

Peninsula Community Planning Board
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November 18th, 2021

To: Mayor Todd Gloria, City of San Diego
Dr. Jennifer Campbell, Councilmember District 2
Brian Widener, San Diego Urban Forestry Board
Brittaney Bailey, Senior Policy Advisor for Budget and infrastructure
Gary Pence, Senior Traffic Engineer City of San Diego Transportation and Storm Water Dept

Re: FAA removal of Palm Trees along 4400 block of Newport Avenue and Santa Barbara

The Peninsula Community Planning Board (PCPB) Environmental subcommittee was convened to discuss the proposed removal of the historical palm trees located on the 4400 block of Newport Ave and Santa Barbara by the FAA and City of San Diego. The community is overwhelming and unanimously against the removal of these historic palm trees.

Concerns voiced by community members included the historical relevance of the palms, application of applicable federal law, concerns over ownership of the historic palms and lack of effort to communicate with the property owners the basis of the decision to remove the historical palms by the FAA and City of San Diego.

The historic palms were planted over 100 years ago in the early 1900's by COL David Charles Collier who is considered by many as the true founder of Ocean Beach. The palm trees are of historical and cultural significance to the local community.

The National Historic Preservation Act of 1969, section 106 requires that each federal agency identify and assess the effects its actions may have on historic buildings. Under Section 106, each federal agency must consider public views and concerns about historic preservation issues when making final project decisions. Neither the FAA nor the City of San Diego have provided the community with mitigations plans to address the historical significance of the palms.

Title 14, Chapter 1, Subchapter E, part 77 SAFE, EFFICIENT USE, AND PRESERVATION OF THE NAVIGABLE AIRSPACE, subpart C dictates Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities. Of particular concern to the local community is the application and calculation by the FAA and the City of San Diego to determine that the palms are an air navigation hazard.

Para 77.17(a)(2) of subpart C applies due to San Diego International airport length being 9401 feet. According to Para 77.17(a)(2) of subpart C, an object is considered an air navigation hazard if it exceeds a height that is 200 feet AGL (Above Ground Level), or above the established airport elevation, whichever is higher, within 3 nautical miles (NM) of the established reference point of an airport, excluding heliports, with its longest runway more than 3,200 feet in actual length, and that height

increases in the proportion of 100 feet for each additional nautical mile from the airport up to a maximum of 499 feet.

The highest elevation of the historic palms are 200.1 feet found at 4404 Newport Ave on the corner of Newport Ave and Santa Barbara. The palms are 67 feet. The distance of the historic palms from the end of the runway is 1.78 NM. The combined height of the historic palm trees and the elevation at which they were planted at are well below the calculated maximum allowable height of 378 feet due to the distance from the runway of 1.78NM and an AGL of 200 feet.

In the documentation provided to affected residents, the FAA and the City of San Diego erroneously claim that the trees cannot exceed a combine height of 270 feet due to potential interference with the line-of-sight Instrument Landing System (ILS). Further the FAA and City of San Diego asses the area around the airport for obstructions every four years and again erroneously claim that the historic palm trees grow at a rate of 2.5 feet per year which means they will exceed 270 feet within the next four years and must be cut down. If the historic palms grew at the rate claimed by the FAA and the City of San Diego the trees would be well over 250 feet tall. Washingtonia Palms growth rate slow down dramatically as the palms age.

Valid concerns over the right of way and ownership of the trees were discussed. Due to right of way standards and rules, all adjacent properties own to the middle of the road. If the City of San Diego rescinds the street right of way the property reverts to the adjacent property.

As such, the adjacent property owners owned the land to the center line of the street with an easement granted to the City for the street. If that is the case, then the palm trees in question belong to the adjacent property owners, not to the City.

The City of San Diego mailed letters stating that the historic palms were to be removed with little or no explanation or opportunity for public comment. The lack of transparency and the lack of community outreach by the City of San Diego has upset the local community.

The PCPB respectfully requests that the FAA and City of San Diego provide the community with an opportunity for public comment and open the process that the FAA and the City of San Diego uses to determine which trees need to be cut down and which trees do not need to be cut down.

By being more transparent and inclusive with the process of moving forward, City of San Diego would garner more community support in the future.

The Peninsula Community Planning Board voted (0-0) to approve this request.

We appreciate your support.

Sincerely,

Fred Kosmo,
Chair, PCPB