

Watsonville Pilots Assoc. v. City of Watsonville (April 12, 2010) 183 Cal.App.4th 1059
This case is about the Watsonville 2030 General Plan and the extent to which it must conform to the State Aeronautics Act (SAA, Public Utilities Code Section 21670 et seq.) in its approach to planning areas adjoining the City's airport. The 2030 General Plan identified the Buena Vista area north and west of the airport as a major growth area, accounting for about 75% of the developable land and 40% of the future residential units identified in the General Plan. While preparing the 2030 General Plan, the City passed a resolution modifying the city-owned Airport's 2003 Master Plan to reduce its protections for residential and other uses. The adopted 2030 General Plan then reflected the revised Airport Master Plan. The City certified an EIR for the 2030 General Plan. The EIR relied primarily on the Airport Master Plan for its discussion of airport hazards and deferred a more detailed examination of hazards to the future specific plan for the Buena Vista area.

The Watsonville Pilots Association and Sierra Club (collectively, Pilots Association) sued the City, alleging a failure to comply with the SAA, failure to fully examine in the EIR future hazards to residents, failure to consider a reasonable range of alternatives, and failure to examine the 2030 General Plan's water supply in the EIR. The trial court decided in favor of the Pilots Association and invalidated the 2030 General Plan and EIR. The trial court did not, however, find the EIR's analysis of future water supplies to be inadequate. Both the City and the Pilots Association appealed

The Court of Appeal affirmed the lower court's decision. The SAA is intended to protect public safety by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in areas around public airports. As amended in 1994, the SAA includes provisions for situations where there is a county Airport Land Use Commission (ALUC), where the county board of supervisors has adopted an alternative procedure to the ALUC, and where there is neither an ALUC nor an alternative procedure. Santa Cruz County and the City of Watsonville fall into the last of these categories (apparently the only county in the state to do so). The 1994 amendments also assigned greater weight to the Airport Land Use Planning Handbook prepared by Caltrans. According to the Court, the Handbook is a guide for counties with an ALUC; must be relied upon relative to height, use, safety, and density criteria by alternative procedure counties; and in the case of Watsonville, the city must adopt in its General Plan noise and safety criteria that are consistent with the criteria in the Handbook.

The Court opined that "we can see nothing in the statutory language that indicates that the Legislature intended to grant discretion to an affected city ... to decide which of the Handbook's criteria should be incorporated into such a city's general plan." As a result, Watsonville's 2030 General Plan, which conflicted with the Handbook's restrictions on land uses near airports, was therefore invalid.

The Pilots Association argued that the EIR for the 2030 General Plan failed to analyze the impacts of the plan's deviation from the Handbook criteria. The EIR apparently acknowledged that the airport would potentially create a safety hazard for residents and

employees nearby, and relied upon the general plan's requirement that land use conflicts be addressed in the future Buena Vista specific plan and several of the General Plans implementation measures for mitigation. The EIR's conclusions were based on the changes to the Airport Master Plan that conflicted with the Handbook. Further, the EIR did not discuss the related deletion of the Handbook's development restrictions that made possible the level of development being proposed for the Buena Vista area. The Court concluded that the "City violated CEQA because the FEIR failed to adequately analyze the airport-related impacts of the 2030 General Plan."

The Pilots Association also successfully argued that the FEIR failed to consider a reasonable reduced development alternative. Although the FEIR examined three alternatives, only the no-project alternative represented less development and it did not meet most of the project objectives. The Court held that the reduced development alternative need not meet all of the project's basic objectives (including the objective of meeting the City's regional housing needs allocation), as long as it met most of them and also reduced or lessened the General Plan's significant impacts.

The Pilots Association asserted that the FEIR's water supply analysis was inadequate. Here, the Court disagreed. The analysis conformed to the requirements set out in the Supreme Court's *Vineyard Citizens* decision. CEQA doesn't require a general plan EIR to establish a likely source of water, but it must address the impacts of supplying water to the project. The FEIR included a detailed discussion of the water supply situation within the region, including overdraft conditions, and the City's extensive conservation policies. In the words of the Court:

"While the FEIR did not attempt to predict with precision exactly how much each water conservation measure would reduce water usage, the detail provided about the nature of these measures and the uncertainties inherent in such long-term forecasts provide adequate support for the FEIR's predictions, particularly in light of the FEIR's detailed calculations supporting its conclusion that most of the increased water usage associated with the new development would be offset by conversion of farmland."

The Court did not expect the FEIR "to resolve the overdraft problem, a feat that was far beyond its scope." The FEIR properly discussed the problem and acknowledged that the long-term overdraft problem will continue to be a concern.