

NEWSLETTER*Santa Monica and Carlsbad – A tale of two cities.*

Santa Monica	Carlsbad
<p>For more than twenty (20) years, Santa Monica's City Hall ignored its citizen requests to get relief from the noise, pollution and property devaluations caused by the city owned airport.</p> <p>After years of no action or relief, in 2014, the citizens of Santa Monica put Measure LC and Measure D on the ballot. Both measures restricted the use of the public lands to not include an airport.</p> <p>This action was a result of the years of trying to work with the FAA and the aircraft industry to restrict the noise, pollution, implement a reasonable curfew "Quite Hours" and stop the continuing devaluation of property values when compared to the surrounding aircraft noise free communities around Santa Monica.</p> <p>Both measures passed (Measure LC - 59.73% and Measure D - 58.50%.) and it was reasonably expected the airport would close in 2015, when most of the lease contracts expired. See why https://youtu.be/9MkH9OJ3PtW.</p> <p>But, what is reasonable for the average person turns out is not reasonable for the FAA and the aircraft industry. TODAY, Santa Monica is embroiled in ongoing legal action with the FAA — see http://www.latimes.com/local/california/la-me-airport-ruling-20151205-story.html</p> <p>The consistency of the FAA's stalling tactics (used all over the country) is hopefully only postponing the inevitable and Santa Monica's quality of life and property values will hopefully achieve parity to the surround communities when the "will of the voters" is achieved.</p> <p>The latest FAA stalling tactic — the FAA has now sued the city claiming it is in violation of the post WWII agreements. That agreement reverted the airport buildings back to the original land owner — Santa Monica. But the FAA is now claiming because of the violation, it now owns the land. Click the following link to see Court of Appeals testimony https://www.youtube.com/watch?v=LQkOn93_Kco</p>	<p>Carlsbad, a city known worldwide for its family oriented healthy quality of life and beaches. Want proof - look no farther than the 2014 https://www.youtube.com/watch?v=l64r_RV2r5A and the 2015 https://www.youtube.com/watch?v=dC5ZJLEZkcA State of the City videos. But, Carlsbad's lifestyle is not by accident. It is a direct result of initiatives and propositions over the last thirty (30) years that directed city officials and staff how the citizens saw their city's future.</p> <p>But now, Carlsbad City Hall seems only interested in how to increase future tax revenues. In chasing those increased tax revenues, Carlsbad seems to have elected to ignored the fact the County violated the city's Conditional Use Permit (CUP) 172 and Ordinance 21.53.015, not once, but maybe three or more times, e.g., according to the County, in 2002, the County and the FAA changed CRQ's designation and informed the city. But, there was never a vote of the citizens as is directed by Ordinance 21.53.015.</p> <p>For more than eight (8) months, the city has been asked what happened to the citizens right to vote if CUP 172 is changed. To date and after numerous request, no answer has been received.</p> <p>CUP 172 states, "<i>The existing designation of the airport as a General Aviation Basic Transportation Airport shall not change unless an amendment to this CUP is approved by the Planning Commission.</i>" The Ordinance states, to change CUP 172 requires "... a majority vote of the qualified electors of the city voting at an election for such propose."</p> <p>Now, and as predicted, the County has finally presented its true vision for CRQ — a Modified C/D-III plan that will turn CRQ into a mini John Wayne type C/D airport. An airport that will destroy our lifestyle and property values. This new master plan is no longer about just extending the runway to allow only approximately .003% of today's airport traffic to fly nonstop to China.</p> <p>With Santa Monica, Santa Cruz, North Tustin, Newport Beach and many other cities as proven models to Carlsbad's future, why are Carlsbad officials not forcefully speaking out against the new County Modified C/D-III Master Plan?</p> <p>Lastly, the big unknown. Has Carlsbad's inaction on enforcing CUP/Ordinance, allowed the County and the FAA to circumvented CUP 172? If that is true, pay attention to what is happening in Santa Monica — it will happen here!</p>

Take a Way from the April 21st Palomar Airport Advisory Committee (PAAC) Meeting

1. Why was the well prepared "Palomar Airspace and Land Use" presentation given? After all, the audience was less than ten persons. Of the less than ten, the majority of the audience was airport related individuals and most likely already knew the facts that were presented.

The presentation started off with a slide show of things that have constantly changed/advanced over time, e.g., an old sailing ship advancing to a modern ship, old plane advancing to a jet aircraft, old train advancing to a high speed train, etc. At the end of the presentation, the theme became obvious — as the airport expands the present noise contour will expand with no recourse for the property owners impacted. The fact as presented, the airspace encompassed in the noise contour maps is and has been documented as an easement since 1994 but, it was not until 2006 before it became part of all new land title documents.

Question - What about those of us who have lived in Carlsbad before 1994? In reviewing my land title, there is no mention of an air noise easement around the airport, in fact, there is no mention of the airport. In looking at case law, I have not yet found any case law that supports the federal, state or local governments' ability to retroactively encumber private property with easements without first obtaining a majority vote of the local citizens. That said, this will require a lot more investigation.

2. Why was Peter Drinkwater, Director of County Airports, presentation theme and follow-on discussion CRQ will most likely stay strictly a small airport. Especially when it also included comments like, to paraphrase — the county feels as many as 500,000 commercial passengers will be flying out of this newly designed airport.
3. Why did Mr. Chuck Collins (PAAC Chairman) feel he needed to voice (one more time), the Boeing Class of plane cannot land at CRQ, the runway is not strong enough.

Fact — the 737 has landed at CRQ at least 4 times in the past. The runway is not a factor, the present configuration of the airport is the problem. Today's configuration is not suitable to handle aircraft the size of a 737.

Fact — with the new Modified C/D-III Master Plan under consideration, the airport configuration is going to change and the runway will become 800 feet longer than its present 4,897 feet. Or to put it another way, the new proposed runway will be 5,697 feet long — only 4 feet shorter than the 5,701 foot runway at John Wayne Airport.

4. Why is the PAAC or the airport refusing to include the addition of aborted landings and EPA noise violations in its monthly airport statistics as was requested in the November 2015 PAAC meeting and again in this April 21st. meeting? Is it because as was suggested in the questioning session, unlike airports with mandatory noise regulations, CRQ noise regulation is strictly voluntary and therefore not required by law.

If that is true, that may be the legal answer, but not an answer that should be acceptable for an airport and/or committee whose fiduciary responsibility is to protect the public's safety. As the saying goes, the devil is in the details; in this case, the details are in the data collected.

Only the data can predict a unsafe trend developing.

Without all the data, the statistics are incomplete and inaccurate. For instance, if 20% of the planes miss their approach and have to go-around, all pollution statistics collected could be underestimated by 20%. Also, the same would be true for any noise pollution statistics.