a baseline against projected future conditions. However, the California Supreme Court has held that “Projected future conditions may be used as the sole baseline for impacts analysis if their use in place of measured existing conditions – a departure from the norm stated in Guidelines § 15125(a) – is justified by unusual aspects of the project or the surrounding conditions.” *Neighbors for Smart Rail v. Exposition Metro. Line Constr. Auth.*, 57 Cal. 4th 439, 451-52, 160 Cal. Rptr. 3d 1, 12, 304 P.3d 499, 508-09 (2013)

We note that Table 2.4-6 (Existing Conditions vs. Existing Conditions with Proposed Project [PAL 2]) (p. 2-99) does compare current conditions to future forecasts, and a brief discussion of this comparison is provided in Sections 2.4.2.1 and 2.4.2.2 (Project Generated Airborne Noise) (p. 2-81). However, the focus of the noise analysis remains a comparison of future-to-future conditions, not present-to-future conditions. In light of the CEQA guidance set forth above, and in light of the need for transparency, please include an additional comparison of present conditions to future projections with respect to noise impacts. Such a comparison will allow the public to have an understanding of the future environment (as compared to today’s environment) without regard to whether the changes from today are attributable to actions by the County (as set forth in the Master Plan Update) or are attributable to organic growth in aircraft operations. Understanding the County’s role as decision-maker is important to the disclosure and transparency objectives of CEQA and without such data, it is difficult or impossible for the public to have a meaningful understanding of that role.

18. Section 2.4.2.1 (Noise Sensitive Land Uses) (p. 2-79)

This Section explains that the “PAL 2 noise contours extend over Planned Industrial and Open Space land uses that are not defined by the FAA or ALUCP as noise sensitive.” (p. 2-80) These land use classifications are based on the Carlsbad General Plan’s planned uses for this area however, and do not necessarily reflect current conditions. Additionally, Section 2.4.3 (Cumulative Impact Analysis) provides that “there are no noise-sensitive land uses located within the 60 [dB] CNEL contours under Existing Conditions (2016) or Future Conditions (2036) scenarios. A review of the City of Carlsbad’s General Plan determined that there are no changes to the land uses surrounding the Airport...” (p. 2-84) This statement is not precisely accurate. We note that there are a number of hotels in the vicinity of the airport, and that hotel uses are considered noise sensitive land uses (see p. 2-79). Rather than relying solely on the *planned* uses as set forth in the Carlsbad General Plan, please evaluate whether the Proposed Project will impact nearby *existing* or recently *approved* hotel uses.

19. Section 2.4.2.2 (Project Generated Airborne Noise) (p. 2-81)

The threshold outlined in this Section discusses non-construction airborne noise, while the analysis focuses entirely on noise from projected vehicle trips. Please address why no other airborne noise sources are discussed in this Section.

20. Section 2.4.5 (Mitigation Measures) (p. 2-84)

This Section explains how construction noise mitigation measures will be implemented to ensure that the noise limits specified in the San Diego County Code will be adhered to, and that if the construction hours mandated by the County Noise Ordinance need to be varied, County airport staff will seek a Noise Variance Permit from the County Noise Officer.

The City also limits construction hours in Carlsbad Municipal Code Section 8.48.010 (Construction Hours Limitations), which should similarly be adhered to. Please commit to following these limitations, unless exempted by a designated City official.

21. Section 2.4.5 (Mitigation Measures) (p. 2-84)

The City requests that the County commit to allowing the City to review and comment on construction noise mitigation plans and implementation processes. The City further requests that the County commit to coordinating with the City’s Communications Office regarding planned major construction activities, so that residents and businesses can be informed of such activities in a timely manner.

22. Section 2.4.5 (Mitigation Measures) (p. 2-84)

At the February 13, 2018, airport informational meeting hosted by the County, airport staff described steps that the County intends to take to strengthen Voluntary Noise Abatement Procedures (“VNAP”) beyond the VNAP measures described in the Master Plan Update. Please incorporate these actions into the planned mitigation measures outlined in the DEIR, and

update the Master Plan Update to include these additional steps. The inclusion of comprehensive VNAP is especially important in light of the fact that Policy F-44, which included a VNAP commitment, may be rescinded (as discussed above in Master Plan Update Comment II.A.1). So that the public can understand the value of the VNAP as a mitigation measure, it would be helpful for the County to provide data (to the extent that it is available) on the degree of compliance with the VNAP – is this program a meaningful mitigation measure or it something on paper only that aircraft operators routinely ignore? Since the Carlsbad community so fundamentally depends upon the success of the VNAP, it is important to understand whether it has been successful in the past, whether the County expects the level of compliance to increase or decrease, and what further actions, if any, that the County plans to take to ensure compliance to the maximum extent permitted by law. We expect that the mitigation section will include a commitment by the County to encourage and pressure users for compliance with the VNAP to the extent allowed by federal law.

23. Section 2.5.1.1 Transportation and Traffic – Study Area) (p. 2-101)

Please note that reference is made on p. 2-102 to “Oak Ridge Way” but no such road exists in the area.

24. Section 2.5.2.6 (Regulatory Setting) (p. 2-105)

This Section correctly notes that Palomar Airport Road from I-5 to College Boulevard and from El Camino Real to Melrose Drive are exempt from the City’s vehicle Level of Service (“LOS”) standards (see p. 2-106). This intersection is instead governed by Policy 3-P.11 of the Carlsbad Mobility Element (p. 3-30), which identifies the need to implement both Transportation Demand Management (“TDM”) strategies and Transportation System Management (“TSM”) strategies in this location.

To mitigate the impacts of the Proposed Project on traffic at this intersection, the City requests that the County develop a site/employer-based TDM plan, and that the County document the TDM activities that they are or will be implementing in conjunction with both the site/employer and operational activities of the airport.

25. Section 2.5.4.1 Performance of Circulation System (p. 2-108 – 2-109)

At the bottom of page 2-108, the language states that “The Proposed Project will not augment the non-commercial uses at the airport and therefore, non-commercial land uses did not need to be accounted for in the trip generation projections.” As a general matter, as with our comments on other DEIR sections, we do not believe it is appropriate for the transportation analysis to omit from its analysis trips that may be generated by non-commercial land uses. As one example, the Master Plan Update at page 3-24 clearly states that based aircraft at the Airport is projected to increase, presumably resulting in an increase in vehicle trips associated

with based aircraft use. Please explain why the DEIR does not include vehicle trips from non-commercial activities in its transportation analysis.

26. Section 2.5.4.1 Performance of Circulation System (p. 2-108)

In the third paragraph of page 3-59, the DEIR refers to transportation improvements recommended in the Airport Multimodal Accessibility Plan (AMAP) and the Regional Aviation Strategic Plan (RASP), prepared by the SDCRAA; however, these improvements are not described in this transportation section. Please identify what the recommended improvements are and how they relate to the Master Plan Update and relevant sections of the City's General Plan.

27. Section 2.5.4 Cumulative Impact Analysis (p. 2-112)

As noted above with regard to Table 1-4, a number of projects identified by the City for the cumulative impacts analysis do not appear to have been included in this study. Please explain this omission.

28. Section 2.5.6 (Transportation and Traffic – Mitigation Measures) (p. 2-114)

a) M-TR-1: Palomar Airport Road / El Camino Real Intersection: Section 2.5.6 describes that "Cumulative impacts would be mitigated below the level of significance by financially contributing a fair-share payment to the City of Carlsbad towards the installation of signal improvements along Palomar Airport Road or other Transportation System Management strategy to improve signal operations....this would equate to an estimated fair-share payment of 7.5 percent..." (p. 2-114). The City concurs with this mitigation measure.

b) M-TR-2: Palomar Airport Road / Camino Vida Roble Intersection: Per Policy 3-P.10 of the Carlsbad Mobility Element, this intersection is not exempt from the City's vehicle LOS standards, and therefore the appropriate mitigation measure would be to reconfigure the intersection. The DEIR should include an improvement to the intersection to mitigate impacts, and the County should contribute a lump sum payment of 10.7 percent of the cost of this mitigation measure. Alternatively, the County may request that the Carlsbad City Council approve adding this intersection to the list of street facilities exempt from LOS standards, and follow the approach set forth above with respect to the intersection of Palomar Airport Road and El Camino Real, utilizing a cost-share rate of 10.7 percent rather than 7.5 percent.

C. Chapter 3 Environmental Effects Found Not to be Significant

1. Table 3.1.2-6 (Future Project Emissions from Operational Activities) (p. 3-26)

Please provide operational emissions in pounds per day, rather than tons per year, as this is the measurement referenced in the significance threshold. (See Section 3.1.2.3 [Analysis of Project Effects and Determination as to Significance] [p. 3-14])

It appears that the analysis outlined in this table is based solely on future commercial flight operations, not all flight operations (which would also include general aviation activities). The omission of general aviation operations from this analysis provides an artificially low total emissions result. Please update this analysis to consider emissions from both commercial and general aviation operations.

Additionally, the City has concerns regarding the reliability of the future baselines included in this table, as they are dramatically lower than existing emissions totals. Table 3.1.2-1 (p. 3-23) indicates that existing carbon monoxide emissions total 1,111.54 tons per year (or 6,090 pounds per day, far in excess of the 550 pounds per day significance threshold). The projected emissions totals set forth in Table 3.1.2-6 are significantly lower than these numbers. Please provide a more comprehensive discussion regarding the methodology for reaching these numbers, and as noted, include general aviation emissions also in these totals.

2. Table 3.1.2-7 (Project-related Emissions from Operational Activities) (p. 3-26)

The notes to this table explain that the “Proposed Project” is defined as only aircraft operations associated with commercial activity from PAL 2 (since the County has discretion over approval of commercial air service leases). As discussed above with respect to noise impacts and the project emissions set forth in Table 3.1.2-6, this approach seems to underestimate actual airport impacts, as general aviation operations are being omitted. We note that future airport improvement projects benefit, and therefore likely attract, growth of all aircraft operations, not just commercial flights. Please ensure that the DEIR analyzes impacts of all operational activities – commercial and general aviation.

3. Section 3.1.4.2.5 (Expansive Soils) (p. 3-41)

This Section provides that “The CBC [California Building Code] requires that the Proposed Project, both airfield and landside improvements, comply with the building permit or with the Building Code in effect when final design plans are submitted.” (p. 3-42) The City wishes to clarify that airport buildings are subject to any and all codes and standards adopted by the City of Carlsbad, including local amendments, except for those buildings owned, leased or occupied by the County, State, or by federal agencies. This authority is grounded in Chapter 1 of the California Fire and Building Codes. With respect to the airport, the County’s jurisdiction is therefore over the Airport Terminal, the Aircraft Rescue and Firefighting facility, the

Maintenance and Operations Building and the Administrative Office Building. All other airport buildings and hangars are the responsibility of the City of Carlsbad Fire and Building Departments for the purposes of plan review, permit issuance and construction inspections. Please ensure that the DEIR clarifies this distinction.

4. Section 3.1.5 Greenhouse Gas Emissions (p. 3-53)

We have the following comments on the GHG emissions analysis.

a) The DEIR's regulatory environment section should be revised to describe the applicable provisions of the Air Resources Board's 2017 Scoping Plan² and San Diego County's Final Climate Action Plan (CAP),³ which was adopted on February 14, 2018. The 2017 Scoping Plan sets forth the state strategy to achieve SB 32's GHG reduction target of reducing GHG emissions to 40% below 1990 levels by 2030, including strategies for stationary and mobile source GHG emissions. Similarly, the County CAP presents strategies for reducing stationary and mobile source GHG emissions from County facilities such as the McClellan-Palomar Airport. Also, the regulatory environment section should be updated to describe applicable requirements of the latest version of SANDAG's RTP/SCS, entitled San Diego Forward: The Regional Plan, which was adopted in 2015.⁴

b) The GHG impact analysis uses incorrect and outdated methodologies and significance thresholds, and should therefore be revised, as discussed in detail below. Lead agencies are required to ensure that CEQA GHG impact analyses stay "in step with evolving scientific knowledge and state regulatory schemes." *Cleveland National Forest Foundation v. San Diego Association of Governments (2017)* 3 Cal. 5th 497, 519.

c) The GHG impact analysis repeatedly and mistakenly asserts (see, e.g., p. 3-55) that since the County has no authority to regulate aircraft or their emissions, there is no applicable methodology or threshold with which to evaluate their significance. This type of assertion misstates CEQA's requirements and should be removed from the DEIR. Even if the County cannot directly regulate aircraft emissions, the DEIR must still disclose those emissions and address the feasibility of mitigating any significant impacts, for example through changing those airport operations which the County does control. See *Association of Irrigated Residents v. Kern County Bd. of Supervisors (2017)* 17 Cal.App.5th 708 (County was not preempted from disclosing rail operations impacts caused by refinery expansion and identifying feasible

² https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf

³

https://www.sandiegocounty.gov/content/sdc/pds/ceqa/Climate_Action_Plan_Public_Review.html

⁴ <https://www.sdforward.com/previous-plan>

mitigation measures, even though it was preempted from directly regulating mainline rail operations).

Moreover, the referenced ACRP Report 11 Guidebook (p.16) states that “airports can have varying degrees of influence over sources they do not own. In general, all airport tenants are affected by the assets owned and controlled by the airport operator in some way, even if loosely through airport policies. As such, the airport operator may influence each source at the airport to varying degrees, and may also be able to claim recognition/ credit for emissions reductions from those sources as well.”

d) The DEIR’s GHG analysis of both construction and operations emissions should be explicitly guided by CEQA Guidelines § 15064.4 which states in part that the significance of GHG emissions should be determined by whether the project increases GHG emissions as compared to the existing environmental setting (emphasis added), and the extent to which the project complies with requirements of statewide, regional or local plans to reduce GHG emissions. CEQA Guidelines § 15064.4 gives each lead agency the affirmative duty to develop its own GHG methodologies and thresholds regardless of project type. The DEIR misstates CEQA requirements when stating (p. 3-55) that “[i]n the absence of state and local GHG thresholds applicable to aviation sources and air travel,” the Draft PEIR uses CEQ guidance to analyze aviation-related GHG emissions.” The Council on Environmental Quality (CEQ) guidance for review of GHG impacts under NEPA is not applicable to the DEIR and should not be used, not only because it has been formally rescinded, but also because it is not consistent with the precise language of CEQA Guidelines § 15064.4.

e) The CAPCOA thresholds described on DEIR pages 3-57 and 3-58 for construction impacts are outdated and inapplicable to the proposed project for several reasons, and should not be used. The CAPCOA thresholds were published in 2008, when GHG impact analysis under CEQA was still in its infancy and the governing “SB 97” CEQA Guidelines for GHG analysis had not yet been adopted. The disclaimer to the CAPCOA white paper notes that the report was prepared soon after AB 32 was adopted in 2006, and that at that time, “the full programmatic implications of this new law” were “not fully understood.” The paper was intended as a resource “in the face of incomplete information during a period of change.”

Second, the DEIR provides no evidence that the 900 MT CO₂e and 4.9 MTCO₂e/SP/yr thresholds extracted from the CAPCOA paper would prevent significant GHG impacts from occurring given current scientific knowledge and state regulatory frameworks; for example, these thresholds were developed well before SB 32’s ambitious 2030 GHG reduction target of 40% below 1990 levels was enacted. To achieve this target, 2017 Scoping Plan (pp. 101-102) recommends a net zero threshold for project EIRs unless it is infeasible to achieve; a net zero threshold could be used to judge the significance of the proposed project’s construction GHG emissions unless it is infeasible to achieve.

Further, the DEIR improperly applies an efficiency threshold (4.9 MTCO₂e/SP/yr) to judge the significance of construction impacts, and this threshold should not be used. An efficiency threshold may theoretically be appropriate to apply to annual operational impacts, but not to short-term construction impacts, as the example calculations presented in the CAPCOA white paper demonstrate (see, e.g., pp. 62-64).⁵ In addition, the DEIR improperly uses the entire San Diego County service population as a denominator when calculating the proposed project's efficiency metric; to be accurate, it should have used the project-specific Master Plan's service population. Lastly, the 4.9 MTCO₂e/SP/yr threshold appears to be derived from AB 32's 2020 GHG reduction target, not the more ambitious SB 32 GHG reduction target (CAPCOA white paper, p. 4).

f) The construction impacts analysis improperly treats each of the 16 improvement elements as a discrete project, thereby "piecemealing" impacts of the Master Plan and understating the overall construction related GHG emissions. Because GHG emissions persist in the atmosphere for many decades, it would be especially appropriate for the DEIR to add all construction emissions to determine overall construction impacts of the Master Plan. Under CEQA, a project under CEQA is defined as "the whole of the action" that may result either directly or indirectly in physical changes to the environment (CEQA Guidelines § 15378(a)). For this DEIR, the Master Plan is a single project. Therefore, construction emissions from each project element should be totaled. To avoid piecemealing, construction GHG emissions should then be added to operational GHG emissions to disclose total GHG emissions caused by the Master Plan.⁶

g) For operational GHG emissions, the DEIR does not present an explicit quantitative significance threshold that is consistent with current scientific knowledge and state's regulatory schemes. For example, consistent with the 2017 Scoping Plan, a net zero threshold could be used to judge the significance of the proposed project's operational GHG emissions unless it is infeasible to achieve.

⁵ Regarding operational impacts, the three reasons the DEIR (p. 3-58) uses for not applying an efficiency threshold to operational impacts (e.g., "[t]he EIR is programmatic") are not persuasive, since a Program EIR is prepared for a series of actions that can be characterized as one large project. CEQA Guidelines § 15168(a). Nevertheless, in a revised analysis an efficiency threshold should not be applied to proposed project operational impacts without further evidence that it is relevant to project impacts, and would prevent significant GHG impacts from occurring given current scientific knowledge and state regulatory frameworks.

⁶ These comments nevertheless address the validity of separate thresholds for construction and operational impacts because that is the approach used in the DEIR.

h) The operational impact analysis improperly uses only a future baseline (future conditions without project); see, e.g., Table 3.1.5-6. However, the environmental setting (existing conditions) normally constitutes the baseline by which the lead agency determines whether an impact is significant. CEQA Guidelines § 15125(a). A future baseline, if supported by substantial evidence, may also be used in addition to the existing environmental setting, but cannot be the sole baseline unless use of the existing environmental setting would be uninformative or misleading. *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal. 4th 439. The DEIR cites FAA Guidance recommending comparison of future no project and proposed project emissions (p. 3-62), but this guidance does not supersede CEQA's requirements for also presenting an analysis using an existing conditions baseline.

The DEIR does not demonstrate that using an existing conditions baseline would be uninformative or misleading. Proposed project GHG emissions compared to existing conditions could theoretically be calculated from information presented in the Draft Climate Change Technical report, but important information like this should not be buried in an EIR appendix where it is difficult for the average reader to locate and understand. See, e.g., *California Oak Found. v. City of Santa Clarita* (2005) 133 Cal.App. 4th 1219. Therefore, the DEIR text should be revised to include an operational GHG emissions impact analysis using existing conditions as a baseline.

i) Even under a future baseline, the GHG increases from operational activities are quite large (as shown in Table 3.1.5-6. a net increase of 13,469 MTCO₂e/yr under Scenario PAL 1, and 24,115 MTCO₂e/yr under Scenario PAL 2). Using an existing conditions baseline would add an additional 15,290 MTCO₂e/yr to these increases (Table 3.1.5-5 total minus Table 3.1.5-1 total). These large increases should be considered significant impacts; the DEIR presents no convincing reasons why they should not be considered significant. Further, the analysis does not appear to include existing and future emissions by all of the various FBOs/tenants, and thus does not provide a complete picture of airport related GHG (see, e.g. Table 3.1.5-2); the DEIR should explain these omissions.

j) The Draft PEIR (p. 3-63) uses conflicts with applicable plans, policies, and regulations for reducing GHG emissions as a significance threshold for operational emissions, but the one paragraph analysis is conclusory and fails to address conflicts with two highly-relevant plans -- the 2017 Scoping Plan and the County CAP. The DEIR should be revised to disclose these conflicts and the associated significant impacts.

The proposed project's combined construction and operational GHG emissions should be considered significant because they are inconsistent with the 2017 Scoping Plan. The proposed project's large GHG emissions increases are inconsistent with the state's ability to achieve the steep declines in GHG emissions called for in the 2017 Scoping Plan, and the proposed project fails to explicitly incorporate stationary and mobile source GHG reduction strategies described in the 2017 Scoping Plan.

The proposed project's combined construction and operational GHG emissions should also be considered significant because they appear to be inconsistent with the adopted County CAP. The Draft PEIR does not disclose whether the proposed project's emissions are included in the County CAP emission projections. It appears the County CAP excluded McClellan-Palomar Airport from its County Operations Greenhouse Gas Emissions Inventory (see County CAP Appendix B, Table 3). If airport GHG emissions are not covered by the County CAP, it becomes even more important that GHG emissions are properly analyzed as significant as part of the DEIR, and mitigated.

Also, to help determine consistency with the County CAP, the DEIR should disclose whether the proposed project incorporates any of the following the following County CAP measures designed to reduce GHG emissions from County facilities:

- T-2.3 Reduce county employee VMT
- T-3.2 Use alternative fuels in County projects
- T-3.4 Reduce the County's fleet emissions
- E-1.4 Reduce energy use at County facilities
- E-2.4 Increase use of on-site renewable electricity generation for County operations
- W-1.3 Reduce potable water consumption at County facilities

k) Based on the above comments, the proposed project's GHG emissions impact appear to be significant. The DEIR should therefore be revised to reach this conclusion and then present feasible measures or alternatives to avoid or substantially lessen this impact. Potentially feasible mitigation measures can be derived from the County CAP GHG reduction measures listed above, from City of Carlsbad's adopted Climate Action Plan, and from the San Diego Forward Final EIR (e.g., Mitigation Measure GHG-4H). In addition, Section 4 of the Draft Climate Change Technical Report offers a number of GHG reduction mitigation measures that the County could implement as part of the Master Plan. These include electric-powered Ground Power Units and Ground Support Equipment, both of which the Technical Report considers to be potentially feasible.

l) The DEIR also fails to include a quantitative energy impact analysis, either as part of the GHG section or in a stand-alone analysis, as required by CEQA Guidelines Appendix F and case law interpreting Appendix F requirements. An EIR must quantify a project's energy impacts, and then determine whether a proposed project may result in significant environmental effects due to wasteful, inefficient, or unnecessary consumption of energy. See, e.g., *Tracy First v. City of Tracy* (2009) 177 Cal. App. 4th 912; *California Clean Energy Com. v. City of Woodland* (2014) 225 Cal.App.4th 173. These cases require that a project's increases in electricity, natural gas, and gasoline consumption must be quantified and included in the DEIR;

energy assumptions embedded in air quality and GHG emissions calculations, or statements indicating the project will comply with applicable building codes, are insufficient.

An energy impact analysis should be added to the DEIR. If the analysis determines that the proposed project's energy impacts are significant, then the DEIR should present feasible mitigation measures, many of which could be the same as discussed for GHG impacts above.

m) Under CEQA Guidelines § 15088.5, a DEIR must be recirculated for additional public review if "significant new information" is added in a way that deprives the public of meaningful opportunity to comment on a substantial adverse effect or feasible ways to mitigate or avoid such an effect that the project proponent declines to implement. Based on the above comments, significant new information that should be added to the Draft PEIR includes:

- Major revisions to the construction and operations GHG impact analysis. GHG emissions will likely be a new significant impact once appropriate significance thresholds are employed.
- Evaluations of potentially feasible mitigation measures to reduce the proposed project's significant GHG impact.
- Addition of a quantitative energy impact analysis and evaluations of feasible energy mitigation measures if energy impacts are significant.

Therefore, the County should consider whether the DEIR needs to be revised and recirculated.

5. Table 3.1.7-1 County-Owned Land (p. 3-82)

This table lists 82.67 acres of vacant property to the east of El Camino Real, but as previously discussed in this letter, the existing MALSR are located in this area. The City therefore suggests adding a footnote to this table, clarifying that this "vacant" property is the location of the MALSR.

Further, Section 3.1.7.1 (Existing Conditions), in describing the area outlined in Table 3.1.7-1, explains that the "County also owns a vacant 203-acre parcel located east of El Camino Real; however, this parcel is not included in the Proposed Project since no improvements are identified by the Airport Master Plan Update." (p. 3-81) Please update this Section to explain that this is the location of the MALSR and planned MALSR relocation.

6. Section 3.1.7.1.1 (Land Use and Planning – Existing Land Uses) (p. 3-82)

Section 3.1.7.1.1 provides that "The airport is bounded to the east by El Camino Real, and further east lies a County-owned parcel that contains a mixture of existing industrial uses,

vacant fallow lands, and existing open space granted to the City under a conservation easement.”⁷ (p. 3-82 - 3-83) This conservation easement applies to property located to the northeast of El Camino Real and Palomar Airport Road, in the vicinity of the existing MALSR system. Please discuss whether the proposed relocation of the MALSR will impact the land subject to the Conservation Easement, and if so, how the County will address this impact. (Please also refer to DEIR Comment II.B.6, above, regarding the potential impacts to biological resources of relocating MALSR in a designated preserve area.)

7. Section 3.1.7.1.2 (Land Use and Planning -- Relevant Policies, Ordinances, and Adopted Plans) (p. 3-83)

This Section describes the guidelines that should be considered in land use planning for airport improvements. In addition to the policies listed, please also include the El Camino Real Corridor Development Standards (applicable to actions that impact property facing El Camino Real), the Carlsbad Landscape Manual, and Carlsbad Municipal Code Chapter 21.95 (Hillside Development Regulations).

8. Section 3.1.7.1.2 (Land Use and Planning -- Relevant Policies, Ordinances, and Adopted Plans) (p. 3-83)

This Section provides that “Section 21.53.015 [of the Carlsbad Municipal Code] would only be applicable if the County were to expand the Airport beyond its current boundaries and a City legislative enactment or City expenditure in support of such an expansion were required.” (p. 3-90) As there are varied opinions as to what actions would constitute “expansion” (the actual term used in the Code), rather than simply an enlargement of the airport beyond its current boundaries, please clarify that this is the County’s position as to the applicability of the Code. Please also clarify that a zoning change necessary for the expansion as well as a City legislative enactment or City expenditure, would trigger the applicability of this Code section.

Similar clarification is required in Section 3.1.7.2.2 (Conflict with Applicable Land Use Plans, Policies, or Regulations) (p. 3-92), where a similar description of the applicability of Code section 21.53.015 is made.

Please also note that as individual plan components of the Master Plan Update are developed for implementation, the City will review each such project to determine whether the project prompts the need for additional approvals from the City or a public vote pursuant to Carlsbad Municipal Code Section 21.53.015.

⁷ Conservation Easement Deed #2004-1123441 was authorized by the County Board of Supervisors on June 23, 2004 and subsequently approved on October 14, 2004. The document was recorded on November 30, 2004.

9. Section 3.1.7.1.2 (Relevant Policies, Ordinance, and Adopted Plans) (p. 3-84)

As described on p. 3-86 of this Section, the City has adopted a Growth Management Plan, which places conditions on how growth may occur while maintaining a desirable mix of commercial, industrial, recreation, open space, and infrastructure. In connection with the Growth Management Plan, the City has been divided into 25 subareas with a unique Local Facilities Management Plan (“LFMP”) for each subarea. The airport is located within LFMP Zone 5.

While the LFMP is referenced in this Section, no discussion is provided regarding whether the Master Plan Update is consistent with the Zone 5 LFMP. The DEIR should include such an evaluation.

10. Section 3.1.7.1.2 (Relevant Policies, Ordinance, and Adopted Plans) (p. 3-83 – 90)

This Section describes on page 3-87 that “As part of the proposed Airport Master Plan, the ALP would be revised to depict anticipated improvements in the 20-year planning period (2016-2036).” Please also describe how the revised ALP would trigger the need to update the Airport Land Use Compatibility Plan (“ALUCP”) (which is touched upon in Section 3.1.7.2.2 [Conflict with Applicable Land Use Plan, Policies, or Regulations] [p. 3-91]), and how this in turn may require the City to update its General Plan for consistency with the ALUCP.

11. Section 3.1.7.1.2 (Relevant Policies, Ordinance, and Adopted Plans) (p. 3-83 - 90)

This Section explains that the Carlsbad General Plan “identifies the Airport with a land use designation of ‘Public’ and has the property zoned ‘Industrial.’” (p. 3-87) While this is true of the area to the northwest of El Camino Real and Palomar Airport Road, other portions of airport property to the east of El Camino Real and to the south of Palomar Airport Road have other land use and zoning designations. This description highlights the importance of providing clear definitions of the various forms of airport property, as discussed in DEIR Comment I.B, including the area owned by the County for airport uses, and the area currently within the airport fence line. Please ensure that the DEIR correctly characterizes all of the applicable land use and zoning designations.

12. Section 3.1.7.1.2 (Relevant Policies, Ordinance, and Adopted Plans) (p. 3-83 – 90)

Page 3-89 of the DEIR regarding CUP 172 states “While the County has immunities from City land use requirements, including the requirement to obtain a new CUP or amended CUP, and the County hereby asserts those immunities, the County notes that design changes to the

Airport addressed by this Master Plan Update remain consistent with the portions of CUP-172 that have not been rendered moot by the FAA.”

The DEIR is required to provide an independent evaluation of the impacts of a project, not simply state legal conclusions of the project sponsor. Please provide an independent analysis of the basis for this statement.

13. Section 3.1.7.2.2 ((Conflict with Applicable Land Use Plan, Policies, or Regulations) (p. 3-91 - 93)

This Section provides that “Because the Proposed Project site is owned by the County, it is not subject to the land use plans and policies or municipal code of the City of Carlsbad, except where identified” (p. 3-91) and notes that “Future County public infrastructure improvements as part of the Proposed Project are not subject to City of Carlsbad regulations as further discussed earlier in this section. In an effort to ensure coordination with the City, the County looks to leasees [sic] to obtain approvals of private development on leaseholds wherever necessary but reserves the right to assert available immunities on behalf of tenants.” (p. 3-92)

As discussed in DEIR Comment II.C.6 above, the City wishes to clarify that airport buildings are subject to any and all codes and standards adopted by the City of Carlsbad, including local amendments, except for those buildings owned, leased or occupied by the County, State, or by federal agencies. The City also retains jurisdiction over private development within County-owned buildings; if a private tenant within the airport terminal building sought to introduce a use not contemplated by CUP 172, such use would require City approval in the form of an amendment to CUP 172. Please ensure that the DEIR clarifies this distinction between the City and County’s respective land use authority.

D. Chapter 4 Project Alternatives

1. Section 4.4.2.4 (Land Use) (p. 4-8)

This Section explains that “the D-III Full Compliance Alternative [which would require approximately 22 acres of property acquisitions] would introduce new impacts associated with land use that would not otherwise occur under the Proposed Project.” Please also discuss how this alternative, in expanding the airport boundaries, may trigger the need for additional approvals from the City or a public vote pursuant to Carlsbad Municipal Code Section 21.53.015.