

SECTION 12 CONSIDERATION OF LAND USE ALTERNATIVES

12.1 INTRODUCTION

Land use alternatives have the potential to mitigate noise exposure on existing noise-sensitive land uses and minimize the introduction of additional noise sensitive land uses in the vicinity of the airport. The following goals and objectives will be considered for all potential land use measures:

- Minimizing new noncompatible noise-sensitive development in the vicinity of the airport,
- Providing mitigation alternatives that are sensitive to the needs of the community and its stability,
- Providing alternatives that will maintain the existing tax base and property values,
- Ensuring that alternatives presented are consistent with land use policies and regulations of the respective jurisdictions, and
- Providing mitigation for noncompatible noise-sensitive sites impacted by noise exceeding CNEL 65 dB wherever practical and feasible.

To meet these goals and objectives, two types of land use measures have been identified: preventive and remedial.

Corrective or remedial actions seek to alleviate existing conflicts between land use and airport noise. Changes in the use of noise-impacted land or changes in occupancy to uses or occupations less sensitive to noise are practical strategies for resolving conflicts. Noise insulation and acquisition of full or partial interest in the land are also examples of possible actions that can be used to mitigate noise impacts. As shown in [Figure 11-14](#), there are no noncompatible land uses within the CNEL 65 dBA of the *2009 Future Condition, With Program Implementation*. Note that there are also no noncompatible land uses without program implementation. Thus, corrective or remedial actions are not warranted in this NCP.

Land use and development controls that seek to prevent the introduction of noncompatible and noise-sensitive land uses within existing and future noise contours are referred to as preventive measures. The controls that are generally most useful are: zoning, easements, transfer of development rights, establishing minimum acoustical insulation standards for building codes, and land acquisition. Preventive land use measures will be described and evaluated in this section with regard to their suitability for implementation at CRQ.

Land use planning and the adoption, administration, and enforcement of zoning regulations are an exclusive authority of local governments within each of their jurisdictions. This includes authority for airport-compatible land use planning. Neither the FAA nor the airport has the authority to exercise land use control in a local government's jurisdiction. Land use planning and zoning authority for the areas affected by CRQ is the responsibility of the City of Carlsbad.

12.2 REVIEW OF 1992 NCP LAND USE MEASURES

The FAR Part 150 NCP for CRQ that was approved on June 16, 1992, recommended six preventive land use measures. [Table 12-1](#) describes each measure, and indicates the FAA's Record of Approval.

Table 12-1
Land Use Measures from the 1992 NCP

Measure ID	Measure	FAA Record of Approval
LUM-1	Change the Airport Influence Area to reflect the new forecast noise exposure maps.	Approved
LUM-2	Amend the noise elements of the City and County general plans to reflect the new noise exposure maps.	Approved
LUM-3	Require all land uses inside the CNEL 65 to be zoned as compatible land use or require soundproofing. Specifically, this applies to the area zoned for residential use 3,000 feet southwest of the airport.	Approved
LUM-4	Require the granting of aviation easements for all new noise-sensitive development inside the CNEL 65.	Approved
LUM-5	Ensure that all properties inside the CNEL 65 include the aircraft noise levels in the fair disclosure statement.	Approved
LUM-6	Encourage that the agricultural area west of the airport remain an agricultural preserve.	Approved

12.2.1 Amend the Airport Influence Area (LUM-1)

It was recommended in the 1992 NCP that the San Diego County Airport Land Use Commission's Comprehensive Land Use Plan for CRQ be amended to reflect the new forecast noise exposure area in the Airport Influence Area (AIA).

The FAA approved this measure. This measure is considered to be within the authority of the County Airport Land Use Committee (ALUC).

The original land use plan for CRQ was prepared by the San Diego Association of Governments (SANDAG) and was adopted in 1974; revised plans were adopted in 1986 and April 1994. When the San Diego County Regional Airport Authority (SDCRAA) was created, they amended all of the County Comprehensive Land Use Plans (CLUPs) to change references from SANDAG to SDCRAA as the ALUC, and in the case of CRQ, insert the FAR Part 77 compliance requirements. This amended CLUP is dated October 2004. The SDCRAA is still involved in an ongoing process to amend all of the CLUPs in the County, to incorporate the most recent recommendations from the State of California, Department of

Transportation, Division of Aeronautics, California Airport Land Use Planning Handbook (January 2002).

These plans were adopted to assist in ensuring compatible land use development in the area surrounding CRQ, and identify areas likely to be affected by noise and flight activity created by aircraft operations at CRQ. These affected areas include the CRQ Airport Influence Area (AIA), Noise Impact Notification Area (NINA), projected noise contours, clear zone, and flight activity zone.

The AIA encompasses those areas adjacent to CRQ which could be impacted by noise levels exceeding the California State Noise Standards or where height restrictions would be needed to prevent obstructions of navigable airspace. The current AIA is shown in [Figure 12-1](#). Depending on location, compatible land uses within the AIA include non-residential uses such as office, industrial, commercial, or low density residential uses such as single-family dwellings. A record of the AIA must be filed in the office of the County Recorder. The record serves to notify owners or potential purchasers of property in the AIA that property in the area is currently subject to aircraft noise and aircraft overflights. Typically, real estate professionals and companies contract with a hazard research company that researches specific property for potential hazards, such as proximity to landfills, proximity to an AIA, etc. The hazard research companies inform the real estate professional of potential hazards and the real estate professional is required to inform the prospective buyer.

The NINA is the area most impacted by aircraft operations to and from CRQ. Physically, the NINA is composed of a three mile radius around the airport, as well as the VOR and ILS corridors to the west and the east, respectively, and extends both horizontally and vertically due to terrain consideration. The current NINA is shown in [Figure 12-1](#). All new residential projects located within the NINA are required to record a notice concerning aircraft environmental impacts, clarifying that the property is subject to aircraft overflight, sight and sound of aircraft from CRQ.

[Figure 12-2](#) illustrates the flight track density maps for all operations at CRQ with the current NINA superimposed. Based on this information, the NINA should be amended to include the area northeast of the airport where significant flight operations occur. [Figure 12-3](#) illustrates the proposed boundary of the amended NINA.

The San Diego County Regional Airport Authority (SDCRAA), as the region's Airport Land Use Commission (ALUC), is currently preparing an update of the CRQ Comprehensive Land Use Plan (CLUP). The CLUP reflects the anticipated growth of CRQ for the next 20 years. The intent is "to provide for the orderly growth of each public airport and...[to] safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general" (Section 21675, Public Utility Code).

CRQ has no jurisdiction or authority to require the SDCRAA to amend the NINA in the CLUP.

San Diego Geographic Information Source (SanGIS) is a joint powers agency created in 1997 due to the desire of the City and County to formalize and continue their commitment to a common geographic information system (GIS). One of the goals of SanGIS is to provide cost effective access to geographic data to member agencies, subscribers, and the public. Currently, SanGIS data contains over 400 geographic data layers and is utilized by over 500 internal City and County users through a high speed

wide area network. In addition to the internal users, there are currently 50 external clients. Public access to maps and geographic data is via the Internet at www.sangis.org.

Recommendation: CRQ should provide the recommended NINA boundary to SanGIS in both electronic and hard copy formats.

12.2.2 Amend the Noise Elements in the General Plans (LUM-2)

The 1992 NCP recommended amendment of the noise elements in the General Plans of San Diego County, and the City of Carlsbad to reflect the new NEMs.

The FAA approved this measure. This measure is considered to be within the authority of the County of San Diego, and the City of Carlsbad.

San Diego County revised the Noise Element of their General Plan in 1980. The major issues addressed within the Noise Element include the County's role in enforcing the California Airport Noise Standards, the need for an integrated land use and transportation planning program, and the importance of acoustical insulation techniques in urban development policies.

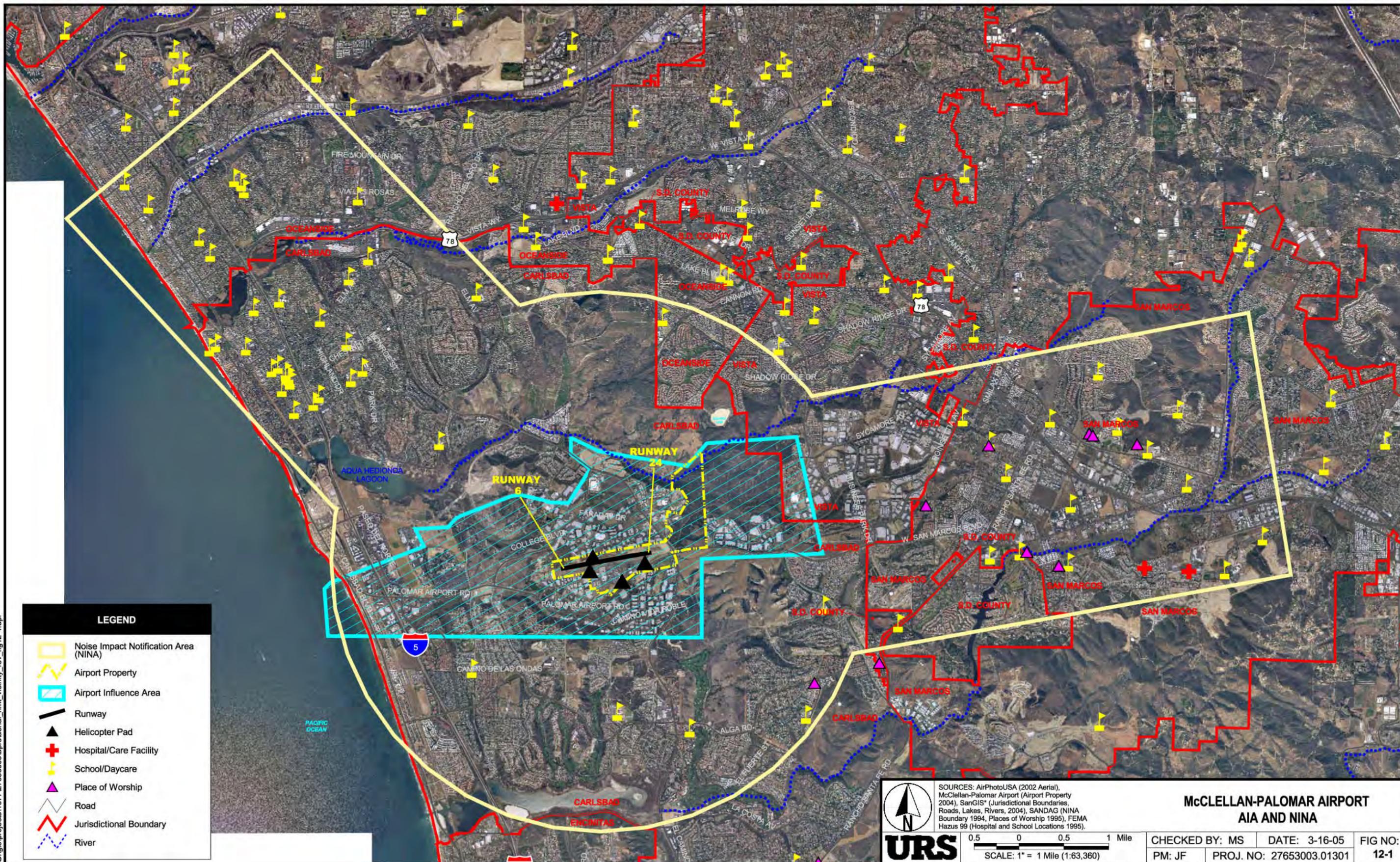
Aircraft Noise

Urban development is continuing to occur adjacent to general aviation airports operated by the County.

The Findings chapter within the Noise Element is based on the present state of scientific knowledge about noise. Unanimous agreement does not exist in this area of science; however, agreement is widespread enough that the following factual information has been accepted by the Congress as a basis for protecting the public health and welfare with an adequate safety margin. Relevant findings within the 1980 Noise Element are outlined below:

- ***Finding 7:*** There is no one noise standard or set of noise standards that is universally applicable in San Diego County. The California Airport Noise Standard is 65 CNEL. The requirement for residential soundproofing is effective at a level of 60 dB(A) CNEL.
- ***Finding 14:*** Existing federal policy proposes to reduce aircraft noise by reducing engine noise of current models, controls on future type aircraft, changes in aircraft operational procedures and extensive technical research, and to formulate airport noise certification regulations.

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LEGEND

- Noise Impact Notification Area (NINA)
- Airport Property
- Airport Influence Area
- Runway
- Helicopter Pad
- Hospital/Care Facility
- School/Daycare
- Place of Worship
- Road
- Jurisdictional Boundary
- River



SOURCES: AirPhotoUSA (2002 Aerial),
 McClellan-Palomar Airport (Airport Property
 2004), SanGIS* (Jurisdictional Boundaries,
 Roads, Lakes, Rivers, 2004), SANDAG (NINA
 Boundary 1994, Places of Worship 1995), FEMA
 Hazus 99 (Hospital and School Locations 1995).

0.5 0 0.5 1 Mile
 SCALE: 1" = 1 Mile (1:63,360)

**McCLELLAN-PALOMAR AIRPORT
 AIA AND NINA**

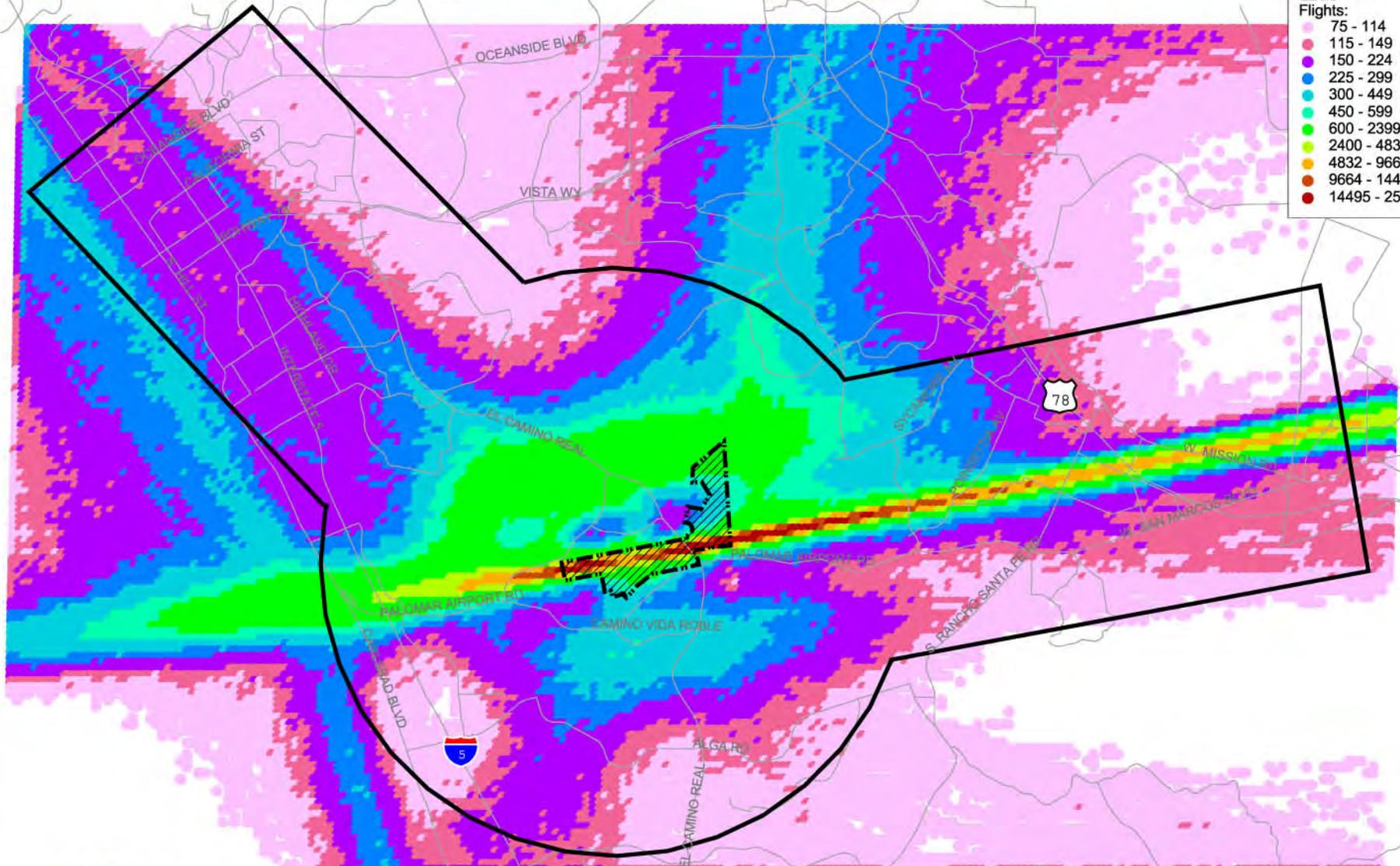
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LEGEND:

-  NINA
-  Road
-  Airport
- Flights:
-  75 - 114
-  115 - 149
-  150 - 224
-  225 - 299
-  300 - 449
-  450 - 599
-  600 - 2399
-  2400 - 4831
-  4832 - 9663
-  9664 - 14494
-  14495 - 25200

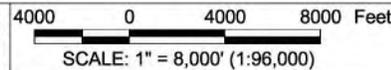


PACIFIC OCEAN



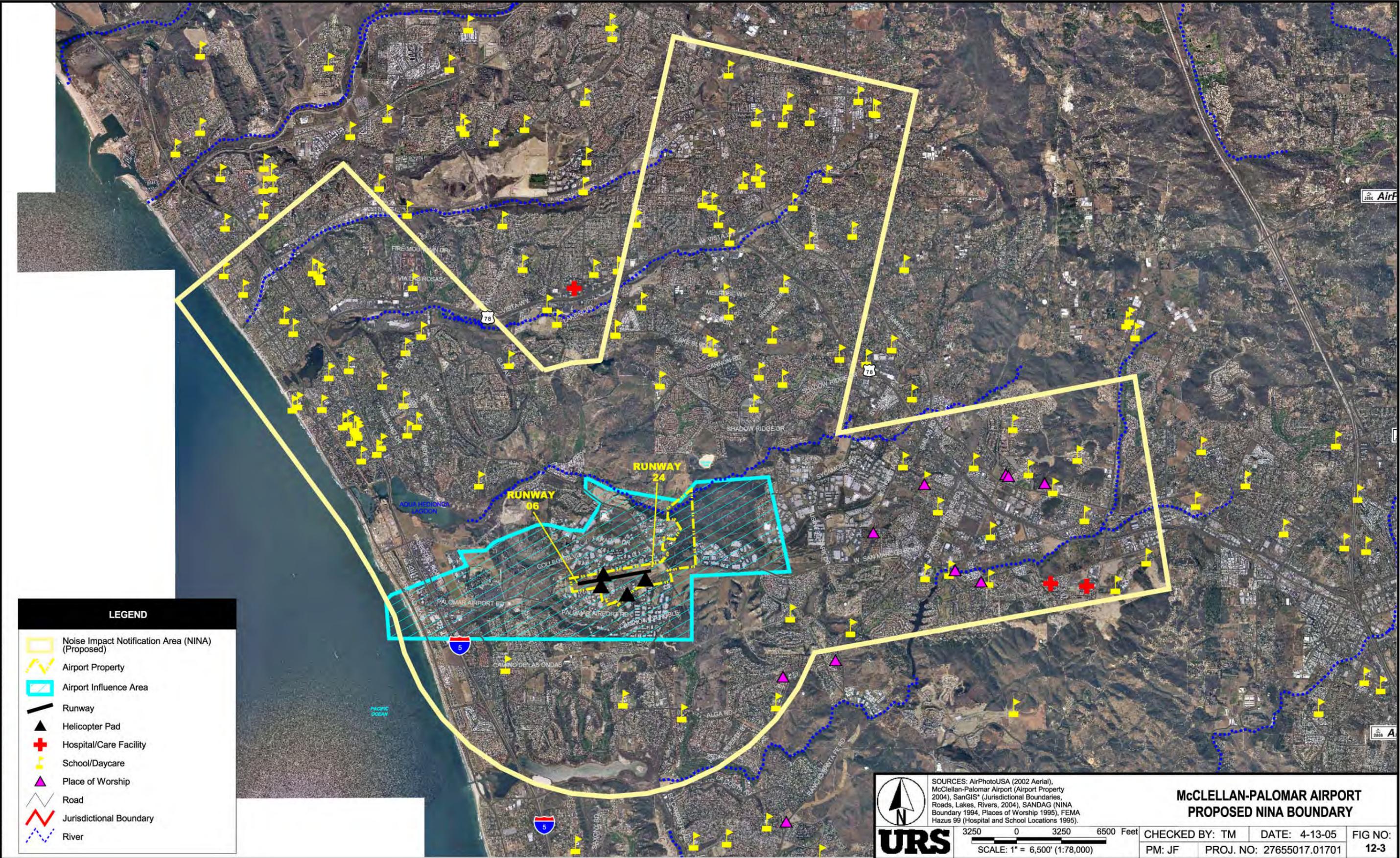
SOURCES: SANDAG (NINA Boundary, base features), URS (Flight Path Models, 2004).

**FLIGHTTRACK DENSITY MAP
RUNWAY 24
DAYTIME OPERATIONS**



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LEGEND

- Noise Impact Notification Area (NINA) (Proposed)
- Airport Property
- Airport Influence Area
- Runway
- Helicopter Pad
- Hospital/Care Facility
- School/Daycare
- Place of Worship
- Road
- Jurisdictional Boundary
- River



SOURCES: AirPhotoUSA (2002 Aerial), McClellan-Palomar Airport (Airport Property 2004), SanGIS* (Jurisdictional Boundaries, Roads, Lakes, Rivers, 2004), SANDAG (NINA Boundary 1994, Places of Worship 1995), FEMA Hazus 99 (Hospital and School Locations 1995).

3250 0 3250 6500 Feet
SCALE: 1" = 6,500' (1:78,000)

**McCLELLAN-PALOMAR AIRPORT
PROPOSED NINA BOUNDARY**

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- ***Finding 15:*** The Environmental Protection Agency’s Report to Congress on Aircraft Noise, has indicated its intention to propose regulations to require retrofitting of existing aircraft with quieter engines, to lower the permissible noise levels for future aircraft, to require the use of noise abatement takeoff, landing, and flight procedures, and to develop airport noise certification regulations (the Agency’s term for a cumulative airport noise control system similar to the California Airport Noise Standards).
- ***Finding 21:*** The California Airport Noise Standards require a progressive reduction of noise at airports until no adjacent resident experiences a CNEL greater than 65 dBA by 1986. The responsibility for implementing this policy is divided between the State and its counties that are delegated specific review and enforcement functions. This policy requires the San Diego Board of Supervisors to determine which public and private civilian airports exceed the maximum noise levels and have a “noise problem.” The Board is also required to notify the airport proprietor to begin a noise monitoring program in peripheral areas for frequency and level of aircraft noise within six months, validate the airport proprietor’s noise monitoring data, submit quarterly reports to the Department of Transportation’s Division of Aeronautics, and review the airport’s noise monitoring plan.
- ***Finding 24:*** The Comprehensive Planning Organization, acting as the Airport Land Use Commission, is required to prepare land use plans for all areas adjacent to each public airport which could exceed the State airport noise standards and for which building height restrictions are needed to maintain navigable airspace.

Carlsbad adopted their current General Plan in 1994. The General Plan is comprised of a “Vision and Introduction” section and eight elements: Land Use Element, Circulation Element, Housing Element, Open Space and Conservation Easement Element, Noise Element, Public Safety Element, Parks and Recreation Element, and Arts Element.

As required by State law, Carlsbad’s General Plan must comply with the CRQ CLUP. If the City chooses to overrule a finding of the Airport Land Use Commission as stated in the CLUP, it may do so by a two-thirds vote if it makes a specific finding that the General Plan and the CLUP are consistent.

To limit noise impacts on noise sensitive land uses, the City has designated areas surrounding CRQ for predominately planned industrial uses. To accomplish this, a significant amount of non-residential land has been designated on the plan, possibly exceeding what is needed to serve and accommodate future residential uses located exclusively in Carlsbad. As such, future re-designation of planned residential areas to non-residential uses to accommodate future CRQ growth would not be supported. The Land Use Element within the General Plan classifies some areas near CRQ as an “Unplanned Area” (UA) and the General Plan states that these areas are not appropriate for residential uses.

While the Circulation Element encourages the continued operation of CRQ, it also prohibits the expansion of CRQ unless approved by a majority vote of the Carlsbad electorate as required by the Carlsbad Municipal Code. This Element encourages coordination with FAA and other interested parties (the San Diego County Regional Airport Authority), “to protect public health, safety and welfare by

ensuring the orderly operation of the Airport and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around the airport.”

The Noise Element states that, “in general, land in the immediate vicinity of the airport or under the take off or landing approach is subject to noise levels which are unsuitable for residential development, schools, hospitals, or other similar noise sensitive uses.”

Land Use Policy C-5, within the Noise Element, recommends 60 CNEL as the exterior noise level to which all residential units should be mitigated. The 65 CNEL is the maximum noise level to which residential units subject to noise from CRQ should be permitted. Additional disclosure actions (easements, deed restrictions, recorded notices, etc.) may be required of developers/sellers of noise impacted residential units. For new residential properties identified as requiring a noise study, a study shall be prepared by an acoustical professional. This study shall document the projected maximum exterior noise level and mitigate the projected exterior noise level to a maximum allowable noise level as identified in this policy. Interior noise levels should be mitigated to 45 CNEL when openings to the exterior of the residence are open or closed. If openings are required to be closed to meet the interior noise standard, then mechanical ventilation shall be provided. If the acoustical study shows that exterior noise levels cannot be mitigated to the level allowable as identified in this policy or less, the development should not be approved without one or more of the following findings:

- Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect (noise).
- Changes or alterations to avoid or substantially lessen the significant environmental effects (noise) are within the responsibility and jurisdiction of another public agency and not the City of Carlsbad. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives to avoid or substantially lessen the significant environmental effect (noise).
- If a project is approved with exterior noise levels exceeding the level allowable pursuant to this policy, all purchasers of the impacted property shall be notified in writing prior to purchase, and by deed disclosure in writing, that the property they are purchasing is, or will be, noise impacted and does not meet Carlsbad noise standards for residential property. Notwithstanding project approval, no residential interior CNEL should exceed 45 dBA.

The General Plan requires that a Noise Study be submitted with all discretionary applications for residential projects of five or more single family dwelling units or any multiple family dwelling units located within or 500 feet beyond the 60 CNEL noise contour line.

CRQ has no jurisdiction or authority to require the City of Carlsbad or the County of San Diego to update the noise exposure maps within their respective General Plans.

Recommendation: (1) CRQ should provide updated Noise Exposure Maps to SanGIS in electronic format. (2) CRQ should notify San Diego County and the City of Carlsbad that updated NEMs are available through SanGIS, and encourage their use in updating the Noise Elements of their General Plans.

12.2.3 Require All Land Uses Inside CNEL 65 be Zoned for Compatible Land Use or Require Adequate Noise Insulation (LUM-3)

The 1992 NCP recommended that all noise sensitive uses inside the current or future CNEL 65 area be zoned as compatible use or that adequate noise insulation be required. At the time, there was an area zoned for residential use located 3,000 feet southwest of the airport, which was exposed to CNEL 65.

The FAA approved this measure. This measure is considered to be within the authority of the County of San Diego, and the City of Carlsbad.

The area of concern was developed into residential use. However, it is no longer exposed to CNEL greater than 65 dB.

The City of Carlsbad requires discretionary review of all proposed development projects within the AIA. All parcels must process a site development plan, planned industrial permit, or other discretionary permit.

Figure 12-4 illustrates the 2009 Future Condition, Without Program Implementation superimposed over the City of Carlsbad Zoning Map. As shown, the area surrounding CRQ is primarily zoned for industrial uses. All of the currently undeveloped off-airport property within the CNEL 65 is zoned “PM - Planned Industrial.” However, opportunities for noise-sensitive development exist within the CNEL 60.

The County of San Diego and the McClellan-Palomar Airport acknowledge that development of the following parcels, located within the CNEL 60, would need to be consistent with the Comprehensive Land Use Plan (CLUP) in order to be officially allowed. The County of San Diego and the McClellan-Palomar Airport desire to be proactive in the prevention of noise-sensitive land uses in areas that could be subject to higher noise levels in the future.

City of Carlsbad Municipal Code, Title 21 Zoning, Section 21.24.020 describes the permitted uses in the “RD-M Residential Density Multiple” zone. These include: child day care centers, single-family and multifamily dwellings, housing for senior citizens, and mobile homes. Numerous other uses are allowed with a Conditional Use Permit (CUP) or as Accessory Uses (Acc). Any multi-family development within the 65 CNEL is subject to a noise study and mitigation measures.

There is one undeveloped area that is designated RD-M located within the 60 CNEL. The land use is designated “OS - Open Space.” It is located west of Hidden Valley Road and south of Palomar Airport Road. It is identified as Assessor’s Parcel Number (APN) 212-040-66. According to the City of Carlsbad, the RD-M designation has been changed to “OS – Open Space.” (See Comments from Mike Grim, City of Carlsbad, January 25, 2006, included in **Appendix Q**). Therefore, no further action is warranted

In the “L-C Limited Control” zone, the only permitted uses are those permitted by City of Carlsbad Municipal Code, Title 21 Zoning, Section 21.07.020 for the “E-A Exclusive Agricultural” zone. These

uses include small family day care homes and large family day care homes. In addition, the following are permitted as accessory uses: farmhouse, guesthouse, home occupation, and mobile homes.

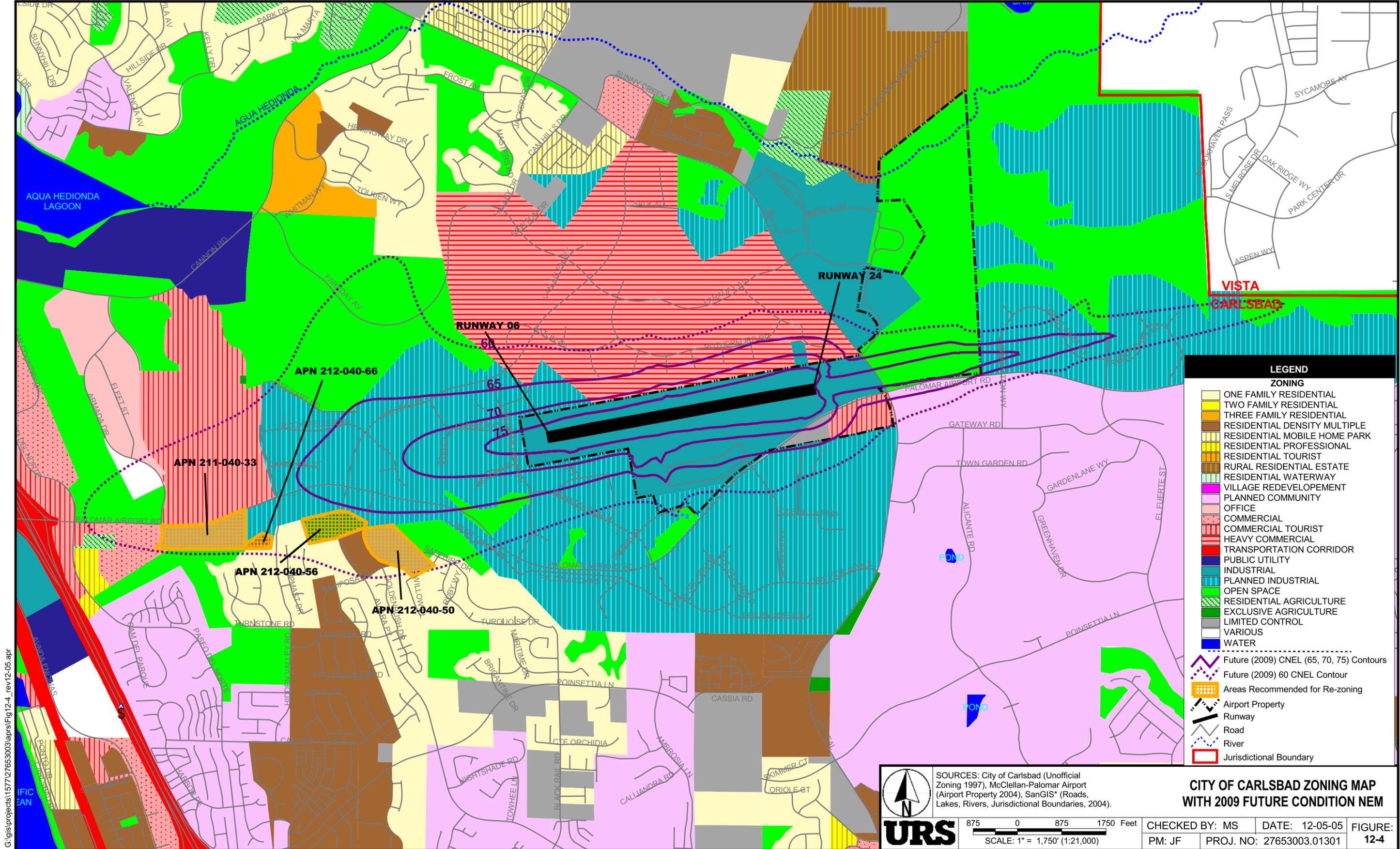
There are two undeveloped areas currently designated L-C located within the 60 CNEL. One area is located east of Armada Drive and south of Palomar Airport Road, and is identified as Assessor's Parcel Number (APN) 211-040-33. The land use is designated "M1 - Industrial/Manufacturing" and "OS - Open Space." The City of Carlsbad has indicated that as of October 4, 2005, this parcel is in process for a Zone Change from L-C to O-S. The property owner will be using this property as a habitat mitigation bank. The Planning Commission recommended approval of this land use designation change via application number ZC 04-11 and the item is pending City Council approval. (See Comments from Mike Grim, City of Carlsbad, October 4, 2005, included in [Appendix O](#)). This Zone Change and proposed land use reduces the potential for noise-sensitive development in the future, therefore, no further action is warranted.

The other area designated L-C is located east of Aviara Parkway and Laurel Tree Lane, south of Palomar Airport Road, and north of Cobblestone Road and Cobblestone Drive. The land use was designated "R1 - Residential" and "OS - Open Space." It is identified as Assessor's Parcel Number (APN) 212-040-50. In late 2004, a Property Zone Change split the parcel into two areas, one being zoned "OS - Open Space" and the other being zoned "R-1-10 - One Family Residential" (See Comments from Mike Grim, City of Carlsbad, November 7, 2005, included in [Appendix O](#)). A General Plan Map Change resulted in most of the area that was formerly designated "RL - Low Density Residential" changing to "OS - Open Space." The areas formerly designated RLM and OS are now RL. As of March 2006, the area zoned R-1-10 and designated RL is in the process of being developed with 14 single family homes, which were approved in late 2004, when the Property Zone Change and General Plan Map Change were approved. Therefore, no further action is warranted (See Comments from Mike Grim, City of Carlsbad, February 27, 2005, included in [Appendix O](#)).

There is one undeveloped area designated E-A located within the 60 CNEL. This area is located between West Oaks Way and Sapphire Drive, south of Palomar Airport Road. The land use is designated "OS - Open Space" and "R1 - Residential." It is identified as Assessor's Parcel Number (APN) 212-040-56. The E-A designation would allow noise-sensitive development.

The area known as Bressi Ranch is designated as "P-C Planned Community" zone, and is adjacent to the airport south of Palomar Airport Road and east of El Camino Real. Section 21.38.020 describes the permitted uses for the "P-C Planned Community" zone. These include a mixture of residential densities and housing types, open space, community facilities, both public and private and, where appropriate, commercial and industrial areas. The area is currently undeveloped; however, land use is designated as "M1 - Industrial/Manufacturing," "R1 - Residential," "OS - Open Space," and "P1 - Schools." The undeveloped area located within the 60 CNEL is designated as land use M1.

There are currently no non-compatible land uses within the CNEL 65 contour of the *2009 Future Condition, Without Program Implementation*. Approximately 57 percent of the land within the 65 and greater CNEL is developed or zoned as industrial/manufacturing, approximately 40 percent is government services (i.e., the airport), and approximately 1 percent is commercial. The remaining 2 percent (approximately 13 acres) is open space.



LEGEND

ZONING

- ONE FAMILY RESIDENTIAL
- TWO FAMILY RESIDENTIAL
- THREE FAMILY RESIDENTIAL
- RESIDENTIAL DENSITY MULTIPLE
- RESIDENTIAL MOBILE HOME PARK
- RESIDENTIAL PROFESSIONAL
- RESIDENTIAL TOURIST
- RURAL RESIDENTIAL ESTATE
- RESIDENTIAL WATERWAY
- VILLAGE REDEVELOPMENT
- PLANNED COMMUNITY
- OFFICE
- COMMERCIAL
- COMMERCIAL TOURIST
- HEAVY COMMERCIAL
- TRANSPORTATION CORRIDOR
- PUBLIC UTILITY
- INDUSTRIAL
- PLANNED INDUSTRIAL
- OPEN SPACE
- RESIDENTIAL AGRICULTURE
- EXCLUSIVE AGRICULTURE
- LIMITED CONTROL
- VARIOUS
- WATER

- Future (2009) CNEL (65, 70, 75) Contours
- Future (2009) 60 CNEL Contour
- Areas Recommended for Re-zoning
- Airport Property
- Runway
- Road
- River
- Jurisdictional Boundary

CITY OF CARLSBAD ZONING MAP WITH 2009 FUTURE CONDITION NEM

SOURCES: City of Carlsbad (Unofficial Zoning 1997), McClellan-Palomar Airport (Airport Property 2004), SanGIS* (Roads, Lakes, Rivers, Jurisdictional Boundaries, 2004).

UR

875 0 875 1750 Feet
SCALE: 1" = 1,750' (1:21,000)

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The California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code, contains standards for allowable interior noise levels associated with exterior noise sources (*California Building Code*, 1998 edition, Volume 1, Appendix Chapter 12, Section 1208A). This code requires acoustical insulation in areas subjected to 60 CNEL or greater, in order to maintain an annual interior noise level of 45 CNEL in any habitable room of a dwelling unit. This code applies to new projects which include multi-family residences (e.g., apartment houses), dormitories, hotels, or motels. It does not apply to detached single family dwellings. Worst-case noise levels, either existing or future, must be used. Future noise levels must be predicted at least 10 years from the time of the building permit application.

Although the building code does not apply the CNEL 45 dB interior noise level standard to detached single-family residences, the California Division of Aeronautics encourages communities to adopt this standard (or lower) for these uses (*California Airport Land Use Planning Handbook*, January 2002, Chapter 7, page 7-7). Many communities have done so as part of their general plan noise element.

The Carlsbad General Plan, Land Use Policy C-5, within the Noise Element, recommends 60 CNEL as the exterior noise level to which all residential units should be mitigated. The 65 CNEL is the maximum noise level to which residential units subject to noise from CRQ should be permitted. Interior noise levels should be mitigated to 45 CNEL when openings to the exterior of the residence are open or closed. If openings are required to be closed to meet the interior noise standard, then mechanical ventilation shall be provided.

The General Plan requires that a Noise Study be submitted with all discretionary applications for residential projects of five or more single family dwelling units or any multiple family dwelling units located within or 500 feet beyond the 60 CNEL noise contour line.

CRQ has no jurisdiction or authority to require the City of Carlsbad to rezone property. However, it is recommended that the City of Carlsbad consider rezoning the undeveloped areas designated RD-M, R-1 (formerly L-C), and E-A to "P-M Planned Industrial" zone.

Recommendation: *The City of Carlsbad should rezone the undeveloped area designated E-A (APN 212-040-56) within the 60 CNEL to "P-M Planned Industrial" zone.*

12.2.4 Acquire Avigation Easements for New Development within CNEL 65 (LUM-4)

The 1992 NCP recommended that if new noise-sensitive development is permitted in areas of CNEL 65 or greater, the granting of an avigation easement to the County of San Diego should be required as a condition of approval.

The FAA approved this measure. According to FAA, this measure is considered to be within the authority of the County of San Diego and the City of Carlsbad.

Neither McClellan-Palomar Airport nor San Diego County have jurisdiction or authority to require the City of Carlsbad to obtain avigation easements as a condition of approval of noise-sensitive development in areas of CNEL 65 or greater. In addition, all of the currently undeveloped off-airport property within

the CNEL 65 is zoned “PM - Planned Industrial.” Therefore, it is unlikely that noise-sensitive development will occur in areas of CNEL 65 or greater.

Recommendation: *No further action is warranted.*

12.2.5 Real Estate Disclosure (LUM-5)

The 1992 NCP recommended that the City of Carlsbad should ensure that for all properties in areas of CNEL 65 or greater, the aircraft noise levels are included in the fair disclosure statement, as required by the State of California.

The FAA approved this measure. This measure is considered to be within the authority of the County of San Diego and the City of Carlsbad.

California Assembly Bill (AB) 2776, Chapter 496 of the Statutes of 2002, established a city or county disclosure requirement for real property in the vicinity of an airport influence area, effective January 1, 2004. This bill revised the Real Estate Transfer Disclosure Statement to require that statement to advise the prospective purchaser of other disclosures required by law, including the Natural Hazard Disclosure Report/Statement that may include airport annoyances, earthquake, fire, flood, or special assessment information, that have or will be made in connection with the transfer.

California AB 920, Chapter 66 of the Statutes of 2004, provides that on or after January 1, 2005, if a city or county adopts a different or additional disclosure form regarding the proximity or effects of an airport, the form would be required to contain specified information regarding annoyances or inconveniences including annoyances associated with airport operations. This bill also provides that on or after January 1, 2006, that if a city or county doesn't adopt a different or additional disclosure form, or if there is not a current airport influence area map, a written disclosure of an airport within two statute miles will satisfy city or county disclosure requirements.

CRQ has an established Airport Influence Area (AIA). **Figure 12-5** illustrates the current AIA for CRQ with the *2009 Future Condition, Without Program Implementation*. As shown, the current AIA encompasses an area that is larger than the CNEL 65.

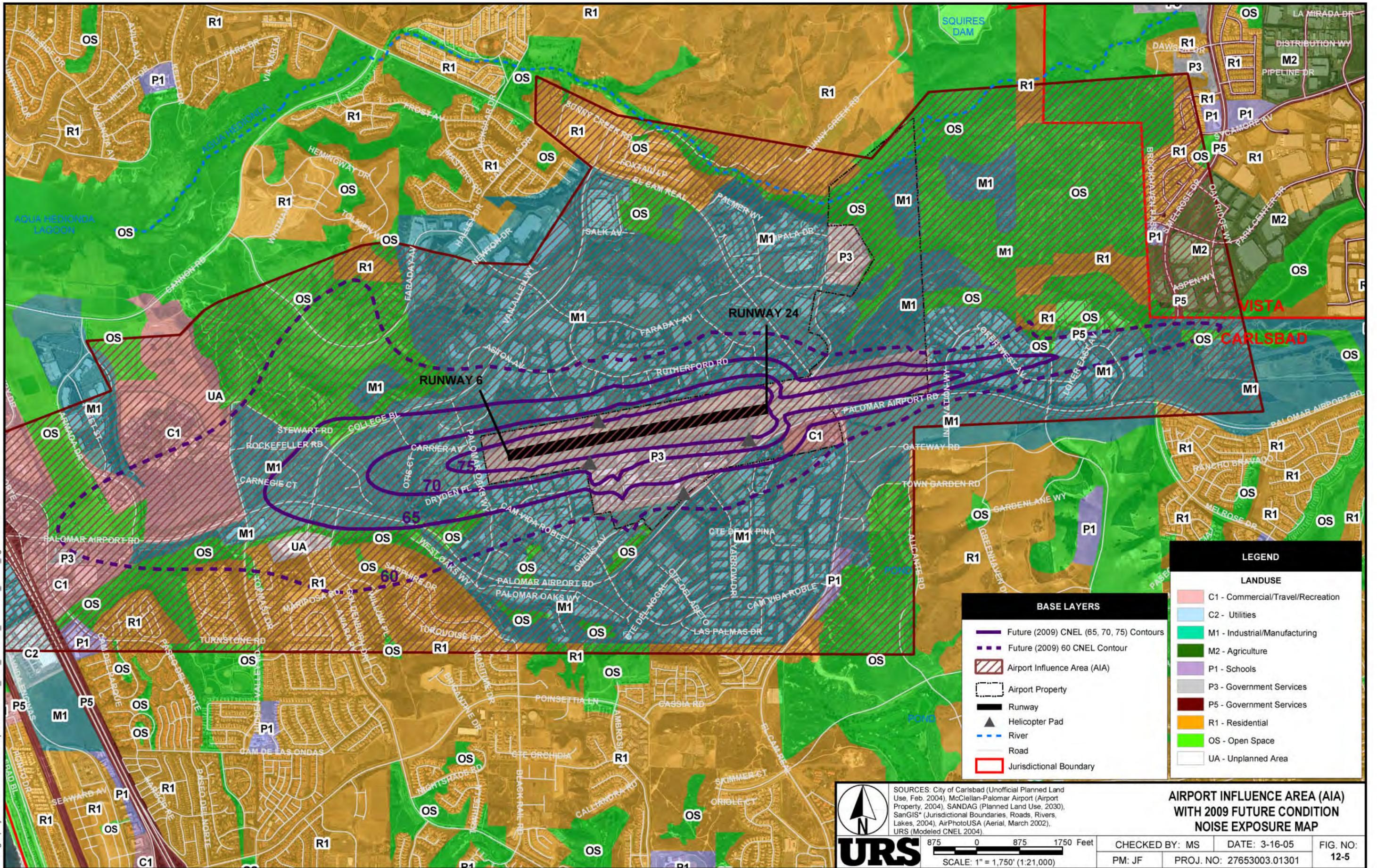
Recommendation: *It is recommended that real estate disclosure continue within the established Airport Influence Area (AIA). See Section 12.3.1 for related recommendation.*

12.2.6 Maintain Agricultural Land Use West of the Airport (LUM-6)

The 1992 NCP recommended that the owner of the large agricultural area west of the airport should be encouraged to keep the land in an agricultural preserve under the Williamson Act.

The FAA approved this measure. This measure is considered to be within the authority of the County of San Diego and the City of Carlsbad.

C:\gis\projects\157727653003\aprs\2009NEM_over_landuse_revNEMs_11x17_fig12-5.mxd



SOURCES: City of Carlsbad (Unofficial Planned Land Use, Feb. 2004), McClellan-Palomar Airport (Airport Property, 2004), SANDAG (Planned Land Use, 2030), SanGIS* (Jurisdictional Boundaries, Roads, Rivers, Lakes, 2004), AirPhotoUSA (Aerial, March 2002), URS (Modeled CNEL 2004).

875 0 875 1750 Feet
SCALE: 1" = 1,750' (1:21,000)

CHECKED BY: MS
PM: JF

DATE: 3-16-05
PROJ. NO: 27653003.01301

FIG. NO:
12-5

*Portions of this DERIVED PRODUCT contains geographic information copyrighted by SanGIS. All Rights Reserved.

This agricultural area west of the airport was not kept as an agricultural preserve, and has been partially developed since the 1992 NCP. None of this area is exposed to CNEL of 65 dBA or greater. A portion of this area is exposed to CNEL 60 dBA.

According to the existing land use map and zoning map a portion of the area is zoned “CT - Commercial Tourist” and has a land use designation of “C1 - Commercial/Travel/Recreation.” This area is not fully developed at this time, and has the potential for noise-sensitive development, as described in [Section 12.2.3](#). A portion of the area is currently exposed to CNEL 60 dBA.

Another portion of the area is zoned “O - Office” but has a land use designation of “M1 - Industrial/Manufacturing.” This area appears to be developed in a compatible land use. It is located outside the CNEL 60 contour.

A third portion of the area is zoned “C - Commercial” and has a land use designation of “C1 - Commercial/Travel/Recreation.” This area is outside the CNEL 60 contour.

The remaining area has a land use designation and is zoned “OS - Open Space.” A small portion of this area is within the CNEL 60 contour, and the majority is outside the CNEL 60 contour.

Recommendation: *No further action is warranted.*

12.3 REVIEW OF PAR2000 LAND USE MEASURES

The Palomar Airport Roundtable (PAR) submitted their Final Report to the Palomar Airport Advisory Committee (PAAC) on February 1, 2001. The Final Report included two land use measures. [Table 12-2](#) describes each measure and indicates the results of PAR’s votes.

Table 12-2
Land Use Measures from PAR2000

Measure ID	Measure	Votes in Favor	Votes Opposed
LUM-7	Provide expanded NINA and AIA information in advance of sale to potential home buyers	12	1
LUM-8	Update CLUP Appendix G following new Part 150 Study to include adopted PAR2000 recommendations	13	0

12.3.1 Provide Expanded NINA and AIA Information in Advance of Closing (LUM-7)

PAR2000 concluded that current observations indicate that while real estate companies may disclose NINA/AIA information to prospective home buyers, the information is only presented at the closing phase of the real estate purchase and is primarily a written statement similar to the sample form as depicted in the CLUP - Appendix G, which does not include graphic identification of the NINA and AIA with respect to the transaction’s specific location.

PAR2000 recommended that the California Board of Realtors, San Diego North County Board, and the Building Industry Association - Sales and Marketing Council, North County Division, be advised to ensure that all realtors and homeowners transacting sales within these vicinities be required to:

- Provide clear maps and graphics with plainly indicated landmarks for each specific real property transaction;
- Ensure affected property buyers understand and acknowledge NINA and AIA notifications; that such notifications are made well in advance of point of sale, appear prominently, and are presented in layman's language; and that signed notifications are recorded with the property;
- Ensure affected property buyers understand and acknowledge written disclosure regarding avigation easement and that signed disclosure is recorded with the property;
- Ensure that upon resale, affected property owners (pre- and post- 1994) understand and acknowledge their responsibility to provide prospective owners with accurate Transfer Disclosure Statement (TDS-11);
- Reference "NINA" in Multiple Listings Services (MLS); and
- Develop a plainly written and illustrated McClellan-Palomar Airport Fact Book for property sales agents.

Responsibility to implement these items rests with the California Board of Realtors, San Diego North County Board, and the Building Industry Association - Sales and Marketing Council, North County Division, as well as all realtors and homeowners transacting sales within the NINA and AIA. CRQ has no jurisdiction or authority to implement this recommendation. CRQ has the ability to work with the aforementioned organizations to develop an Airport Fact Book for property sales agents.

Recommendations: (1) CRQ should provide updated Noise Exposure Maps, AIA, and NINA to SanGIS in electronic format. (2) CRQ should encourage the California Board of Realtors, San Diego North County Board, and the Building Industry Association - Sales and Marketing Council, North County Division, to visit the SanGIS website for the most updated NEMs, AIA, and NINA. (3) CRQ should work with the aforementioned organizations to develop an "Airport Fact Book" for property sales agents.

12.3.2 Evaluate Comprehensive Land Use Plan (LUM-8)

The PAR2000 recommended that upon completion of the Part 150 Noise Study, the adopted Comprehensive Land Use Plan (CLUP) should be evaluated to determine if it should be amended to incorporate significant recommendations of the FAA-funded study, including adopted PAR2000 recommendations.

The San Diego County Regional Airport Authority (SDCRAA), as the region's Airport Land Use Commission (ALUC), is currently preparing an update of the CRQ CLUP. The CLUP reflects the anticipated growth of CRQ for the next 20 years. The intent is "to provide for the orderly growth of each

public airport and...[to] safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general” (Section 21675, Public Utility Code).

SDCRAA is in the process of preparing CLUP updates for all airports under their jurisdiction. They are preparing their own forecast of future airport and aircraft operations as well as their own noise contours. CRQ has provided a copy of their FAA-approved forecast of future airport and aircraft operations, as well as their FAA-accepted Noise Exposure Maps to the San Diego County Regional Airport Authority. A copy of the NCP will be provided to SDCRAA following FAA approval.

Recommendation: CRQ should provide SDCRAA with copies of their final NEM and NCP documents.

12.4 SUMMARY

Section 12 presented a variety of land use measures for consideration at CRQ. The following measures were recommended for inclusion in the NCP:

- LUM-1 CRQ should provide the recommended NINA boundary to SanGIS in both electronic and hard copy formats.
- LUM-2 1) CRQ should provide updated NEMs to SanGIS in electronic format. 2) CRQ should notify San Diego County and the City of Carlsbad that updated NEMs are available through SanGIS, and encourage their use in updating the Noise Elements of their General Plans.
- LUM-3 The City of Carlsbad should rezone the undeveloped area designated E-A (APN 212-040-56) within the 60 CNEL to “P-M Planned Industrial” zone.
- LUM-5 It is recommended that real estate disclosure continue within the CRQ’s established Airport Influence Area (AIA).
- LUM-7 1) CRQ should provide updated NEMs, AIA, and NINA to SanGIS in electronic format. 2) CRQ should encourage the California Board of Realtors, San Diego North County Board, and the Building Industry Association - Sales and Marketing Council, North County Division to visit the SanGIS website for the most updated NEMs, AIA, and NINA. 3) CRQ should work with the aforementioned organizations to develop an “Airport Fact Book” for property sales agents.
- LUM-8 CRQ should provide SDCRAA with copies of their final NEM and NCP documents.

These recommendations, along with operational recommendations described in [Section 11](#) and program management recommendations described in [Section 13](#), are summarized in [Section 14](#), Recommended Noise Compatibility Program.