

6. The purpose of this ordinance is not to interfere with the Federal Aviation Administration (“FAA”) requirements (to the extent that such requirements preempt action by the city), but to operate in conjunction with those policies, laws, rules, and regulations to reduce or eliminate adverse airport impacts, public nuisances and to promote public health, safety, and welfare. Nothing herein shall be construed to: (1) affect in any manner any of the exclusive jurisdiction of the FAA, (2) violate safety regulations set by the FAA, or (3) to limit any proprietary right to provide General Aviation Airport aeronautical services.
7. That Chapter 21.04 of the Carlsbad Municipal Code is amended by the addition of Sections 21.04.024 and the amendment of Section 21.04.140.1, to read as follows:

21.04.024 Airport

“Airport” has the same meaning set forth and defined by Public Utilities Code Section 21013.

21.04.140.1 Expansion.

“Expansion” means to enlarge or increase the size of an existing structure or land use including the physical size of the property, building, parking and other improvements. In the context of airports, “airport expansion” has the same meaning set forth and defined by Public Utilities Code Section 21664.5. The acquisition of any real property interest which FAA requires to be depicted on the airport layout plan is included in this definition.

8. That Chapter 21.07 of the Carlsbad Municipal Code is amended to delete “airports” from Section 21.07.020 Table A, as follows:

Section 21.07.020 Table A

Use	P	CUP	Acc
Airports		3	

9. That Chapter 21.29 of the Carlsbad Municipal Code is amended to delete “airports” from Section 21.29.030 Table A, as follows:

Section 21.29.030 Table A

Use	P	CUP	Acc
Airports		3	

10. That Chapter 21.30 of the Carlsbad Municipal Code is amended to delete “airports” from Section 21.30.010 Table A, as follows:

Section 21.30.010 Table A

Use	P	CUP	Acc
Airports		3	

11. That Chapter 21.32 of the Carlsbad Municipal Code is amended to add a footnote to “airports” in Section 21.32.010 Table A, to read as follows:

Section 21.32.010 Table A

Use	P	CUP	Acc
Airports (see note 3 below)		3	

3. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city.

12. That Chapter 21.34 of the Carlsbad Municipal Code is amended to delete “air courier services” and “airlines offices, general offices;” and to add a footnote to “airports” in Section 21.34.020 Table A, to read as follows:

Section 21.34.020 Table A

Use	P	CUP	Acc
Air courier services (see note 1 below)	X		
Airlines offices, general offices (see note 1 below)	X		
Airports (see note 6 below)		3	

6. Permitted by issuance of a conditional use permit by the city council and only within the boundary of McClellan-Palomar Airport as depicted on the zoning map of the city.

13. That Chapter 21.54 of the Carlsbad Municipal Code is amended to update subsection C and with the addition of subsections D and E, to read as follows:

21.54.125 Amendments to development permits.

A. For purposes of this section, “development permit” means any permit, entitlement or approval required pursuant to Title 21 of this code, or pursuant to any applicable master, specific, or redevelopment plan.

B. Any approved development permit may be amended by following the same procedure required for the approval of said development permit (except that if the city council approved the original permit, the planning commission shall have the authority to act upon the amendment), and upon payment of the application fee contained in the most recent fee schedule adopted by the city council.

C. If an approved development permit was issued pursuant to the provisions of Section 21.54.040 of this title, any amendment to said permit shall be acted on by the decision-making authority that approved the original permit, except that if the city council approved the original permit, the planning commission shall have the authority to act upon the amendment.

D. Notwithstanding subsections B and C, the City Council shall retain the decision-making authority for amendments to development permits for new or expanded airport uses.

E. Amendments to approved development permits are reviewed under the city ordinances, policies, or standards in effect at the time of the amended permit application is filed and deemed complete or determined to be complete. In granting an amendment, the decision-making authority may impose new conditions and may revise existing conditions.

14. If any title, division, chapter, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is held invalid or unconstitutional for any reason by a court, that decision does not affect the validity or constitutionality of the remainder of this

ordinance or the remainder of the city's code. The City Council declares that it would have adopted each part of this ordinance irrespective of the validity of any other part.

EFFECTIVE DATE OF THIS ORDINANCE APPLICABLE TO PROPERTIES OUTSIDE THE COASTAL ZONE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

EFFECTIVE DATE OF THIS ORDINANCE APPLICABLE TO PROPERTIES INSIDE THE COASTAL ZONE: This ordinance shall be effective thirty days after its adoption or upon Coastal Commission approval of LCPA2024-0021, whichever occurs later; and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 19th day of November, 2024, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 3rd day of December, 2024, by the following vote, to wit:

AYES: BLACKBURN, BHAT-PATEL, ACOSTA, BURKHOLDER, LUNA.
NAYS: NONE.
ABSTAIN: NONE.
ABSENT: NONE.

APPROVED AS TO FORM AND LEGALITY:


CINDIE K. McMAHON, City Attorney



KEITH BLACKBURN, Mayor



SHERRY FREISINGER, City Clerk
(SEAL)

