

San Diego International Airport at Lindbergh Field:

*Local Government, Including the San Diego
Unified Port District, Can Improve Efforts to
Reduce the Noise Impact Area and Address
Public Dissatisfaction*



October 2000
2000-126

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ELAINE M. HOWLE
STATE AUDITOR

STEVEN M. HENDRICKSON
CHIEF DEPUTY STATE AUDITOR

October 31, 2000

2000-126

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the Bureau of State Audits presents its audit report concerning the accuracy of the San Diego Unified Port District's (port district) noise-monitoring data, its process of evaluating airplane noise and flight tracks to respond to complaints, and whether the California Department of Transportation (Caltrans) uses this information when considering the port district's application for a variance to California's noise standards.

This report concludes that although some community members consider the noise-monitoring system data suspect, we found the data to be accurate. Contributing to the community's distrust of the port district's data is the cessation of the county of San Diego's (county) Noise Control Hearing Board, which enforces the terms and conditions of Lindbergh Field's variance to the noise standards and audits the port district's noise-monitoring data. The port district, San Diego Association of Governments (SANDAG), and the city of San Diego (city) all share some responsibility for resolving Lindbergh Field's noise problem. However, the port district's delays in implementing sound-attenuation programs, combined with the city's failure to consistently implement certain provisions of the comprehensive land use plan, have prevented further decreases in incompatible land use within Lindbergh Field's noise impact area. The SANDAG bears some responsibility for not ensuring that the city's regulations were consistent with the land use plan. Finally, we found that state regulations limit Caltrans' role to ensuring that the port district's noise-monitoring system meets state standards, to granting variances to the noise standards, and to reviewing quarterly noise-monitoring data for the purpose of assessing progress towards reducing Lindbergh Field's noise impact area.

Total aircraft operations at Lindbergh Field are projected to grow at an average annual rate of 2 percent through 2020. At this rate, Lindbergh Field will reach its maximum operating capacity by 2011. Therefore, the SANDAG, local agencies, and others must band together and decide whether to expand or relocate Lindbergh Field.

Respectfully submitted,

ELAINE M. HOWLE
State Auditor

BUREAU OF STATE AUDITS

555 Capitol Mall, Suite 300, Sacramento, California 95814 Telephone: (916) 445-0255 Fax: (916) 327-0019

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SUMMARY

Audit Highlights . . .

Our review found that:

- ☑ *Delays in implementing sound-attenuation programs, combined with the city of San Diego's (city) failure to implement certain provisions of a land use plan, have prevented further decreases in incompatible land use within the San Diego International Airport at Lindbergh Field's (Lindbergh Field) noise impact area.*
- ☑ *By law, the Federal Aviation Administration has the sole authority to manage the air traffic control system and navigable airspace in the United States; therefore, the San Diego Unified Port District (port district) cannot restrict access to noisier aircraft or dictate departure routes.*
- ☑ *The cessation of public meetings by the county of San Diego's Noise Control Hearing Board may have lessened the community's trust of the port district.*

(continued on next page)

RESULTS IN BRIEF

In 1972, the county of San Diego (county) declared the San Diego International Airport at Lindbergh Field (Lindbergh Field) a “noise problem airport” in accordance with state regulations. Lindbergh Field’s owner and operator, the San Diego Unified Port District (port district), applied to the California Department of Transportation (Caltrans) for a variance to the noise standards. Caltrans granted a variance but stipulated that the port district proceed with efforts to reduce the number of incompatible properties within the area surrounding the airport, known as the noise impact area. Also, state law requires local governments to develop a comprehensive land use plan to ensure that future developments near Lindbergh Field are compatible land uses. Over the past 25 years, the port district has applied for and received seven variances and each time has taken some actions to address Caltrans’ requirements for reducing the noise impact area. However, its delays in implementing sound-attenuation programs, combined with the city of San Diego’s (city) failure to implement certain provisions of a comprehensive land use plan, have prevented further decreases in incompatible land use within Lindbergh Field’s noise impact area. Incompatible land use within the noise impact area includes such properties as residences and schools.

Public concerns about preserving historic homes near the airport have delayed the port district’s residential sound-attenuation program, designed to decrease the impact of noise in existing structures. The port district and the Federal Aviation Administration (FAA) have, however, provided about \$14 million to the San Diego Unified School District, which upgraded six schools in the noise impact area. In contrast, the port district has not upgraded the Marine Corps Recruit Depot because the U.S. Marine Corps is ineligible to receive FAA funding for sound attenuation, and the port district did not seek an alternative until 1999.

The city’s failure to consistently implement certain provisions of a comprehensive land use plan is partly responsible for the lack of further reductions to Lindbergh Field’s noise impact area. In

Audit Highlights . . .
(continued)

- ☑ *The port district estimates that total aircraft operations at Lindbergh Field will increase at an average annual rate of 2 percent through 2020.*
 - ☑ *There have been numerous studies about relocating the airport, but thus far, there has been no final decision to move or expand it.*
-

February 1992, the San Diego Association of Governments (SANDAG) adopted such a plan, with the approval of the port district and the city, requiring that any development near Lindbergh Field be compatible with the surrounding noise level, such as parking, manufacturing facilities, or amusement parks. The city's role was to ensure consistency between its general plan, zoning ordinances, and building regulations for properties within a specific zone and the comprehensive land use plan. The city was also to obtain aviation easements when required. Aviation easements are one way of converting land use from incompatible to compatible. Aviation easements grant the port district unrestricted aircraft access to and from Lindbergh Field and limit the property owner's ability to initiate legal action related to aircraft noise. However, for at least five years, the city took no action to ensure that its ordinances were consistent with plan provisions. Although the port district informed the city of new incompatible land uses in the noise impact area in January 1997, the city again did not take action promptly. The city waited until October 2, 2000, to vote to include Lindbergh Field in its ordinance addressing land development restrictions near airports. The port estimates that more than 28,000 residents live within Lindbergh Field's noise impact area.

The port district receives an average of about 1,000 complaints a year about the location and intensity of aircraft noise. The most common complaints are related to loud aircraft overhead and aircraft disregarding the regular departure route. By law, the FAA has the sole authority to manage the air traffic control system and navigable airspace in the United States and to establish flight operational procedures. Therefore, the port district cannot restrict the access of noisier aircraft or dictate the appropriate departure route and has no authority to resolve these types of complaints. The port district uses its noise-monitoring system to determine whether these complaints are valid. Although some community members consider the noise-monitoring system data suspect, we found the data to be accurate. However, contributing to the community distrust is the cessation of public meetings by the county's Noise Control Hearing Board (noise board), which enforces the terms and conditions of Lindbergh Field's variance to the noise standards and audits the port district's noise-monitoring data. Also, the port district's Airport Noise Advisory Committee can improve its interaction with the community.

The SANDAG, port district, and local agencies must consider not only how to deal with current noise issues, but also how to handle the projected increase in total aircraft operations at

Lindbergh Field, estimated to increase by an average annual rate of 2 percent through 2020. At this rate, Lindbergh Field will reach its maximum aircraft operating capacity of 275,000 by 2011. There have been numerous studies about relocating the airport, but thus far there has been no final decision regarding the expansion or relocation of Lindbergh Field.

RECOMMENDATIONS

To further its efforts to reduce the impact of aircraft noise and to respond effectively to complaints, the port district should improve its community relations efforts. One possibility is to establish working groups that include local residents. It also should continue to work with the U.S. Marine Corps to resolve noise-related issues at the Marine Corps Recruit Depot.

To fully implement the comprehensive land use plan, the city should continue to work toward making its planning, zoning, and building regulations consistent with the plan's provisions. For example, it should ensure that it obtains the necessary aviation easements. In addition, the SANDAG should comply with the plan requirements for ensuring that the city's general plan and ordinances agree with the land use plan.

To provide independent verification of the port district's noise information, the county should reactivate the noise board.

To address projected growth in air traffic, the SANDAG, local agencies, and community groups should determine whether to move the airport.

AGENCY COMMENTS

The San Diego Unified Port District generally agrees with our recommendations. The city of San Diego, the county of San Diego, and the San Diego Association of Governments (SANDAG) also generally agreed with our recommendations. The SANDAG, however, disagreed with our recommendation that it and other local entities should decide whether to relocate the airport. The SANDAG states that this recommendation is unnecessary because there are public policies in place to address it. Additional comments made by each entity and our responses begin on page 31. ■

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INTRODUCTION

BACKGROUND

The San Diego International Airport at Lindbergh Field (Lindbergh Field), which opened in 1928, is only three miles northwest of downtown San Diego and one mile northwest of the central business district. It is also adjacent to densely populated communities located west (Point Loma and Ocean Beach) and east (downtown area). The San Diego Bay and the Marine Corps Recruit Depot are south and north, respectively. Lindbergh Field is the primary commercial service airport in the San Diego area. It was the busiest single runway airport and the 28th busiest airport nationwide in terms of passenger volume in 1999, with more than 15.3 million passengers. Currently, more than 25 passenger and cargo airlines operate an average of 630 arrivals and departures daily. Various state and local entities monitor and manage noise levels at Lindbergh Field, in compliance with federal and state regulations.

THE ROLE OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

In 1969, the Legislature directed the California Department of Transportation (Caltrans) to adopt noise standards, to the extent allowed by federal law, for the operation of aircraft and aircraft engines at airports operating under a valid permit. Aircraft noise is measured using units of A-weighted decibels, a logarithmic measure of the magnitude of a sound as the average person hears it.¹ The higher the number of decibels, the louder the sound noise seems. Decibel levels are measured logarithmically, so each increase of about 10 decibels doubles the loudness that people perceive. Although airport-related sound measurements are normally single events, the State's noise standards are based on a cumulative average that takes into account the number of

¹ The A-weighting accounts for the fact that humans do not hear low or high frequencies as well as they hear middle frequencies, and it corrects for the relative efficiency of the human ear at the different frequencies.

aircraft noise events within a 24-hour day.² Human response to noise involves both the maximum level and its duration, so the cumulative average presents a more accurate picture of noise exposure and the overall impact of noise on a community. Figure 1 shows peak noise levels for common events.

The Federal Aviation Administration (FAA) and other federal agencies measure noise impact using the Yearly Day Night Average Sound Levels (DNL), which assigns additional weight to sounds occurring between 10 p.m. and 7 a.m.³ The FAA has specified a 65-decibel DNL as the lower limit for defining significant noise impact on people.

California uses a somewhat different measurement method—the community noise equivalent level (CNEL), which specifies 65 decibels and weighting similar to the DNL but adds an additional weighting of about five decibels to flights occurring between 7 p.m. and 10 p.m.

Caltrans can grant variances to the noise standards to “noise problem airports” that have incompatible land uses within the CNEL of 65 decibels. A variance constitutes compliance with the noise standards even though airport noise levels vary from established standards. The ultimate goal of the variance process is to require the airport proprietors to develop and implement programs to reduce any airport noise impact area to zero. In January 1975, the San Diego Unified Port District (port district) applied to Caltrans for its first variance to the noise standards and has since applied for and received seven variances. It applied for its eighth variance on August 16, 2000.

THE ROLE OF THE SAN DIEGO UNIFIED PORT DISTRICT

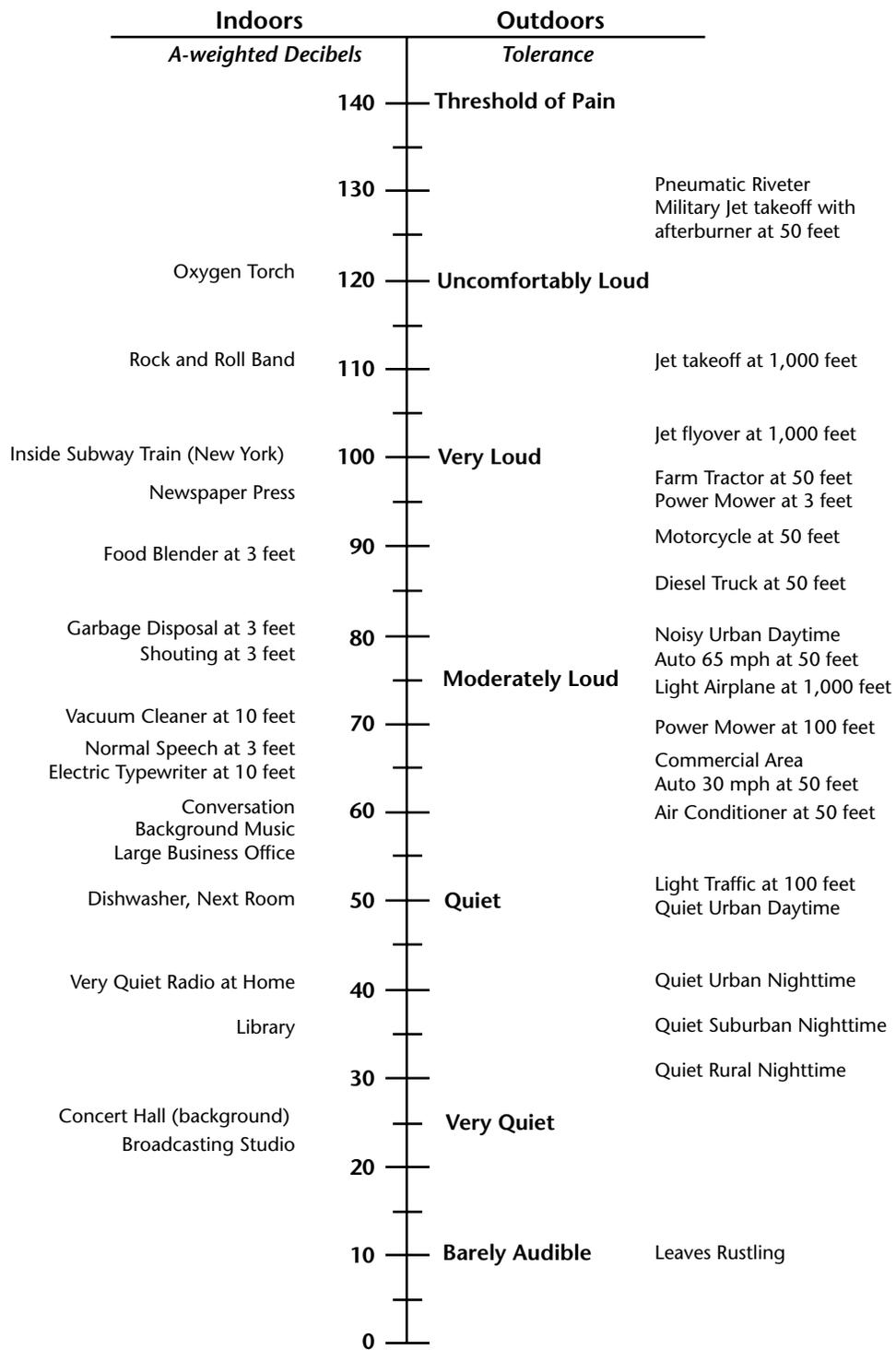
Lindbergh Field is owned and operated by the port district, which was created by the Legislature in 1962. The city councils of Chula Vista, Coronado, Imperial Beach, and National City

² A single event is usually measured from the time the sound is heard above the background sound level to its maximum sound level and then until it is no longer distinct. Another method for measuring a single event is by using the sound exposure level, which measures the total sound energy the listener is exposed to during a single event.

³ An additional 10-decibel weighting is added to the measurement of noise events occurring between 10 p.m. and 7 a.m. to account for sleep disturbances and other effects.

FIGURE 1

Approximate Sound Level of Common Sound Sources



Source: *The Airport Land Use Planning Handbook*, prepared for Caltrans; Compiled by Hodges & Shutt from various sources (December 1993).

Some Functions of the Airport Noise Management Office

- Monitor compliance with state and federal regulations.
- Enforce airport use regulations and impose fines for airline violations.
- Manage sound-attenuation programs.
- Manage its Aircraft Noise and Operations Monitoring System, including flight track data.
- Respond to community complaints and concerns.
- Monitor land use development within the noise impact area.

each select one commissioner to the port district board, and the San Diego City Council appoints three commissioners. These seven commissioners, who hold four-year terms, govern the port district and the operations of Lindbergh Field.

The port district has two groups involved in airport noise reduction issues: the Airport Noise Management Office, with a staff of four and an annual budget of \$1.6 million, and the Airport Noise Advisory Committee (committee), which is composed of individuals from various organizations, residential areas, and professional associations and provides a public forum to discuss airport noise issues. The committee reports directly to the port district board.

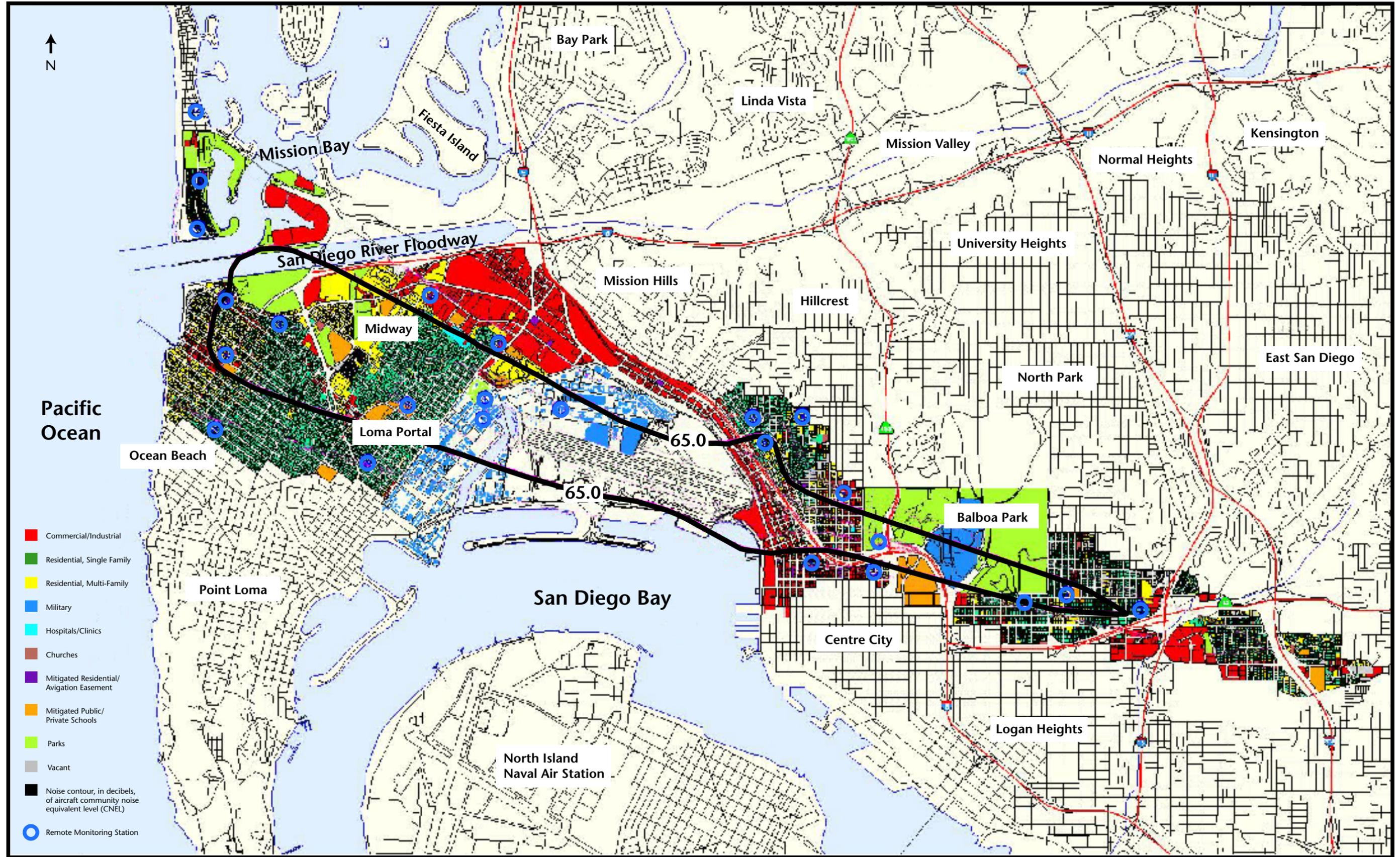
THE ROLE OF LOCAL GOVERNMENT AGENCIES IN SAN DIEGO

The county of San Diego (county) enforces state airport noise regulations. It reviews and audits the noise-monitoring data from the port district and reports quarterly to Caltrans on information pertaining to Lindbergh Field's noise impact area. Figure 2 on the next page shows Lindbergh Field's impact area. The county delegates these responsibilities to its Noise Control Hearing Board (noise board), which is composed of industry representatives and community members. The county designated Lindbergh Field as a noise problem airport in 1972.

In accordance with state law, the San Diego Association of Governments (SANDAG), as the airport land use commission, adopted a comprehensive land use plan to ensure the development of compatible land use surrounding Lindbergh Field. The plan requires the SANDAG to monitor the city of San Diego's (city) general and specific plans, zoning ordinances, and building regulations to ensure that they are consistent with the comprehensive land use plan. The city is responsible—through its ordinances, regulations, and other policies—for prohibiting incompatible land use around Lindbergh Field.

FIGURE 2

1999 Annual 65 Decibel Contour of Aircraft Community Noise Equivalent Level (CNEL)



Source: Airport Noise Management Office, Lindbergh Field, San Diego Unified Port District

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THE ROLE OF THE FEDERAL GOVERNMENT

By law, the FAA has the sole authority to manage the air traffic control system and navigable airspace in the United States and to establish flight operational procedures. The courts have long held that federal control over airport use is sufficiently “pervasive” that it occupies the entire field of regulation. Under the Supremacy Clause of the U.S. Constitution, federal regulation totally preempts any attempts by state or local agencies to regulate the use of airports that are part of the national air transportation system for environmental purposes, including noise or air quality control.

The only exception to this rule is that airport proprietors can voluntarily exercise some regulatory authority over airport use to limit their potential damage liability. This “proprietor exception,” however, has been held to be an insufficient basis for state or local agencies to indirectly regulate airport use. For example, in 1969, the Legislature directed Caltrans to adopt noise standards that limited permissible noise generated by aircraft and subjected the violator to a misdemeanor liability and a fine of \$1,000. Relying on the principles announced by the U.S. Supreme Court in *Lockheed Air Terminal, Inc. v. City of Burbank (Lockheed)*, the U.S. District Court for the Northern District of California struck down the limits as violating the rule of federal preemption in *Air Transport Ass’n v. Crotti*. In *Lockheed*, the U.S. Supreme Court stated that the FAA must balance considerations of safety, efficiency, technological progress, common defense, and environmental protection when formulating rules and regulations with respect to the use of the nation’s airspace. The U.S. Supreme Court concluded that the extensive control of the federal government “seems to us to leave no room for local curfews or other local controls.”

Stage 2 and Stage 3 Noise Criteria

Stage 2 and stage 3 designations define the maximum allowable noise level for each aircraft type (Boeing 737, DC 10, etc.). The maximum levels are based on the maximum weight, number of engines, and phase of flight (approaches and flyovers).

- The maximum noise level for any stage 2 aircraft type ranges from 93 to 108 decibels. However, the number of engines is not used in determining the maximum noise level.
- The maximum noise level for stage 3 aircraft types ranges from 89 to 106 decibels.

To help airports and communities reduce or mitigate the effects of airport noise, the FAA undertakes activities to reduce aircraft noise, to change runway use, or to alter flight operations. In addition, although the FAA has no authority over state and local land use decisions, the Aviation Safety and Noise Abatement Act of 1979 directed the FAA to define land uses considered to be incompatible with the noise levels to which communities near airports are exposed. Incompatible land uses can include schools and residences. The act also directed the FAA to administer a program to encourage airports to

identify incompatible land uses and to develop noise compatibility programs to reduce any existing or potential incompatible land uses.

In its Airport Noise and Capacity Act of 1990 (act), Congress acknowledged the importance of aviation noise management to the continued increase in airport capacity. The act also called for a federal noise policy to reduce the number of uncoordinated and inconsistent community-level restrictions on aviation that could impede the national air transportation system. Moreover, it concluded that local interest in aviation noise management should be considered in determining the national interest, and that more advanced aircraft technology could alleviate community concerns. Congress also directed the transportation secretary to establish a national aviation noise policy by July 1, 1991. The policy would phase out aircraft certified by the FAA as stage 2 and require that essentially all civil subsonic turbojet airplanes with a maximum weight of more than 75,000 pounds comply with its stage 3 noise-level standards after December 31, 1999.

SCOPE AND METHODOLOGY

The Joint Legislative Audit Committee requested that the Bureau of State Audits (bureau) examine the accuracy of the noise-monitoring data that the port district reports to Caltrans. The bureau also was asked to evaluate Lindbergh Field's noise-monitoring and flight-tracking system and the port district's use of that system to respond to complaints. The bureau was asked to determine the extent to which Caltrans monitors the port district's noise complaint process. We found that state regulations limit Caltrans' role to ensuring that the port district's noise-monitoring system meets state standards, to granting variances to the noise standards, and to reviewing quarterly noise-monitoring data for the purpose of assessing progress towards reducing Lindbergh Field's noise impact area.

To obtain an understanding of the laws and regulations governing airport operations, we reviewed federal and state laws, as well as relevant court cases. We also interviewed management and staff at the port district, Caltrans, and the county.

To obtain an understanding of the variance process, we reviewed state regulations. We also spoke with Caltrans staff to clarify our understanding and to determine whether it considers noise complaints when issuing variances.

To determine the accuracy of information reported by the port district in its application for a variance, we reviewed the terms and conditions of the variance as well as relevant data demonstrating how it met the terms and conditions. We reviewed federal documents as well as those from the port district and the city's Historical Resources Board. We also made inquiries of port district and the San Diego Unified School District staff. Further, we examined the quarterly noise reports and noise contours produced by the port district from 1996 to March 31, 2000.

To determine the county's role in monitoring the port district's compliance with state airport noise regulations, we reviewed local policies and state regulations. We also interviewed the county's noise control officer.

To determine if local entities were adhering to the requirements of the city's comprehensive land use plan, we reviewed state and federal regulations regarding land use and city ordinances and internal policies. In addition, we interviewed management and staff of the port district, the city, and the SANDAG.

To obtain assurance on the accuracy of the port district's noise-monitoring system, we interviewed the system's manufacturer. We also watched aircraft departures, recorded single-event noise meter readings and flight tracks, and compared our results to data obtained from the port district's noise-monitoring system.

Finally, to determine the frequency of deviations from original flight plans at Lindbergh Field, we reviewed flight track data and interviewed FAA staff. ■

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CHAPTER 1

San Diego's Local Governments Must Do More to Further Reduce Lindbergh Field's Noise Impact Area

CHAPTER SUMMARY

The San Diego International Airport at Lindbergh Field (Lindbergh Field) is a noise problem airport and the San Diego Unified Port District (port district) has received variances to the noise standards from the California Department of Transportation (Caltrans). The variance process requires the port district to move toward reducing incompatible land use within the noise impact area to zero.

The port district's current residential sound-attenuation program, designed to upgrade existing structures, offers promise. However, problems with building permits arising from public concern about preserving the architectural and historical integrity of properties within the noise impact area have delayed the program's implementation. The port district has made little progress in implementing its military sound-attenuation program because the U.S. Marine Corps is ineligible for Federal Aviation Administration (FAA) funding and the port district had to seek other alternatives. The county of San Diego (county), which is responsible for compliance with state airport regulations, has virtually disbanded the board that was charged with ensuring compliance with the variance. Moreover, the city of San Diego (city) failed to consider noise impact issues when granting new building permits. Aircraft noise continues to affect thousands of residents within the noise impact area.

COMMUNITY CONCERNS AND MILITARY NEGOTIATIONS SLOW IMPLEMENTATION OF SOUND-ATTENUATION PROGRAMS

Although the port district has funded improvements to schools within the San Diego Unified School District, delays in the startup of its residential and military sound-attenuation programs have slowed its ability to further reduce Lindbergh Field's noise impact area. The port district estimates that more than 28,000

people are affected by the noise within the 1.3 square miles of the noise impact area. When granting a variance, Caltrans requires the port district to develop and implement programs to reduce its noise impact area to an acceptable degree over a reasonable period. However, it took nearly two years of negotiations between the city, county, military, community representatives, and the port district to agree in October 1997 to include the military and residential sound-attenuation programs in its seventh variance.

The port district has successfully implemented the San Diego Unified School District sound-attenuation program. The port district and the FAA provided about \$14 million to the school district. By August 1999, six schools in the noise impact area received sound-attenuation upgrades to reduce the airport noise.

Progress in the residential sound-attenuation program has not been as steady. The program's goal is to achieve an interior noise level of 45 decibels in eligible dwellings. Homes eligible for the sound-attenuation program include single family and multi-family residences with six or fewer units, whether owner-occupied or not, within the highest noise impact area near Lindbergh Field. Participation is voluntary; however, each property owner choosing to participate must sign an avigation easement to the port district. Avigation easements grant the port district unrestricted aircraft access to and from Lindbergh Field and limit the property owner's ability to initiate legal action related to aircraft noise. In return, the property owners can receive upgrades to windows, doors, attics, and wall insulation and have air conditioning installed at no cost.

The residential sound-attenuation program was delayed due to concerns over preserving the architectural and historical integrity of homes within the noise impact area.

The port district receives FAA grant money for the residential sound-attenuation program. The FAA had awarded a total of \$10 million as of September 2000. The port district will contribute about \$2 million for the program. The port district intended to begin upgrading eligible homes in 1999, but the program was delayed when the city's Historical Resources Board (historical board) voiced concerns about the preservation of some homes within the noise impact area. The historical board instructed city administrators not to issue building permits to the port district and asked the port district to develop an inventory of area homes with historic value. The port district completed the inventory in April 2000 and expects more than 200 residences to receive upgrades by January 2002.

Although learning in 1997 that the U.S. Marine Corps was ineligible for federal sound-attenuation funds, the port district did not seek other alternatives until 1999.

The port district has made little progress toward implementing its military sound-attenuation program, which is similar to the residential program. The port district became aware in May 1997 that the U.S. Marine Corps was ineligible to receive funding from the FAA for sound attenuation. However, between 1997 and 1999 the port district did not seek other funding alternatives. In 1999, unrelated to the variance process, the port district began working on a potential exchange of property with the U.S. Marine Corps. If the property exchange is approved, the port district could begin addressing some of the noise issues at the Marine Corps Recruit Depot within two to three years.

THE COUNTY IS NOT PROPERLY MONITORING THE PORT DISTRICT'S PROGRESS

State law requires the county to enforce the noise regulations established by Caltrans. San Diego County established its Noise Control Hearing Board (noise board) to enforce the terms and conditions of Lindbergh Field's variance to the noise standards and submit quarterly reports to Caltrans based on information provided by the port district. There are no specific requirements outlining how often the noise board must meet to certify the accuracy of the port district's quarterly reports. However, the noise board has not met since April 1999, so it cannot ensure that the port district is meeting the requirements stipulated by the variance.

During its review of Lindbergh Field's variance application, Caltrans will hold a public hearing, under the provision of the State's Administrative Procedure Act, if any person or

governmental agency residing in, owning property within, or having jurisdiction over the noise impact area requests one. Lindbergh Field's existing variance allows local parties that participated in the variance negotiation to submit written objections to Caltrans. In reviewing the port district's application, Caltrans will consider the written objections.

In accordance with the requirements of the seventh variance, the port district must include in its quarterly reports the composition of the current jet operations fleet mix and each air carrier's anticipated aircraft additions and replacements as of January 1 and July 1. The report also must

Factors That Caltrans Considers When Reviewing Variance Applications

- Economic and technological feasibility of complying with Caltrans' noise standards.
- Noise impact resulting from the approval of the variance.
- Benefit to the public.
- Good faith effort made by the port district to achieve state noise standards.

include information such as a report of operations by airline, aircraft type, and stage classification for each quarter and cumulative six-month period ending June 30 and December 31. This data allows interested parties to track the number of aircraft considered to be excessively noisy.

In 1999, the port district required all regularly scheduled commercial operations at Lindbergh Field to meet FAA requirements for stage 3 certification. As a result, the port district no longer needed to include operations by stage classification in its quarterly reports. However, the port district also stopped reporting on operations by airline and aircraft type. A community member commented on the information missing from the quarterly reports as early as March 1999 and requested that the port district continue to report on operations by airline and aircraft type, but the port district has not included this data in its reports as of July 2000. The port district states that, in the future, it will comply with the variance and include data on operations by airline and aircraft type in the quarterly noise reports sent to Caltrans.

Because the noise board has not met since April 1999, no independent, local governing body is ensuring that the port district complies with the conditions of its variance from noise standards.

The noise board has not met since April 1999 and as a result the port district has been submitting the quarterly reports directly to Caltrans without independent verification. The county states that staff changes and a general lack of interest from previous board members has prevented the noise board from monitoring the port district's performance. Unless the noise board resumes its oversight responsibilities, there is no independent, local governing body to ensure that the port district is meeting the terms and conditions of Lindbergh Field's variance and that progress toward reducing the noise impact area is acceptable.

THE CITY OF SAN DIEGO HAS FAILED TO ENFORCE CERTAIN PROVISIONS OF LINDBERGH FIELD'S COMPREHENSIVE LAND USE PLAN

The federal government recognizes the importance of land use planning in mitigating noise impacts and considers it to be among the most potent and affordable of all the compatibility strategies. It therefore encourages airport operators to act as an integral participant in the planning process, which includes tracking the development taking place around their airports. The city approved a comprehensive land use plan for Lindbergh Field that the San Diego Association of Governments (SANDAG)

adopted. However, the city has not complied with certain plan requirements. Consequently, it has impeded the port district's progress in reducing its noise impact area.

The SANDAG, composed of council members, mayors, and a county supervisor from each of the region's 19 local governments, is also the airport land use commission for the San Diego region. The comprehensive land use plan that the SANDAG adopted in February 1992, with a subsequent amendment in April 1994, directs the city to prohibit the development of any further incompatible land uses within the area surrounding Lindbergh Field and to require new projects to be consistent with the plan. In certain instances, property owners must file an avigation easement with the county recorder and the port district to obtain building permits. Avigation easements are one way of converting land use from incompatible to compatible.

Although the city agreed in 1992 to prohibit the development of any further incompatible land uses within the noise impact area surrounding Lindbergh Field, it did not amend its land use regulations to include Lindbergh Field until October 2000.

However, the city has not consistently obtained avigation easements when required. In fact, it was not until October 2, 2000, that the city council amended an ordinance to include supplemental regulations for Lindbergh Field's land use plan and update its avigation easement requirements. The ordinance still requires the approval of the Coastal Commission, which oversees local coastal programs.

In January 1997, the port district identified a number of new residential homes within the noise impact area for which it had not received avigation easements. Despite working with the port district to implement plan provisions for obtaining avigation easements, the city remains inconsistent in its enforcement of plan requirements. For example, as part of its discretionary permit process, the city prepares and makes available to the public an environmental report for new developments. The city's September 2000 environmental analysis for a new eight-unit development incorrectly stated that this proposed apartment complex would be a compatible land use, and the city did not address the need for an avigation easement in the future. As early as 1997, the city knew that certain provisions of the land use plan, including the avigation easement requirements, were internally inconsistent, and as a result, its staff disagreed on exactly when to apply the provisions. If the city believed that the plan contained certain inconsistencies, it should have taken action sooner to seek clarification and implement plan provisions.

The SANDAG also bears some responsibility for ensuring that certain provisions of the land use plan are met. Specifically, the plan requires the SANDAG to monitor the city's general and community plans, zoning ordinances, and building regulations. Initially, the SANDAG believed that it adequately monitored the city's compliance with the plan, and that the city's ordinance covered Lindbergh Field. However, five years after adoption of the plan, port district staff recognized the omission of Lindbergh Field from the ordinance. Although the omission eventually was corrected, the SANDAG's failure to ensure that all the city's regulations were consistent with the plan before 1997 contributed to the city's delays in seeking the necessary aviation easements to reduce incompatible land developments.

RECOMMENDATIONS

The port district should continue its negotiations with the U.S. Marine Corps to resolve noise-related issues at the Marine Corps Recruit Depot. It also should continue to report on operations by airline and aircraft type as the variance requires.

To maintain proper oversight of the port district's progress in meeting the conditions of Lindbergh Field's variance and to meet its regulatory responsibilities, the county should reactivate the noise board. It should ensure that the noise board meets quarterly and submits regular and complete reports to Caltrans.

To fully implement the comprehensive land use plan and prevent any additional incompatible land uses, the city should develop procedures to ensure that property owners obtain the necessary aviation easements for new developments within the noise impact area. The city also should make certain that its general and community plans, zoning, and regulations and ordinances are consistent with the comprehensive land use plan.

Finally, the SANDAG should comply with the plan requirements for ensuring that the city's general plan and ordinances agree with the comprehensive land use plan. ■

CHAPTER 2

The Port District Cannot Impose Noise Restrictions Without FAA Approval, but It Can Improve Its Community Relations in Other Ways

CHAPTER SUMMARY

Noise problems at the San Diego International Airport at Lindbergh Field (Lindbergh Field) have provoked complaints from the surrounding communities for many years. In response, the Airport Noise Management Office of the San Diego Unified Port District (port district) makes available a complaint hot line. The port district is limited in addressing community complaints because it cannot impose noise and access restrictions on older aircraft that have been retrofitted to meet the Federal Aviation Administration's (FAA) requirements for stage 3 certification but still produce substantial levels of noise.

Distrust of the port district's flight-tracking and noise-monitoring system data further hampers positive community relations. Although our flight observations were consistent with the data obtained from the port district's noise-monitoring system, the manner in which the district's Airport Noise Advisory Committee (committee) interacts with the community and the cessation of the county of San Diego's (county) Noise Control Hearing Board (noise board) may be partly responsible for the community's distrust.

Although the FAA added "noise dots" to air traffic control radar maps to define regular departure paths and to limit flights over residences in the southern area of Point Loma, we found that the noise dots are only minimally able to affect the area's overall noise level. Moreover, the anticipated growth in Lindbergh Field's aircraft operations warrants the necessity for the San Diego Association of Governments (SANDAG), local agencies, and others to band together and decide whether to expand or relocate Lindbergh Field.

THE PORT DISTRICT CAN IMPROVE ITS COMMUNITY RELATIONS

Lindbergh Field's variance to the noise standards requires the port district's Airport Noise Management Office to respond to aircraft noise complaints. It uses a noise-monitoring system to measure noise, track flight paths, and calculate the noise impact area. The Airport Noise Management Office uses this data to respond to complaints. Although some community members consider the noise-monitoring system data suspect, we found it to be accurate. However, the cessation of the county's noise board and the port district's failure to effectively communicate with community members through its committee may be responsible for public distrust.

Although responsible for reviewing the accuracy of noise-monitoring data and serving as a forum for public discussion of airport noise issues, the county's noise board has not met for at least 18 months.

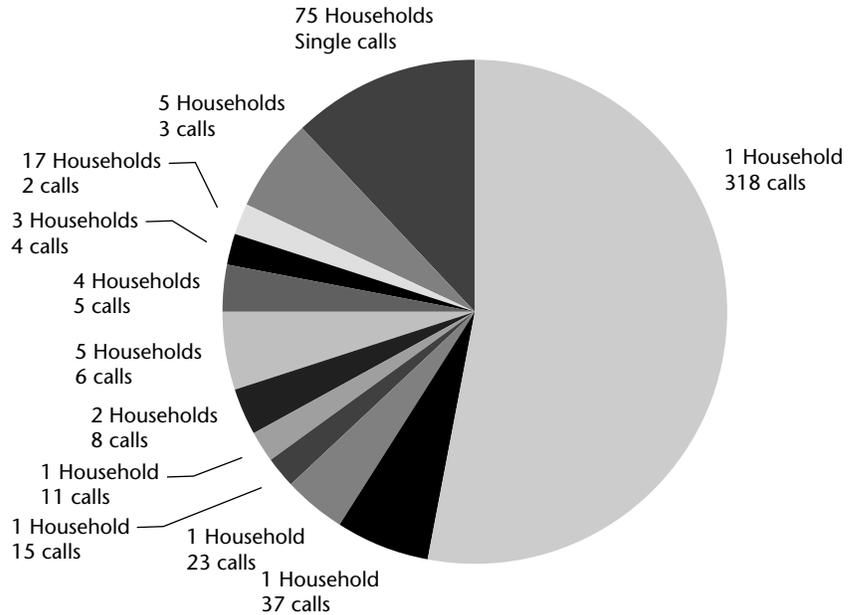
The noise board reviews and audits the port district's noise-monitoring data. It further serves as a forum for public discussion of airport noise issues. However, the county states that the noise board has not met for at least 18 months due to staff changes and a lack of interest among board members. As a result, community members affected by Lindbergh Field's aircraft noise no longer have an independent verification of the port district's data.

The public can register complaints through a hot line established by the port district's Airport Noise Management Office. The hot line receives an average of 500 complaints semiannually. After researching each complaint, the Airport Noise Management Office responds to complainants who have so requested. Our analysis of Lindbergh Field's data shows that a single household may file numerous complaints. For example, one household filed 46 complaints between January and June 1999, while another household filed 20 between July and December 1999. Moreover, as Figure 3 shows, one household made 318 calls, or 53 percent of the total complaints, between January and June 2000.

Complaints range from a loud aircraft overhead to possible curfew violations. Another common complaint is that aircraft

FIGURE 3

**Aircraft Noise Complaint Distribution by Household
January Through June 2000
(Total Calls = 606)**



Source: San Diego Unified Port District Airport Noise Management Office.
Note: The figure shows the number of calls each household made.

are not following the regular departure route. The Airport Noise Management Office also receives complaints regarding aircraft not landing or departing from Lindbergh Field, such as banner flights, emergency response flights, or military flights. In these cases, the Airport Noise Management Office attempts to identify the aircraft and inform the caller of the proper jurisdiction to lodge its complaint.

Another forum for residents to voice their concerns is the committee, established by the port district in 1981 and composed of 14 voting members from various agencies, industries, and other interested groups. The composition of the committee was a requirement of the existing variance and was approved by the FAA. The committee meets at least once each calendar quarter. Any community members wishing to address the committee must do so within a time limit of three minutes.

Composition of the Airport Noise Advisory Committee

- Air Transport Association
- Commercial airline pilot
- Acoustician
- Military
- Federal Aviation Association
- Greater Golden Hill Planning Board
- Little Italy Association
- Midway Community Plan Advisory Committee
- Ocean Beach Planning Board
- Peninsula Community Planning Board
- Uptown planners
- City of San Diego
- County of San Diego
- Port district

At the committee's September 14, 2000 meeting, emotions ran high and involved outbursts that were not conducive to rational discussion. The existing meeting format, similar to that of a public meeting, did not appear to generate constructive communication between the port district and the public. This is consistent with a 1996 FAA survey of about 90 major North American airports that found that the most successful techniques for developing solutions to airport noise while ensuring community involvement are advisory committees and working groups. Public meetings and public hearings are the least successful. We believe the port district may benefit by establishing smaller working groups that include community members. This facilitation of more one-on-one communication would encourage community members to become an integral part of the decision-making process.

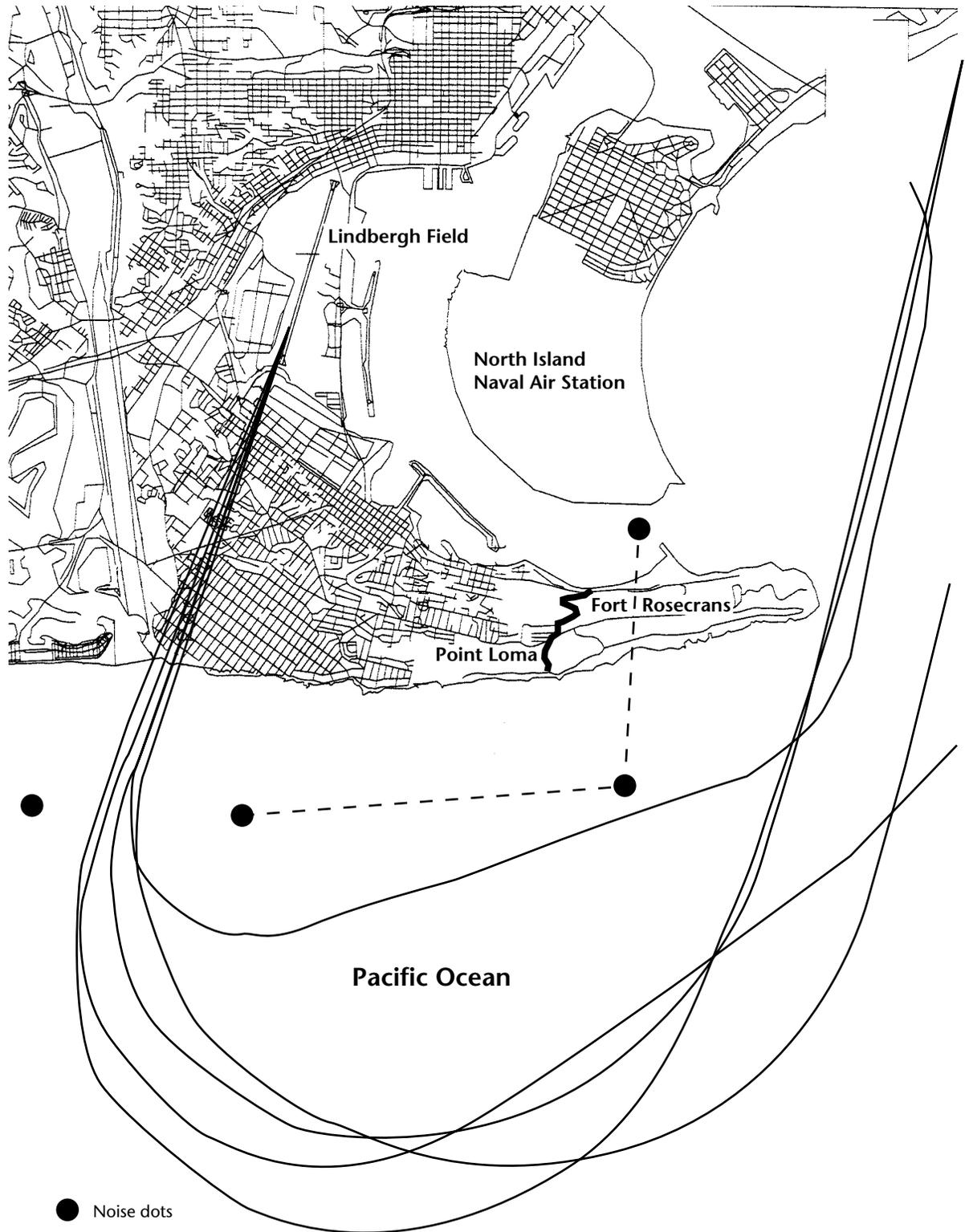
The FAA's "Noise Dots" Restrict Flights Over Residential Areas

In December 1998, responding to concerned citizens and a congressional representative about aircraft departures, the FAA implemented new procedures and installed new radar maps with a series of "noise dots" that define regular departure paths. These improvements have helped to redirect air traffic away from residential areas in Point Loma.

The new procedures direct aircraft 1.5 miles west of the shoreline before turning south. Aircraft also are directed so they do not cross Point Loma until as far south as Fort Rosecrans National Cemetery. The FAA representatives have also made assurances that Lindbergh Field air traffic controllers direct departing aircraft to a 275- or 290-degree heading when cleared for takeoff. Figure 4 shows an example of flights using the 275-degree departure heading between 7:10 p.m. and 8 p.m. on September 20, 2000. The figure also depicts the radar gate through which aircraft should fly to comply with the FAA "noise dot" procedures.

FIGURE 4

Noise Dots Redirect Air Traffic Away From Point Loma



Source: San Diego Unified Port District Airport Noise Management Office.

Departing aircraft do not fly to a specific point on the 275-degree departure heading. Instead, air traffic control directs aircraft to fly through a departure gate about two miles wide and 1.5 nautical miles west of the shoreline. As a result, an aircraft can fly from the departure end of runway 27 to the southern end of the departure gate and cross the shoreline as far south as Orchard Avenue. Our review of daily flight track data for the months of April 1999, October 1999, and July 2000 showed a decreasing number of flights outside the departure corridor bounded by the “noise dots.” The Airport Noise Management Office routinely reviews daily flight track data and makes a list of any flights that occur outside the “noise dots.” It submits that list to the FAA representative at the air traffic control facility. When the FAA identifies a specific cause behind multiple irregular flight tracks, it follows up to correct the problem. In some instances, the reported irregular flight tracks are warranted because of safety considerations.

RETROFITTED STAGE 3 AIRCRAFT CONTINUE TO CAUSE PROBLEMS

Since January 1, 1999, the port district has prohibited noisy stage 2 planes, with the exception of general aviation aircraft and operators that are not regularly scheduled. However, the port district cannot unilaterally place noise or access restrictions on old stage 2 aircraft that have been retrofitted with hushkits to minimally meet the FAA’s noise-level criteria for stage 3 certification.

Significant noise differences exist among the aircraft that comply with stage 3 noise levels. New stage 3 aircraft, such as Boeing 757s, are much quieter than older Boeing 727s with hushkits, which reduce aircraft engine fan and compression noise through engine modification, acoustic treatment, and noise suppression technology. These hushkitted Boeing 727s meet FAA’s stage 3 noise-level criteria but are only slightly quieter than the Boeing 727s without hushkits that are certified as stage 2. The FAA’s position is that hushkit modification is an appropriate method to comply with stage 3 aircraft noise standards. It also expects the noise impacts on the surrounding communities to decrease as hushkitted and older stage 3 compliant aircraft reach the end of their service lives and are replaced by newer planes.

Although they meet FAA’s noise-level criteria, hushkit equipped stage 3 certified aircraft are only slightly quieter than stage 2 aircraft, which have been prohibited since January 1999.

Criteria for Proposals for Noise and Access Restrictions

- Be reasonable, nonarbitrary, and nondiscriminatory.
- Not create an undue burden on interstate or foreign commerce and the national aviation system.
- Maintain safe and efficient use of navigable airspace.
- Not conflict with existing federal laws or regulations.
- Demonstrate that the airport has provided adequate opportunity for public comment.

The port district is not able to restrict the access of hushkitted aircraft from Lindbergh Field. Federal law and various court cases support the FAA's preeminence on this issue. For example, the Airport Noise Capacity Act of 1990 (act), along with federal regulations, make many traditional aircraft operation regulations by local airport owners infeasible without FAA approval. Airport owners risk losing federal funds if they request noise or access restrictions from the FAA without meeting certain criteria. However, the act does allow the port district to seek the air carriers' concurrence to implement voluntary restrictions. In response to a request from the committee, the port district plans to send a letter to aircraft operators urging them to voluntarily substitute noisier hushkit stage 3 planes with quieter stage 3 planes.

In 1989, prior to the act, the port district did impose curfews on the use of Lindbergh Field. No departures or engine run-ups can occur between 11:30 p.m. and 6:30 a.m. Departures of aircraft not certified as stage 3 are prohibited between 10 p.m. and 7 a.m. However, these restrictions do not apply to emergency and mercy flights, as well as engine run-ups associated with these flights.

The port district fines airlines \$1,000 for the first curfew violation, \$3,000 for the second, and \$5,000 for the third violation during any calendar quarter. The port district also cites airlines that do not fly the agreed-upon operations mix, imposing similar fines as it does for the curfew violations but on a per-flight basis. Although the port district does not impose the highest monetary fines on airlines that violate its airport use regulations, it is working with the FAA to ensure that its proposal for doubling the amount of its fines will be consistent with federal law and policy.

PROJECTED INCREASES IN AIRCRAFT OPERATIONS COULD MAKE FUTURE NOISE LEVELS EVEN HIGHER

Currently, more than 25 passenger and cargo airlines operate an average of 630 flights in and out of Lindbergh Field daily. According to the port district, aircraft operations at the airport totaled 217,130 arrivals and departures in 1970. This number declined through the 1970s, reaching a low of almost 133,700 in 1982 before increasing each year thereafter to about 220,000 in 1996. Moreover, a dramatic shift occurred in the distribution

of Lindbergh Field's operations. In 1970, general aviation aircraft accounted for almost 60 percent of aircraft operations, but by 1996 it was only 10 percent, with commercial carriers accounting for the remaining 90 percent. Total aircraft operations at Lindbergh Field are projected to grow at an average annual rate of 2 percent through 2020. At this rate, Lindbergh Field will reach its maximum aircraft operating capacity of 275,000 by 2011.

There have been about 30 different studies concerning the relocation of Lindbergh Field, but no conclusions regarding its expansion or relocation have been reached.

The SANDAG, in its role as the regional transportation planning agency, is primarily responsible for siting San Diego's commercial airport. The SANDAG, community groups, and private individuals have conducted about 30 studies concerning the relocation of Lindbergh Field but have not reached any conclusion. In its 2020 regional transportation plan, the SANDAG states that if the U.S. Marine Corps no longer requires Miramar as a national defense facility, Miramar should be aggressively pursued as a replacement for Lindbergh Field. Nevertheless, given the anticipated growth, a decision must be made on whether to expand or relocate Lindbergh Field.

RECOMMENDATIONS

To further its efforts to reduce the impact of aircraft noise and to respond effectively to community complaints, the port district should encourage more community involvement, such as using working groups that include local citizen representation. In addition, the port district should proactively participate in finding ways to reduce or minimize the use of stage 3 certified hushkit aircraft at Lindbergh Field.

To provide independent verification of the port district's noise information, the county of San Diego should reactivate the Noise Control Hearing Board.

To more effectively address the anticipated growth in Lindbergh Field's aircraft operations, the SANDAG, local agencies, and citizen's groups should decide whether to relocate the airport.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,

A handwritten signature in black ink that reads "Elaine M. Howle". The signature is written in a cursive style with a large initial "E".

ELAINE M. HOWLE
State Auditor

Date: October 31, 2000

Staff: Joanne Quarles, CPA, Audit Principal
Art Monroe, CPA
Faye Borton
Leah Northrop

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Agency's comments provided as text only.

Port of San Diego and Lindbergh Field Air Terminal
Thella F. Bowens
Senior Director, Aviation
P.O. Box 120488
San Diego, California 92112-0488

October 26, 2000

Elaine M. Howle*
California State Auditor
555 Capitol Mall, Suite 300
Sacramento, California 95814

Re: *San Diego Unified Port District, San Diego International Airport - State Audit*

Dear Ms. Howle:

This letter contains the comments of the San Diego Unified Port District ("the District") in its capacity as the certified proprietor of San Diego International Airport ("SDIA" or "the Airport") with respect to the draft audit report that the Bureau of State Audits ("BSA") released for internal District review and comment on October 20, 2000. The District appreciates the BSA's efforts in connection with the recent audit of the District and is in general agreement with the draft report.

General Comments

The District wishes to provide the following comments regarding the draft audit report:

1. The second paragraph on page 16 and the third paragraph of page 18 references a "Military Sound Attenuation Program". Although the seventh variance process included discussion regarding the possible implementation of a military sound attenuation program, the program was never adopted as part of the seventh variance because, as the draft report accurately indicates, the United States Marine Corps is ineligible for FAA funding. Although negotiations are continuing with the Marine Corps for a land exchange that allows the Airport to extend its North Taxiway, any noise mitigation provided as a result of this transaction has no relation to the formerly proposed "Military Sound Attenuation Program" and therefore should be referenced in the report as "Future Noise Mitigation at the Marine Corps Recruit Depot".
2. The second paragraph on page 28 discusses the Airport Noise Advisory Committee (ANAC) meeting that was held on September 14, 2000. It is important to emphasize that the ANAC meeting attended by the state auditors was *not* reflective of the general nature of these meetings in the past. Rather, it appears that the attendance by the auditors as well as a

*California State Auditor's comments appear on page 35.

representative from Caltrans, coupled with the pending variance application and the presence of local press and television cameras necessarily stimulated some of the unusual level of “outbursts”. Although the District is certainly willing to consider any recommendations the State believes is appropriate regarding the District’s community outreach efforts, the District continues to believe that having a public input opportunity during ANAC meetings is important. The report should also recognize that during the seventh variance process, Caltrans approved the composition and role of ANAC as negotiated with the community. In addition, the FAA through the Part 150 amendment process sanctioned the structure of this Committee.

- ②
- 3. The second paragraph on page 30 discusses the District’s phase-out of Stage 2 aircraft. The report should be revised to accurately indicate that the District’s Stage 2 phase-out was accomplished one year ahead of the federal mandate under the Airport Noise and Capacity Act of 1990.
- 4. The second complete paragraph on page 33 references the issue of expanding or relocating Lindbergh Field. The report should recognize that the District’s long term solution on this matter is to work with regional agencies, local governments and interested stakeholders to develop a specific program for a Regional Strategy for Air Transportation. This program is designed to determine how best the region can use existing air and ground transportation facilities to meet the region’s air transportation needs.

Port District Recommendations from Draft Report

With respect to the four specific recommendations of the audit directed to the Port District, our response to each recommendation is as follows:

- 1. **Continue negotiations with the United States Marine Corps to resolve noise-related issues at the United States Marine Corps Recruit Depot (MCRD).**

As previously referenced, negotiations are continuing with the United States Marine Corps for a land exchange that allows the Airport to extend its North Taxiway. As part of these negotiations, the District is addressing noise impacts to the MCRD. The District expects that a public statement regarding the results of these negotiations and the agreements reached between the District and the Marine Corps in the near future.

2. Continue to report on operations by airline and aircraft type, as the [current Caltrans] variance requires.

The District has already advised Caltrans that it will include this information in future quarterly reports to the County of San Diego and Caltrans, and that the information will continue to be made available to the public. The District has separately provided Caltrans and the public with this information for the period from January 1, 1999 through March 31, 2000.

3. The Port District should improve its public relations efforts by encouraging more community involvement, such as using working groups that include local citizen representation.

As previously mentioned, the specific structure of the ANAC was negotiated with community representatives as part of the seventh variance. In addition, the ANAC structure has been included in the District's FAA approved Part 150 program.

2

The District continues to believe that the ANAC, with its broad base of membership by local community representatives is still the best forum to at least begin public discussions of issues related to noise from SDIA operations. However, the Board of Port Commissioners, the ANAC's policy body, will be advised of this recommendation. District staff will also suggest that in the future the ANAC may wish to address some issues by forming issue specific working groups, and that District staff would, where appropriate, support a smaller "working group" approach if both the Board of Port Commissioners and the ANAC believe this is consistent with encouraging opportunities for public dialogue.

Further evidence of the District's public relations efforts and our desire to increase community involvement in Airport matters can be demonstrated through the Airport Master Plan process. At the outset of the process, a Public Working Committee and Technical (i.e., FAA, airlines, etc.) Working Committee were created, which in the consideration of future alternatives for the Airport, considered noise impacts, among other factors. In order to engage the general public in this effort, approximately two hundred thirty (230) community meetings both inside and outside the noise impacted areas have occurred. At these meetings, information on current and future noise impacts was always available and frequently discussed in a public setting. In addition, these meetings provided a forum for individuals to discuss noise impacts one on one with District staff and technical consultants. As the District moves into the State and Federal environmental review stage of the Airport Master Plan process, current and future noise impacts from SDIA will continue to be discussed in public settings.

4. The Port District should proactively participate in finding ways to reduce or minimize the use of Stage 3 certified hushkitted aircraft at Lindbergh Field.

The District intends to pursue this issue by dealing directly with commercial air carriers using “hushkitted” Stage 3 aircraft in their SDIA operations. The District will explore with them the possibility of voluntary actions reducing the use of “hushkitted” aircraft at SDIA, and District staff will continue to advise the ANAC of the results of those efforts.

Although the District is committed to proactively participating in finding ways to reduce or minimize the use of Stage 3 certified hushkitted aircraft at the Airport, it is important to recognize that the District has already demonstrated through its enforcement of the Airport Use Regulations, which embody the time of day restrictions (curfew) and the phaseout of Stage 2 aircraft in 1999, that the District is committed to continuing to address noise concerns in an aggressive and comprehensive manner. These Airport Use Regulations, which were adopted by the District with knowledge of the critical importance of adequately addressing noise issues in a manner which is comprehensive in nature, are notably some of the most stringent regulations in the entire country. Aggressive enforcement of these regulations will continue to play an important role in the District’s continuing operation of the Airport.

Conclusion

The District appreciates the opportunity to comment on the draft audit report. If you have any questions regarding our comments or need additional information regarding any of the issues discussed, please do not hesitate to contact us.

Sincerely,

(Signed by: Thella F. Bowens)

Thella F. Bowens
Senior Director, Aviation

COMMENTS

California State Auditor's Comments on the Response From the San Diego Unified Port District

To provide clarity and perspective, we are commenting on the San Diego Unified Port District's (port district) response to our audit report. The numbers correspond with the numbers we have placed in the port district's response.

- ① Page 17 of our report states that the potential exchange of property between the port district and the U.S. Marine Corps was unrelated to the variance process. However, to provide further clarity to the report, we modified our text on page 17.
- ② As stated in our report, we too believe that the public should have an opportunity during Airport Noise Advisory Committee (committee) meetings to voice their concerns. We have simply recommended that the port district also explore additional techniques for developing solutions to airport noise, including smaller working groups that include community members. Further, page 23 of our report does recognize the composition of the committee as a requirement of the existing variance and the Federal Aviation Administration's approval. This change was previously discussed and agreed upon with port district staff during our exit conference on October 24, 2000.
- ③ The port district implies that our report is inaccurate and that it should be revised. We disagree. Our report clearly and accurately states on page 26 that the port district prohibited noisy stage 2 aircraft as of January 1, 1999. This is consistent with the port district's Amended Airport Use Regulations (March 7, 1989) and its August 16, 2000, request for variance to the California Department of Transportation. While the port district correctly indicates that its stage 2 phase-out was accomplished one year ahead of the federal mandate, it is not relevant to our discussion.

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Agency's comments provided as text only.

County of San Diego
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

October 26, 2000

Elaine M. Howle
State Auditor
555 Capital Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

We have reviewed our portion of your draft version of Report No. 2000-126 about San Diego International Airport at Lindbergh Field and have only a few comments.

In general, we would like to indicate that the audit team has done a good job with their objective approach in collecting information.

We agree with the overall perspective of this audit. There is a need for the County of San Diego to insure that the Noise Control Hearing Board meets on a regular basis to review quarterly reports and to make recommendations to the Department of Transportation (Caltrans), Aeronautics Program about the Port District's performance in fulfilling the conditions of Lindbergh Field's existing variance.

County staff has reviewed the Administrative Code (SEC. 607) that created the Noise Control Hearing Board and wishes to note that the most current version was last amended on 7/2/87. The Noise Control Hearing Board is composed of eight members that are appointed by the Board of Supervisors. They serve on a voluntary basis and the County has provided staff support and meeting rooms to conduct their business. The loss of County staffing created a vacancy in April, 1999 that has contributed to the Board inactivity that has occurred. County staff has made an effort to contact all Board members to determine their availability for a meeting in November to perform their duties.

Again, we thank your staff for their diligence and look forward to supporting these recommendations to insure that the Noise Control Hearing Board will perform its duties in the future.

Sincerely,

(Signed by: Pam Elias)

Pam Elias, Chief
Code Enforcement Division
Department of Planning and Land Use
County of San Diego

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Agency's comments provided as text only.

The City of San Diego
Tina P. Christiansen, AIA
Planning and Development Review Director
202 C Street, MS 9B
San Diego, CA 92101-3869

October 26, 2000

Elaine M. Howle*
State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 3000
Sacramento, California 95814

Dear Ms. Howle:

Subject: Audit 2000-126 - San Diego International Airport at Lindbergh Field: Local Government, Including the San Diego Unified Port District, Can Improve Their Efforts to Reduce the Noise Impact Area and Address Public Dissatisfaction

The City of San Diego has read the portion of the Bureau of State Audit's report pertaining to the City of San Diego's responsibilities and recommendations related to Lindbergh Field Comprehensive Land Use Plan implementation. We agree with the recommendations regarding the City's role in preventing future incompatible land uses and assuring consistency among our policy documents and implementing ordinances, including the Comprehensive Land Use Plan and the recently adopted Airport Environs Overlay Zone.

The application of the Airport Environs Overlay Zone [AEOZ] to Lindbergh Field [Attachment 1] is the culmination of a three-year process that involved City staff, Port District staff, and San Diego Association of Governments [SANDAG] staff. There were many meetings among the staffs, including one with State CALTRANS officials, to look at the appropriate provisions that would protect Lindbergh Field. The meetings took a significant amount of time to conclude due to the legitimately divergent policy goals and responsibilities of the City and of the Port District. Two key differences were the level at which aviation easements for noise should be required, and the type of development that triggers the need for the easement.

The AEOZ, recently adopted by the City Council and subject to pending Coastal Commission approval, addresses these two issues that are key to protection of Lindbergh Field. The noise level at which aviation easements may be triggered is the 65 dB CNEL level. The San Diego City Attorney's office, in an April 16, 1998, memo [Attachment 2] determined that this noise level was the appropriate level at which the City had a responsibility to acquire an easement, under certain circumstances, while recognizing inconsistencies within the adopted CLUP. The AEOZ also requires aviation easements as a condition for any development which increases the number of dwelling units within the AEOZ. This provision is more encompassing than the CLUP because the CLUP addresses easements only for discretionary projects.

*California State Auditor's comments appear on page 43.

While the AEOZ was not put into place concurrently with the adoption of the CLUP, the City has had procedures to deal with the issues on an interim basis. An August 12, 1992, memorandum [Attachment 3] directs staff to review projects within the Airport Influence Area [AIA] for Lindbergh Field. Informal interviews with City staff reveal that applicants for all types of building permits within the Lindbergh Field AIA were sent to the Port District after the CLUP's adoption to offer easements to the Port District. In addition, the current discretionary review process includes CEQA review for noise impacts from Lindbergh Field, and an opportunity to include conditions in discretionary permits requiring avigation easements prior to obtaining building permits. The Uniform Building Code, for new residential structures, requires noise studies and attenuation to reduce interior noise levels to 45 dB CNEL, regardless whether the structure is processed through a ministerial or discretionary permit.

①② The example given [a project in September 2000] where the Port District did not receive an easement is actually an example of how the discretionary process is meant to identify easement situations. As with all discretionary projects like this one, conditions will be included in the permit for this project to require an avigation easement to be given to the Port District. The reason the Port has not received the easement is that the project has not been set for a public hearing yet, and thus the permit conditions have not been drafted. The Port District appropriately responded to the draft environmental document early in the discretionary process, as an additional check that a noise impact needed to be addressed.

② The application by the City of the Airport Environs Overlay Zone to the Lindbergh Field Airport Influence Area will help increase the certainty that avigation easements will be acquired in the circumstances dictated by the ordinance provisions. The City of San Diego looks forward to establishing a formal, permanent process that facilitates the acquisition of these avigation easements. It should be noted that neither the City of San Diego nor SANDAG has prevented the Port District from acquiring avigation easements through its own initiative since the adoption of the Comprehensive Land Use Plan. City staff, during discussions with CALTRANS staff, became aware that, in certain jurisdictions, the airport operator purchases easements from property owners.

③ We note, finally, that the title of your audit includes "address[ing] public dissatisfaction" related to noise impacts. Acquisition of avigation easements by the Port District does not actually reduce the boundaries of a noise impact area from the airport, nor does it reduce the actual noise. Easements **legally** reduce the number of incompatible structures. In the City of San Diego's experience dealing with public dissatisfaction related to airport noise, dissatisfaction has not been reduced by promoting the acquisition of avigation easements unless the granting of that easement is warranted by the type of development proposed.

Page 3
Ms. Elaine M. Howle
October 26, 2000

Staff is available to answer any questions you may have regarding the City's comments. This response has been prepared within the five working day time period given to us. I realize that these are complex matters, and we welcome any additional opportunity to discuss your concerns or questions. Please feel free to call me at 619-236-6120, or Betsy McCullough at 619-236-6139.

Sincerely,

(Signed by: Tina P. Christiansen, AIA)

Tina P. Christiansen, AIA
Planning and Development Review Director

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COMMENTS

California State Auditor's Comments on the Response From the City of San Diego

To provide clarity and perspective, we are commenting on the city of San Diego's (city) response to our audit report. The numbers correspond with the numbers we have placed in the city's response.

- ① While the city correctly states that the project has not been set for a public hearing yet, where an avigation easement could be obtained, the city should have identified the need for an avigation easement earlier. As shown on page 19, as recently as September 2000 the city missed an opportunity to include conditions in a discretionary permit to require an avigation easement for a new eight-unit apartment complex located in the noise impact area. Specifically, in preparing the environmental report required as a condition of the California Environmental Quality Act (CEQA), city staff incorrectly stated that the proposed development was a compatible land use and did not recognize the need for an avigation easement. Identifying the need for an avigation easement during the initial stages of the permit process, such as the CEQA review, would further ensure that the city obtains avigation easements when required.
- ② The city is attempting to minimize its responsibility for ensuring that it obtains avigation easements. The comprehensive land use plan specifically outlines this as a function of the city. Therefore, it is not the responsibility of the port district to seek avigation easements for new developments during the permit process.
- ③ The city is responding to a portion of our report and does not have the benefit of the full context of our discussion on avigation easements. Our report does not state that the promotion of avigation easements reduces public dissatisfaction relating to airport noise. Rather, on pages 2, 16, and 19, our discussion focuses on the legal ability of avigation easements to convert land uses from incompatible to compatible.

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Agency's comments provided as text only.

San Diego Association of Governments
Kenneth E. Sulzer
Executive Director
401 B Street, Suite 800
San Diego, CA 92101-4231

October 26, 2000

Ms. Elaine Howle*
California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

The staff of the San Diego Association of Governments (SANDAG) have reviewed the redacted copy of the report entitled, *San Diego International Airport at Lindbergh Field: Local Government, Including the San Diego Unified Port District, Can Improve Their Efforts to Reduce the Noise Impact Area and Address Public Dissatisfaction*. The comments contained in this letter are staff comments and they have not been reviewed or approved by the SANDAG Board of Directors.

The redacted portion of the report that we have reviewed contains two recommendations that are directed towards SANDAG. This letter provides comments directed to each recommendation.

Recommendation #1

Finally, SANDAG should comply with the plan requirements for ensuring that the City's general plan and ordinances agree with the comprehensive land use plan.

Comments

1. SANDAG takes its responsibility as the region's Airport Land Use Commission seriously and makes every effort to insure that the airports that have comprehensive land use plans are protected from incompatible development. Because SANDAG does not have local land use authority, it is necessary for SANDAG to rely on the city(ies) to protect the airports. SANDAG was satisfied that the Council through the approval of Resolution 278103, its participation on the Board of Directors, and the active participation of the local Councilman as chair of the advisory committee that produced the plan, would protect the airport. Since then, the City of San Diego, as the local land use agency, has developed policies and procedures to protect Lindbergh Field from new incompatible development. Exhibit #1 is a copy of the City's Resolution. ①
2. The supporting text for this recommendation, in our judgement, is incorrect. The City of San Diego presented the Airport Environs Overlay Ordinance to the SANDAG Board on April 27, 1990. Lindbergh Field is not mentioned in the report because the Lindbergh Field CLUP was not adopted until February 1992. The purpose of the ordinance is to implement all adopted CLUPs. The City's adoption of the ordinance is a clear policy statement of the Council to protect the airports within its jurisdiction from incompatible development by applying the ordinance. See exhibit #2. ②
3. The logic of your comment that SANDAG's "failure to ensure the city's regulations were consistent with the plan prior to 1997 contributed to the city's delays in seeking the necessary

*California State Auditor's comments begin on page 47.

①

avigation easements to reduce incompatible land development” is incorrect. The City or the Port, independent of SANDAG, has the authority to implement noise mitigation or abatement measures. CLUPs are prepared as a result of a cooperative intergovernmental process and the implementation of the plan requires the similar cooperation.

- 4. Lindbergh Field is located in an urban setting. The local neighborhoods adjacent to the airport are well established. The residential development that was constructed during the period of time the airport wasn't specifically cited in the ordinance was noise attenuated as required by the City's building code. Exhibit #3 is a letter from City staff to Port staff describing the city's requirements. While some easements may not have been granted, the airport was always protected from the construction of new incompatible noise sensitive land uses.

③

Recommendation 2

To more effectively address the anticipated growth in Lindbergh Field's aircraft operations, SANDAG, local agencies, and citizens groups should make a decision on whether to expand or relocate the airport.

Comment

- 1. Policy steps have been taken to address the short- and long-term issues associated with commercial aviation service. SANDAG's Regional Transportation Plan (RTP) has several short- and long-term aviation policies. The policies reflect the existing situation in that Lindbergh Field will continue as the region's commercial airport. In that regard, the SANDAG Board at its September 1999 meeting supported the Port's two track master plan. Exhibit 3 is a copy of SANDAG's September 1999 minutes that describe the Board's action.
- 2. The RTP also identifies MCAS Miramar as a commercial airport site if it is no longer needed as a military facility and it is closed as a result of Congressional action. Exhibit #4 is a copy of those policies.
- 3. It is our opinion that this recommendation is unnecessary because there are public policies in place that address the recommendation.

④

⑤

Finally, the process by which this audit was conducted could be greatly improved. A site visit at the outset of the audit with a request for documents and an overview of the schedule and scope of the audit would, in our judgement, provide a more comprehensive report.

⑥

We stand ready to help you in this process in any useful way.

(Signed by: Kenneth E. Sulzer)

KENNETH E. SULZER
Executive Director

COMMENTS

California State Auditor's Comments on the Response From the San Diego Association of Governments

To provide clarity and perspective, we are commenting on the San Diego Association of Governments' (SANDAG) response to our audit report. The numbers correspond with the numbers we have placed in the SANDAG's response.

- ① While the SANDAG states that the city of San Diego (city) has developed policies and procedures to protect Lindbergh Field, as we state on pages 19 and 20 of our report, the amendment to include Lindbergh Field into the Airport Environs Overlay Zone did not occur until October 2, 2000. Also, the comprehensive land use plan requires the SANDAG to monitor the city's general and community plans, zoning ordinances, and building regulations. If the SANDAG had adequately monitored the city's compliance with the land use plan before 1997, it would have recognized the omission of Lindbergh Field from the city's ordinance. It was the San Diego Unified Port District's (port district) discovery of new incompatible developments in 1997 that led the city to amend the ordinance.
- ② The SANDAG is missing our point concerning the necessity of amending the 1990 ordinance once the comprehensive land use plan for Lindbergh Field was adopted in February 1992. As we state on page 19, the city did not amend its ordinance to include Lindbergh Field until October 2, 2000.
- ③ The SANDAG incorrectly states that the airport was always protected from the construction of new incompatible land uses even though some easements may not have been granted. As shown on page 19, the port district identified a number of new homes within the noise impact area for which it had not received aviation easements. Further, according to California noise standards, noise attenuation by itself is not sufficient to classify a new development as a compatible land use without an aviation easement.

- ④ We refer to this policy regarding MCAS Miramar on page 28 of our report.
- ⑤ While the SANDAG states that public policies are in place, there has been no final decision regarding Lindbergh Field's expansion or relocation. Moreover, as we state on page 28, the SANDAG, in its role as the regional transportation planning agency is primarily responsible for siting San Diego's commercial airport. In its 2020 regional transportation plan, the SANDAG identifies MCAS Miramar as a commercial airport site, but does not include specific timelines for progressing toward this selection.
- ⑥ The SANDAG was not the focus of our audit. However, the SANDAG has certain responsibilities that affect the port district's activities. The port district was able to provide us with sufficient documentation concerning the SANDAG's activities. Therefore, we did not feel that a site visit to SANDAG was necessary. On September 19, 2000, we conducted an initial interview with SANDAG staff. Once we became aware of the need to discuss SANDAG in our report, we sent a letter to the chairperson of the SANDAG Board of Directors on October 2, 2000, describing the audit scope as it related to SANDAG. We also had several conversations between October 12, 2000, and October 26, 2000, with the SANDAG to afford it an opportunity to present its viewpoint on issues concerning the SANDAG.

cc: Members of the Legislature
Office of the Lieutenant Governor
Milton Marks Commission on California State
Government Organization and Economy
Department of Finance
Attorney General
State Controller
State Treasurer
Legislative Analyst
Senate Office of Research
California Research Bureau
Capitol Press