

## Minutes

### Regular Meeting of the Watsonville Airport Advisory Committee Council Chambers

275 Main Street, 4<sup>th</sup> Floor, Watsonville, California

#### Remote Teleconference Meeting

<https://cityofwatsonville-org.zoomgov.com/j/1602455048>

Or iPhone one-tap: +16692545252,1602455048#

Or Telephone: +1 669 254 5252 or +1 669 216 1590

Webinar ID: 160 245 5048

**July 28, 2021**

**7:00 PM**

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#### 1. ROLL CALL

Marjorie Bachman (Monterey Bay 99's), Larry Lease (Non-Aviation Business), Glen Ceresa (County Resident), Dave Guerrieri (Airport Fixed Based Operator), Orry Korb (Watsonville Pilot's Association), Joe Shelton (City Resident) Scott Randolph (EAA #119).

Absent: Larry Lease, Scott Randolph

Staff member present: Airport Director, Rayvon Williams

#### PLEDGE OF ALLEGIANCE

Lead by Glen Ceresa

#### 2. COMMUNICATIONS

##### A. Oral Communications from the Commissioners & Members of the Public

Sara Chauvet- Resident of Santa Cruz County. "There's been lot of talk over the last several years about a land swap between the airport, the city and a private entity. It's not on tonight's agenda, the parachute landing safety review is". Chauvet has the following comments: "(1) The use of RWY 27 is being restricted due to visibility issue. The proposed land swap will result in a multistory building abeam runway 9 which will result in visibility issues with takeoffs on RWY 02." She keeps hearing that "the properties are the same acreage but what about the actual value of each piece? Has that been checked? The city is proposing trading flat pristine land for an area that has been used as a dumping ground for development in that area over the years. Who pays for cleaning it up? Who pays for an appraisal of these properties? Why is the airport so anxious to do this swap? We don't need to own the land incorporating Zone 5 to control it once the Watsonville Airport Compatibility Planning (WACP) is incorporated into the Watsonville General Plan (GP). The handbook criteria will control any building in Zone 5. No permits can be approved until the Watsonville Airport Compatibility Planning is incorporated into the Watsonville General Plan. Finally, but most importantly all this is prelude to shutting down 09-27 for safety reasons."

Guerrieri- Agrees that we need to be very careful with land swaps. "If the airport wants give up land, they will never ever get it back. The land is extremely valuable to the airport. There are other locations for non-airport related activities in Santa Cruz County and Watsonville. We should be very careful with giving up land that can serve for aviation use and turning it into non-aviation use. It has to have a real benefit to the airport before I will support it."

Bachman- At the WAAC meeting on November 19, 2019, the WAAC voted "No" on the following issue-

Approving the FAA process to look into the land swap. The WAAC did not support the motion and did not recommend to move forward with the land swap and the FAA looking further into the testing for the following reasons; (1) No permit should get approved until the WACP is incorporated into the Watsonville General Plan as Sarah mentioned. The general plan is dated from 2005 and it still has not been updated. (2) Safety concerns about moving the Parachute Landing Area (PLA) approximately 400ft closer to RWY 20 and constructing a multistory building approximately 500ft adjacent to the approach end of RWY09. Bachman continued, "is it legal to have a PLA overlying a parking lot? Who will pay for the land swap? Does the City Council need be in approval for this land swap?" Williams responds, "yes, they do".

Bachman- "At the November 19, 2019 meeting the developer representing Nordic Naturals told the WAAC that Nordic Naturals was only trying to be a good neighbor and he also mentioned that the owner really liked the aesthetics of putting that building over closer to RWY09 than in the current site that they have (3 acres)." Bachman believes this is not a good reason for the Land Swap, "to make the owner happy". We want to keep the airport as safe as possible and the 99s, who she represents, do not feel like this would be a good move. In summary, "the land swap would create a safety hazard for the pilots at Watsonville by moving the PLA approximately 400ft closer to RWY20 and putting up a building approximately 500ft from the centerline directly abeam the approach end of RWY 09. Also, the land swap can create a situation where advocates who want to develop the land at Buena Vista can attempt to shut down RWY09-27." "Most importantly, until the WACP is incorporated into the 2005 Watsonville GP, no land use permits should be considered or authorized within the Airport Influence Area which is the two miles surrounding the airport fence. The compatibility planning will follow the current Airport Land Use Compatibility Use Handbook and comply with the three lawsuits between Watsonville Pilots Association and the General Plan lawsuits."

Guerrieri- "Do we know that Nordic Naturals actually owns that land and all the parcels?" Williams responds "yes, they own that land".

Williams- All of the points mentioned can be discussed at another meeting since the land swap is not an item on the agenda.

Williams- Committed to providing who owns what parcels.

### **3. CONSENT AGENDA**

- A. Motion Approving Minutes for May 5, 2021 Meeting w/ corrections- Motion was initiated by Marjorie Bachman. Quorum met. Corrected minutes passed.

Korb-Item #5A Budget presentation report- Airport Director indicated that the budget surplus is \_\_\_\_\_ and the goal is to increase the surplus to \_\_\_\_\_. The cash balance as of June 30, 2021 was \$650,000 and Williams commented that the goal was to increase the cash balance to reach 1,000,000.

Bachman- Status of Storage Facility- Marjorie made a comment regarding the "ability of the city to act on permit applications, absent the general plan amendment". Williams requested specific verbiage be sent to him.

### **4. ITEMS REMOVED FROM AGENDA**

### **5. PRESENTATIONS & REPORTS**

- 6.a. Director's Report

United Flight Services

Williams- "The Superior Court ruled United Flights Services (UFS) has an easement to enter and exit the Airport's transient ramp where the barricades are placed. Those barricades will be removed to allow travel. The Airport will comply with the Court's ruling as soon as the Court clarifies the scope of this declared easement.

After the Court handed down its decision both parties posed post-trial questions for clarity on the scope of the declared easement. The Court notified all counsel that the Court intends to hand down clarifications soon.

As soon as the Court's clarifications are received, the barricades will be removed and the traffic plan will be designed to flow according to the Court's decision."

Korb- Comments, "I want to be clear. The position of the airport is, once the court has clarified its ruling regarding the easement, it is the Airport's intention to remove the barriers"? Williams responds, yes. In addition, there are three barriers that are referenced there. The remaining barriers will remain in place.

Ceresa- Asks, "what clarifications were asked of the court? What do they entail?" Williams replies, there were questions such as; who can travel, what can travel and route of travel?

Guerrieri- Asks, "does United Flight Services have a lease with the City?" Williams replies, "yes, it's been extended and it goes out until 2038 I believe". Guerrieri adds that there's nothing preventing United Flight Services and the City to mutually negotiate another possible resolution to solve both the airport's and UFS' concerns. Williams notes that "yes, there's nothing to prevent that". He adds that "he believes that the airport provided a number of options (at least one the airport was willing to pay for) and there wouldn't be anything to preclude that".

#### 1. Municipal Airport Master Plan Update Status

Williams- Thanks Marjorie, Scott and Joe for their assistance in serving as the review committee.

The Airport has just presented the Aviation Forecasts to the FAA and are awaiting their review. The documents may go to the City Council for approval in March of 2022 instead of January 2022.

The airport reached out to pilots, tenants, airport users and residents nearby to the Master Plan Public Meeting on August 11, 2021 at 6:00pm at 60 Aviation Way, Watsonville, CA 95076. It has also been advertised on the newspaper.

#### 2. Airport Compliance Documents Biennial Update

Williams- The letter with the proposed changes will be sent out to the WAAC to collect comments. The letter will then be mailed out to the tenants. The draft regulation update will be available online for review. There will be a comment period. We will sort through the comments and put them in a spreadsheet. We will then share the comments with the WAAC. Once we receive clarification from the WAAC we will share the comments with the public.

#### 3. Parachute Landing Area Safety Review 1:07:54

Williams- At the end of 2018 and the start of 2019 Guy Chanda approached the Municipal Airport stating that Nordic Naturals was expanding. They had already completed one expansion. Williams advised Chanda that nothing could be done within Safety Zones 1- 5 without the Community Development Department (CDD) notifying the Airport and the WAAC. The commitment made to the WAAC in 2012 when the new Land Use Handbook came out is that if it was related to the safety zones, the city would need to touch base with the Airport and the Airport would share the information with the WAAC. Airport met with members of the WAAC and allowed Mr. Chanda to make his case

about Nordic Natural's desire to expand and the concept of a land swap. During the course of the year out of the 7 WAAC members, 5 believed that the swap could be a good thing and 2 were not sure if that was the right thing to do. By November, 2019 during the WAAC quarterly meeting, it was clear that the WAAC viewed that the land swap was not in the best interest of the Airport in terms of safety and long-term viability. As a result, the airport went back to city manager and CDD and shared the data point, what other data points are required? The decision based on the city manager and CDD was that they didn't want anything to slow down the progress of the general plan and they were working with Mead and Hunt to update the Airport Land Use Compatibility Plan and they want to put that into the General Plan (this was beginning of 2020). "The airport does not want to slow it down so we are not going to do anything until you guys finish that effort", this was in early 2020. We go through 2020 and get to the end of the year, Williams spoke with Sara, asked someone on the WAAC regarding the lawyer and their review of the Mead and Hunt document. It took longer than anticipated. We come into the beginning of 2021 and there was still no action. In the spring of 2021 Nordic Naturals met with, Williams, the city manager, and the CDD director via a virtual call. Nordic Naturals explained that their time table had changed and that they wanted to move forward with the land swap. In order for Nordic Naturals to make a business decision on whether to build on their land or continue with the land swap they would need to know if the FAA would approve or issue a determination that someone could land there. Williams told Nordic Naturals that he would reach out to the FAA, the sky divers and the advisory council. It would be on Nordic Naturals' dime. The airport is reaching out to the FSDO and the skydivers to conduct a series of jumps at Nordic Natural's request.

Ceresa- "Is the FSDO or is the FAA looking at the visibility viability of runway 09 from 02 of either building location? If it was not feasible to build a building because of visibility or safety issues at either location. Wouldn't that be the first thing you would do before trying to see if parachute jumpers can land on there or not." Williams replies "a building can be built at either spot and it will not cause an obstruction evaluation or airspace analysis problem". Ceresa asks, "is someone going to evaluate the value of these properties"? Williams shares, "the FAA has a process; both properties should be surveyed, environmental should be done on both properties, an appraisal should be done, the cost of any effort for the land swap cannot be borne by the airport. Nordic Naturals is aware of it. This is at no cost to the airport.

Bachman- Asks how long the FAA process took. Williams replies, it depends. He is waiting for a determination, there are three people involved; FSDO, ADO and the FAA Safety and Compliance. They are reviewing the instrument of transfer. They want to confirm that the property looking to be swapped is part of the original instrument of transfer. Williams adds, "You can't swap property that you got an FAA grant for". The process is a three-piece process; the FSDO has to do their safety, the ADO has to do a layout plan update and the FAA has to have a safety and compliance piece. Nordic Naturals reached out to us regarding the jump recently, to make a determination on whether to build or not. Bachman asks if Williams plans to have a public meeting with the pilot community concerning the land swap and moving the PLA. Williams responds that they would go through the same process completed for the current PLA.

Korb- "What is intended to be demonstrated by the jump"? Williams responds that the FAA will make a determination based on the jump's final disposition, where they land and how they land. Korb asks if the demonstration jump is the only factor that will be considered in determining the safety of relocating the landing zone? Williams replied, "the FSDO will contact TRACON and have discussions regarding pilot operations, heights, altitudes, there is a letter of agreement between the jump school and TRACON. They will contact the ADO and sync with them to make sure it'll be on the ALP and also sync with the compliance guy". Korb comments, "the closer we get to the active runway the more likely we are to have airport operations closer to the landing zone operations".

Shelton- Not every airplane that lands on 02-20 is familiar with the airport. They are not familiar with the fact that the landing zone for the skydivers is off to the right. In addition, the demonstration jump, you have to plan for the "worst case" and the worst case is a heavy wind. How do they take that into account? Williams responds that there would be a series of jumps; multiple jumps in a day. The FSDO makes a broad determination.

Guerrieri- The ADO may decide that the aeronautical use of an airport trumps the expansion of non-aeronautical use and deny. In addition, Guerrieri commented that the slide reads Freedom Associates Property and not Nordic Naturals. Nordic Naturals is just a tenant, the land owner is the real beneficiary as they have the ability to expand their land. The real interested party is Freedom Associates Property.

Per Bachman, Williams shares page 59 (Current PLA& Nordic Land Ownership/ Proposed Future Site) & 60(Potential Layout of Future Nordic Site & New PLA) of the Master Plan Update.

Williams' interpretation;

Page 59- PLA remains where it is. The new potential building is there along with their parking lot. That would be the result of no land swap.

Page 60- The PLA is in the new location. There would be a fence line. They would not be landing on the 107-foot area.

Bachman asks that these two slides be added to the AMPU presentation. In addition, the PLA being a partial parking lot will result in them not having control over how many cars there are.

Guerrieri- Comments that he wants the WAAC to refer to Nordic Naturals as "Nordic Naturals/ Freedom Associates Property". Williams will follow up regarding who owns what property in the parcels.

#### 4. Airport Open House (September 4, 2021)

- Parking on Runway 27
- Parachute Flag Jump
- Formation Flyover
- Kidz Zone
- Movie: "Planes: Fire and Rescue"
- Food Trucks
- VIP venue
- Finale: Fireworks over the field.

Airport and Aviation way will be closed at 4:00pm. Tenants could gain access with their Security Decals after the closure.

Williams will share the 2020-2021 Year in review & 2011-2020 Decade in Review Highlights/Lowlights with the WAAC so they can share with their constituents.

#### 6.b. Community Development Department Presentation

1. Update on Proposed Self- Storage Unite Facility at 70 Nielson- Slides Attached  
Overview
  - Project location
  - Proposed project
  - Procedure
  - Planning issues
  - CEQA

Bachman- Asks, "what is the time frame of this project"? Meek replies, "it could be a matter of months".

Bachman continues by saying, "the three lawsuits between the pilot's association and the city are being disregarded because no permits are supposed to be allowed in the airport influence area until the compatibility planning is incorporated into the general plan. Is that a concern to the planning department?" Meek replies, "I spoke with the CDD director on the matter and she directed him to move forward". Bachman confirms if it was Ms. Merriam. Meek continues by stating that "the city has approved many projects throughout the city, even within the influence area". Bachman requested a copy of the presentation.

Korb- "Is it my understanding that the Community Development Department's position is that projects have been approved and can be approved notwithstanding the orders rendered by the superior court in the Pilot's Association cases?" Meek replies, "that projects have been approved, that is correct". Korb continues "and that projects can be approved"? Meek replies, "no projects have been approved based on the 2040 general plan update". Korb says "any projects that are proposed for approval within now and the amendment of the general plan cannot be approved with a compliant general plan". He believes the city lacks the discretion to approve those projects at least within the airport influence area. Korb believes the city has received correspondence from the WPA's counsel in that regard. Meek replies, "I am not council, I am not the city attorney so I can't twine on legal matters like that. Whether the city has approved projects within the influence area based on the 2005 general plan? It has". Korb continues, "We understand, it is the city's intention at this time, to not only process this application but to take this application for action by the planning commission as necessary and city council as necessary whether or not the general plan amendment process has been completed, is that correct"? Meek replies, "this project is moving forward, that is correct".

Bachman- Question regarding the incorporation of the airport compatibility planning into the airports general plan. Meek replies, no. He has not been involved in those meetings. Although there have been some discussions on that end. Bachman continues by asking meek to describe the process so the WAAC members are aware. Meek replied that he is not prepared to answer those questions and they should be directed to Suzi Merriam. Bachman adds that she had requested that the city give a presentation to the WAAC explaining the process to complete the airport compatibility plan into the general plan. She then proceeds to ask Williams if this request was denied. Williams replies, "you sent an email with that request did you not get a response"? Bachman replies that she has not received a response to her email from Justin about the time frame. She finds it disturbing that the WAAC being an advisory committee cannot get a response. Williams adds that he would craft an official request from the airport to give Bachman a response. Meek added that there is work toward finalizing the airport land use compatibly plan that was drafted since 2016 and it has been shared with the Watsonville Pilot's Association's legal counsel for review and concurrence. Bachman continues by sharing that the city reached out to the WPA in 2018 to work with them on developing a compatibility planning. Not much information has been passed to the WPA. Williams shares that Mead and Hunt produced the document and the document was passed to the WPA's attorneys for review. CDD was waiting quite a while for input. Meek adds, "in 2018-2019, Merriam met with Sara Chauvet. She shared the draft document that was prepared back in 2016 to make sure she was comfortable with the language within it and also provide it to their legal counsel to also carefully review it." Korb's understanding is that WPA's counsel, Ted, looked at the document and had significant concerns about the document. Ted was asked to communicate with the city through the city attorney's office or to the city attorney directly. Korb don't know how the city attorney has received and/ or communicated that information to his clients, the city. We have not heard anything back from the city.

Bachman shares the process for adopting as follows; (1) The WPA gives it their okay (2) It goes to the City Council for adoption (3) Upon adoption the document will go to the California Department of Transportation, Aeronautical Division for their approval (4) It goes back to the court for their approval authority since they retain jurisdiction over the City of Watsonville's General Plan. "We are probably looking at, I would guess another year"? Korb, responds there are many steps necessary in order to adopt a significant plan amendment, which includes the environmental review and the agency reviews required. Bachman reiterates that she wants the WAAC to know that it is a long process and the city is not complying with the mandates from the lawsuit. Guerrieri asks if it would be possible to share the Land Use Compatibility Plan with the WAAC. Meek replied, "it

is not a public document, it has not been adopted. I am not at liberty to share a draft document that has not been made public". Meek continues, the idea of sharing the document with the WPA and their legal counsel, given the lawsuits from the past, was to make sure that they concur with what's within it. Guerrieri asks if they can share the document with the committee if they sign an NDA. Meek referred them to the city attorney.

## 6. UNFINISHED BUSINESS

### 7.a. Motion Approving Advisory Committee Bylaws Update

Bachman- Its important for the WAAC members to share with their constituents what happens at a meeting; to share their constituents' concerns and to advise their constituents when a meeting is taking place. "We should be representing our people". The representatives of the 99s, WPA, EAA are required to let their organization know the date, time and provide the meeting agenda. It must be written or via email. After the meeting, the WAAC is to share discussions and actions taken at the meeting.

Motion Initiated- Guerrieri    Motion Seconded- Korb    Motion- Passed

## **ADJOURNMENT – at 9:23 PM**

The next Committee meeting will be held on October 27, 2021