

APPENDIX F CALIFORNIA DIVISION OF AERONAUTICS NOISE STANDARDS

For noise assessment, CEQA requires the determination of exposure of persons to noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies. For airport noise studies, the California Division of Aeronautics has adopted noise standards that state, in part:

The following rules and regulations are promulgated in accordance with Article 3, Chapter 4, Part 1, Division 9, Public Utilities Code (Regulation of Airports) to provide noise standards governing the operation of aircraft and aircraft engines for all airports operating under a valid permit issued by the Department of Transportation. These standards are based upon two separate legal grounds: (1) the power of airport proprietors to impose noise ceilings and other limitations on the use of the airport, and (2) the power of the state to act to an extent not prohibited by federal law. The regulations are designed to cause the airport proprietor, aircraft operator, local governments, pilots, and the department to work cooperatively to diminish noise problems. The regulations accomplish these ends by controlling and reducing the noise impact area in communities in the vicinity of airports.¹

The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a CNEL value of 65 dB for purposes of these regulations. This criterion level has been chosen for reasonable persons residing in urban residential areas where houses are of typical California construction and may have windows partially open. It has been selected with reference to speech, sleep, and community reaction.²

The Division of Aeronautics noise standards further define land uses that are incompatible with aircraft noise as follows:³

Residences, including but not limited to, detached single-family dwellings, multi-family dwellings, high-rise apartments, condominiums and mobile homes, unless:

An avigation easement for aircraft noise has been acquired by the airport proprietor;

The dwelling unit was in existence at the same location prior to January 1, 1989, and has adequate acoustic insulation to ensure an interior CNEL of 45 dB or less due to aircraft noise in all habitable rooms. However, acoustic treatment alone does not convert residences having an exterior CNEL of 75 dB or greater due to aircraft noise to a compatible land use if the residence has an exterior normally occupiable private habitable area such as a backyard, patio or balcony;

The residence is a high rise apartment or condominium having an interior CNEL of 45 dB or less in all habitable rooms due to aircraft noise, and an air circulation or air conditioning system, as appropriate;

The airport proprietor has made a genuine effort as determined by the department in accordance with adopted land use compatibility plans and appropriate laws and regulations to acoustically treat residences exposed to an exterior CNEL less than 80 dB (75 dB if the residence has an exterior normally occupiable private habitable area such as a backyard, patio, or balcony) or acquire

¹ California Code of Regulations (CCR). 1990. Title 21, Subchapter 6, Noise Standards. Register 90. No. 10, 3/10/90. California Division of Aeronautics, Department of Transportation. Sacramento, CA. Article 1, General, Section 5001, p. 219.

² Ibid., Article 1, General, Section 5006, p. 224.

³ Ibid., Article 1, General, Section 5014, pp. 225–226.

avigation easements, or both, for the residences involved, but the property owners have refused to take part in the program; or

The residence is owned by the airport proprietor;

Public and private schools of standard construction for which an avigation easement for noise has not been acquired by the airport proprietor, or that do not have adequate acoustic performance to ensure an interior CNEL of 45 dB or less in all classrooms due to aircraft noise;

Hospitals and convalescent homes for which an avigation easement for noise has not been acquired by the airport proprietor, or that do not have adequate acoustic performance to provide an interior CNEL of 45 dB or less due to aircraft noise in all rooms used for patient care; and

Churches, synagogues, temples, and other places of worship for which an avigation easement for noise has not been acquired by the airport proprietor or that do not have adequate acoustic performance to ensure an interior CNEL of 45 dB or less due to aircraft noise.