SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CRUZ

WATSONVILLE PILOTS ASSN.,
Petitioner,

v.

CITY OF WATSONVILLE,
Respondent.

No. 21CV02343 (and related case 23CV00425)

COURT'S FINAL RULING; STATEMENT OF DECISION

This matter came on regularly on October 2, 2025, in Department 10 of the above-entitled court, the Honorable Timothy Schmal, presiding. William Parking and Elise Cossart-Daly appeared on behalf of petitioner; Kevin D. Siegel appeared on behalf of respondent; and Taylor Pohle appeared on behalf of real parties in interest Raoul Ortiz and Eve Ortiz.

As explained below, the Court grants both petitions and requests for declaratory and injunctive relief.

I. INTRODUCTION

Petitioner in these two related mandamus actions challenges the City of Watsonville's ("City") approval of projects near its airport without complying with this Court's previous orders, affirmed by the Sixth District Court of Appeal, requiring it to incorporate State aeronautical standards into its General Plan as nondiscretionary standards for analyzing those projects' environmental impacts.

Case no. 21CV02343 relates to the City's approval of a project at 547 Airport Boulevard for 21 residential units, located within the airport's Safety Zone 6 ("Project"). There, the City's approvals included adoption of a mitigated negative declaration ("MND") and

general plan and zoning amendments. Real parties in interest are Raoul Ortiz and Eve Ortiz ("RPIs"), owners.

Case no. 23CV00425 relates to a similar approval, but for a proposed self-storage facility at 70 Nielsen Street within the airport's Safety Zones 2, 5, and 6. Parties in that case settled with the RPI but petitioner and City agreed that petitioner's request for declaratory judgment and injunctive relief could proceed.

For purposes of this ruling, the Court will focus on the Project from case no. 21CV02343 since the bulk of the substantive issues in 23CV00425 are no longer at issue.

Petitioner seeks judgment related to these approvals as follows:

1. For alternative and peremptory writs of mandate ordering City to set aside all Project approvals;
2. For an order staying City and RPIs from engaging in any activity pursuant to the Project until the environmental review and the Project complies with CEQA and the State Aeronautics Act ("SAA");
3. For declaratory judgments directing and finding that City failed to comply with the SAA and that approval of future projects in the airport Safety Zones violates the law until the City's General Plan complies with the SAA, or unless an Airport Land Use Commission ("ALUC") is mandated to be formed; and
4. For orders staying City from approving future projects until its General Plan complies with the SAA, or unless an ALUC is formed and seated to oversee City's land use approvals within the airport Safety Zones.

II. PRELIMINARY EVIDENTIARY ISSUES - REQUESTS FOR JUDICIAL NOTICE AND STIPULATION TO AUGMENT THE RECORD

A. Requests for Judicial Notice

All parties submitted requests for judicial notice with their briefs. No party filed objections.

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In reviewing a petition for writ of mandate brought under CEQA, a court is limited to consideration of the documents included within the administrative record, and may not consider extra-record evidence in determining whether the agency's decision was supported by substantial evidence, except as set forth in CCP § 1094.5, subd. (e). Courts are permitted to take judicial notice of relevant legislation, official acts and court records. (*Save Our Capitol! v. Department of General Services* (2024) 105 Cal.App.5th 828, 833, fn. 1-4.) Further, evidence on procedural issues unrelated to the agency's CEQA determination, such as res judicata and collateral estoppel, may be admissible on judicial review of a CEQA action. (See Kostka and Zischke, *CEB Practice Under the California Environmental Quality Act*, 2d Ed., Section 23.58.)

The parties submitted several common requests for judicial notice of regulations and legislative enactments of public entities, and records of this Court and others. All requests are granted pursuant to Evidence Code § 452, subd. (b), (c) and (d). The Court's specific rulings on each request appear at the end of this ruling.

B. Stipulation to augment the record

The parties stipulated to include the Aircraft Noise Monitoring Report prepared by WJV Acoustics (August 29, 2018), attached as Administrative Record ("AR") 995-001 through 995-160 which was part of the underlying administrative proceedings but inadvertently omitted from the original record. The Court grants the parties' request to augment.

III. BACKGROUND

A. Airports, Safety Zones, and State Regulation

Airports are regulated generally by the State Aeronautics Act ("SAA"), found in Public Utilities Code ("PUC") sections 21001 et seq., administered by the California Department of Transportation, Division of Aeronautics ("CDOA"). The SAA mandates that the CDOA establish guidelines to assist municipalities with airport land use planning. (PUC §§ 21674.5, 21674.7.) Those guidelines are found in the California Airport Land Use Planning Handbook ("Handbook"), considered by this Court pursuant to the parties' requests for judicial notice.

1. Airport Land Use Commissions and exceptions to having them

Every county with an airport operated for the public is required to establish an Airport Land Use Commission ("ALUC"). (PUC § 21670, subd. (b).) Those commissions are governed by the SAA and the Handbook to "protect the public health, safety, and welfare 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 within areas around public airports to the extent that these areas are not already devoted to incompatible uses." (*Id*. at subd. (a)(2).)

a. "Alternative process" counties

There are two exceptions to having an ALUC – first, if the county conducts appropriate hearings and adopts a resolution finding no noise, public safety or land use impacts and declaring the county exempt from the ALUC requirement. Following that resolution, the CDOA then determines that the county's alternative processes will rely on the height, use, noise, safety, and density criteria compatible with airport operations that are established by the Handbook. (PUC § 21670.1, subd. (c)(3)(B).) These counties are called "alternative process" counties. (*Watsonville Pilots Assoc. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1070 "(*WPA I*").)

b. "No-procedure" county

The second exception is the "no-procedure county" and Santa Cruz County is the only such county due to the City's opposition to the 1994 legislation amending the SAA to require all counties to have ALUCs. (*Id*. at 1071, fn. 11, 1073.)

An ALUC need not be formed " 'if all the following conditions are met: [¶] (A) The county has only one public use airport that is owned by a city. [¶] (B)(i) *The county and the affected city* ***adopt the elements*** *in paragraph (2) of subdivision (d), as part of their general and specific plans for the county and the affected city*. [¶] (ii) The general and specific plans shall be submitted, upon adoption, to the Division of Aeronautics. If the county and the affected city do not submit the elements specified in paragraph (2) of subdivision (d), on or before May 1, 1996, then a commission shall be established in accordance with this article.' (Pub. Util. Code, § 21670.1, subd. (e), emphasis added.) 'Paragraph (2) of subdivision (d)' of Public

Utilities Code section 21670.1 provides: '(2) *Incorporated* the height, use, noise, safety, and density criteria that are compatible with airport operations as established by [the Handbook] and any applicable federal aviation regulations … as part of the general and specific plans for the county and for each affected city.' (Pub. Util. Code, § 21670.1, subd. (d)(2), italics added.)" (*WPA I* at 1070-1071, emphasis in original.)

Both alternative process counties and the no-procedure county are required to submit their general plans to CDOA. (PUC § 21670.1, subd. (e)(1)(B)(ii).)

2. Safety Zones

The Handbook sets forth six generic safety zones that ALUC's – or entities without ALUC's – should incorporate into their planning to identify airport impacts depending on the nearby land uses and risks to them. Zones 1 through 5 are generally adjacent to the runway and Zone 6 is a larger area of traffic pattern. (Pet. RJN, Ex. A.)

The Project is located in Zone 6, which the Handbook designates as allowing residential use with noise and overflight impacts considered; limiting children's schools, large day care centers, hospitals, nursing homes, and the storage of bulk quantities of highly hazardous materials; and avoiding outdoor stadiums and similar uses with high intensities. (Ibid.)

B. Previous litigation on City's failure to incorporate the Handbook

Following City's approval of a project in 2006 in an airport safety zone, petitioner and others filed suit alleging violation of the SAA based on the City's failure to incorporate the Handbook into its 2030 General Plan.

In 2008, this Court issued a judgment for petitioner and the Sixth District affirmed in 2010. The appellate court found that "an affected city in a no-procedure county must 'accept' and 'put into effect' the Handbook's criteria by 'unit[ing]' the criteria with the city's general plan, a very strong mandate." (*WPA I* at 1072.) The court held that because there is not an ALUC, the City is required to "adopt the Handbook's criteria as part of its general plan," and indicated that the General Plan should not permit the City to exercise discretion with respect to Handbook criteria. (*Id*. at 1077, 1079.)

In 2013, the City again certified a revised EIR and again approved a revised 2030 General Plan. (AR 3745.) Petitioner sued again alleging the revised 2030 General Plan and its EIR again violated the SAA and CEQA.[1] (AR 03689.) In 2014, this Court again found in favor of petitioner and again ordered the City to rescind certification of the revised 2030 General Plan. (AR 3737, 3745-3750.) With respect to the SAA claims, this Court held that the 2030 General Plan allowed the City to exercise discretion with respect to the Handbook contrary to *WPA I*. (AR 3749.) This Court prohibited the City from using the 2030 General Plan or "basing any action on or engaging in any activity pursuant to" the 2030 General Plan, until the General Plan complied with the Court's judgment. (AR 03695-03696; AR 03738.) The City did not appeal. To date, the City has not updated its General Plan to comply with the SAA or this Court's judgment. (AR 03690, 03696-03697.)

The City rescinded its revised 2030 General Plan on October 14, 2014. (RPI RJN Ex. D.) This left the City's 2005 General Plan as the operative overarching planning document for the City. (AR 2410.)

C. City's initial compliance with *WPA I* and *WPA II*

For several years, the City complied with the rulings in *WPA I* and *WPA II*. It acknowledged that it could not approve certain projects within the airport safety zones since it had yet to incorporate the Handbook into its General Plan. (AR 3707, PVUSD high school auditorium project denial letter, "The City therefore cannot approve this project because of the uncertainty created from not having an adopted general plan with airport land use compatibility policies that comply with the Court's ruling.") The City also took the position that the 2005 General Plan did not comply with the court orders. (AR 3696.) The CDOA's communications made it clear that it believed the City's approval of that project would circumvent the court's orders. (AR 3706, 3714-3715.)

Related to that same project, in 2019 the City, petitioner, and CDOA entered into a joint stipulation and order enabling the City to approve the project. The City expressly

[1] *Watsonville Pilots Association v. City of Watsonville*, Santa Cruz Superior No. CV176416 ("*WPA II*").

acknowledged in that stipulation that it was ordered "to take no action on development proposals within the Airport Influence Area until the CITY had duly incorporated the provisions of the Airport Handbook into the CITY General Plan. The CITY has not yet reconsidered its rescinded 2030 General Plan or revised its existing 2005 General Plan to comply with the Court's Statements of Decision or Judgments in the COURT DECISIONS (WPA I and WPA II)." City further acknowledged it "remains mandated to incorporate the Airport Handbook into its General Plan as 'nondiscretionary' standards, and utilize the most stringent of those Airport Handbook standards…." (Pet. RJN, Ex. B.)

D. City's noncompliance with *WPA I* and *WPA II*

However, in 2021 the City again began approving projects within airport safety zones, without having adopted a revised General Plan or any other planning document expressly adopting the Handbook. The City's basis for doing so was that while it was ordered to rescind the project approvals and its 2030 General Plan – and did so, resulting in relying on its 2005 General Plan – those court orders did not say that the *2005 General Plan* was required to include the Handbook. (AR 2422-2423.) The City therefore took the position that even though it had yet to adopt the Handbook it could nevertheless approve projects in the safety zones based on its own analysis of the project's compatibility with the Handbook. (AR 2401, 2410-2411, 2420-2423.)

E. The Project at 527 Airport Blvd. (the Ortiz property, case no. 21CV02343)

Again, the Project at issue is for the construction of 21 townhomes at 547 Airport Blvd. across the street from the airport which involved the following approvals:

- Adoption of an MND
- Approval of a General Plan Map Amendment (from "Industrial" to "Residential High Density") and Zoning Map Amendment (from "Industrial Park" to "Multiple Residential High Density"), Planned Development Permit, Subdivision and Special Use Permit with Design Review and Specific Development Plan

The current use of the Project site is a business that processes rebar with one portable office space and one single-family home built in 1968, all of which would be demolished as part of the Project. (AR 168.)

The City Council approved the Project and all its entitlements on August 24, 2021. At the hearing, city staff stated that because the 2030 General Plan had been rescinded, "land use decisions since that time have been based on the 2005 General Plan including residential housing developments such as the one up the street on Airport Boulevard." (AR 2410, 2420-2421.) Staff then provided its own analysis of the Project's compliance with the Handbook, even though the Handbook had not yet been adopted by the City and the City's previous attempts to incorporate it had failed. (AR 2411, 2421 [City staff: "I can say based off the compatibility criteria in the handbook, this project is consistent"].)

The City Council approved the Project 5-1 at the August 24, 2021 meeting. The approval included adoption of resolutions approving the General Plan Amendment, the first reading of an ordinance of the Zoning Map Amendment, and a Planned Development Overlay District. (AR 44, 77.) The City Council also adopted a resolution approving an MND pursuant to CEQA. (AR 111, 129.) On August 26, 2021, the City filed a Notice of Determination. (AR 1.) The second reading of the Zoning Map Amendment was passed 5-1 on September 14, 2021. (AR 49.) Since approval, RPIs failed to use the Special Use Permit within 24 months and failed to take advantage of any extension, resulting in the permits and map expiring. (Resp. RJN, Ex. F.)

IV. LEGAL STANDARDS

A. CEQA

The "foremost principle" under CEQA is that the Legislature intended that it "be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390, cit. omitted.)

CEQA requires a governmental agency to prepare an environmental impact report ("EIR") where the proposed project "may have a significant effect on the environment." (Pub.

Resources Code § 21100, subd. (a).) An EIR is a comprehensive environmental document providing an in-depth review of projects that may have a significant impact on the environment. (*County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.) "The EIR requirement is the heart of CEQA." (CEQA Guidelines, § 15003; see *County of Inyo, supra,* 32 Cal.App.3d at 810; *Laurel Heights,* 6 Cal.4th at 1123.)

As a matter of law "an EIR is required 'whenever it can be fairly argued on the basis of substantial evidence that [a] project may have significant environmental impact.' [Citation.]" (*Friends of the San Mateo College Gardens v. San Mateo County Comm. College Dist.* (2016) 1 Cal.5th 937, 957; Pub. Resources Code §§ 21082.2, subd. (a), 21100, 21151; Guidelines, § 15064(f)(1).)

The fair argument standard has a low threshold and agencies should not give "unreasonable definition" to substantial evidence, "equating it with overwhelming or overpowering evidence, as CEQA does not impose such monumental burden" on those seeking to raise a fair argument. (*Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 151.) Evidence supporting a fair argument of any significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. (*League for Protection v. City of Oakland* (1997) 52 Cal.App.4th 896, 905.) Whether the record contains a fair argument sufficient to trigger preparation of an EIR is a question of law. (*Stanislaus Audubon Society, supra,* 33 Cal.App.4th at 151.)

Alternatively, if "there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment," the agency need only prepare a negative declaration that "briefly describ[es] the reasons that a proposed project … will not have a significant effect on the environment." (Guidelines, §§ 15063, subd. (b)(2), 15371.) "If substantial evidence shows the project may in fact have a significant environmental effect, but the project applicant agrees to changes that would avoid or mitigate them, then the agency may instead prepare a mitigated negative declaration. (Guidelines, § 15070, subd. (b).)" (*Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 94.) "Substantial evidence" is defined as "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts."

(Pub. Resources Code §§ 21080, subd. (e)(1), (e)(2); Guidelines, § 15384 [substantial evidence includes "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."])

B. Standard of Review

1. *Traditional and administrative mandamus*

CEQA applies to both quasi-adjudicatory and quasi-legislative actions.

a. Administrative mandamus

In a challenge to an agency action that required a hearing, the introduction of evidence, and discretion in the determination of facts, the court "shall not exercise its independent judgment on the evidence but shall only determine whether the act or decision is supported by substantial evidence in light of the whole record." (Pub. Resources Code § 21168.)

Examples of these "quasi-adjudicatory" decisions are use permits (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1186), planned unit development permits (*City of Fairfield v. Superior Court* (1975) 14 Cal.3d 768, 773), and zoning variances (*Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 517).

Suits challenging these quasi-adjudicatory decisions follow administrative mandamus procedures pursuant to CCP § 1094.5.

b. Traditional mandamus

Challenges to adoptions of or amendment to general plans or rezonings are quasi-legislative. (*O'Loane v. O'Rourke* (1965) 231 Cal.App.2d 774, 784-785; *Yost v. Thomas* (1984) 36 Cal.3d 561, 570; *San Diego Building Contractors Assn. v. City Council* (1974) 13 Cal.3d 205, 212-213.) Judicial inquiry "shall extend only to whether there was a prejudicial abuse of discretion," which is established "if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (Pub. Resources Code § 21168.5) Challenges to quasi-legislative decisions follow traditional mandamus procedures pursuant to CCP § 1085.

c. Dual standards of review

Courts have found the distinction between these two standards expressed in Public Resources Code sections 21168 and 21168.5 to be largely academic; many cases find the two sections embody essentially the same standard. (*Laurel Heights, supra,* 47 Cal.3d at 392, fn. 5.) Neither code section permits the court to make its own factual findings. (*Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 590.)

All CEQA issues are questions of law that rely on facts in the administrative record: for issues related to compliance with the CEQA process (such as determining what type of environmental review document to use), the court reviews the record to see if the agency proceeded in a manner required by law; for issues related to conclusions reached in the environmental document and the agency's findings, the court determines if those findings are supported by substantial evidence in the record. (*Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.)

V. DISCUSSION

Petitioner presents two main arguments. First, that City's Project approvals violated the SAA requiring that those approvals be set aside. Second, that City's decision to issue an MND for its environmental review was improper, and an EIR should have been completed.

1. Based on the record, the Project's approval violated the SAA

Since the County of Santa Cruz has not formed any ALUC, nor adopted any resolution establishing an alternative procedure, the only option available to the City is to incorporate the Handbook into its General Plan. Contrary to the City's argument, it has no discretion in this area. The *WPA I* court made it clear that application of the Handbook depends on the level of airport oversight.

For ALUC counties, local agencies may be influenced by the Handbook criteria ("a fairly mild mandate"), alternative procedure counties should be dependent on the Handbook's criteria ("a stronger mandate"), and an "affected city in a no-procedure county must 'accept' and 'put into effect' the Handbook's criteria by 'unit[ing]' the criteria with the city's general plan, a very strong mandate." (*WPA I* at 1072.) The *WPA I* court found that the Legislature

intended for no-procedure counties to have no discretion in which of the Handbook's criteria should be incorporated into a city's general plan, and that it intended that those cities adopt all of the Handbook's criteria. (*Ibid*.)[2]

> "While it is true that *the County of Santa Cruz* may form an ALUC or possibly adopt an alternative procedure, *the City* is obligated to comply with the statutory duty that falls upon it as a consequence of the County's failure to form an ALUC. [fn.] It follows that the City must comply with its current obligation to adopt the Handbook's criteria as part of its general plan, as the County currently lacks an ALUC or alternative procedure."
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> (*WPA I* at 1079, italics in original.)

Prior to 2021, the City acknowledged this obligation and complied with it. (AR 3694, 3696, 3707; Pet. RJN, Ex. B.) But thereafter, the City took the position that no prior court ruling determined that the 2005 General Plan was required to include the Handbook and it could approve airport-adjacent projects based on its own analysis of the project's compatibility with the Handbook. At the August 24, 2021, City Council approval hearing, a council member questioned the ability to approve the Project for lack of a compliant General Plan. The City Attorney opined as follows: "Two cases, and quoting the court of appeal case, said the 2030 plan had to have the handbook in it…. Did not say the 2005 plan had to have a handbook in it. The pilots contend it is retroactive. The City does not believe it's retroactive. That's the legal dispute on the handbook…. [T]he city believes it is complying with the letter and spirit of the handbook." (AR 2422-2423.)

This position completely sidesteps the holding from *WPA I*. That case did not discuss the 2005 General Plan – it was not operative at the time. Importantly, *WPA I*'s holding was not restricted to the 2030 General Plan; instead, the appellate court ruled "the City must comply with its current obligation to adopt the Handbook's criteria as part of its general plan." (*WPA I* at 1079.) This Court's prior ruling in *WPA II* was also not confined to the 2030 General Plan. (AR 3748-3750.)

[2] While the Handbook was revised in 2011 following *WPA I*, the legislative mandates requiring its incorporation into general plans have not changed.

At oral argument, City stressed that statements by city staff or the city attorney do not control and only the legislative body's actions are at issue. (*South Coast Regional Com. V. Gordon* (1977) 18 Cal.3d 832, 838.) The Court does not disagree. But here, the former city attorney's comments are germane in understanding the City Council's departure from its previous compliance with *WPA I*.

Further, City spends considerable time arguing that the 2005 General Plan remains in effect and it is not precluded from relying on it. But this too misses the mark, widely. The issue is not if the 2005 General Plan is operative or can be relied on in land use approvals. The issue is that the document does not incorporate the Handbook. As stated above, City does not have discretion in this area – it must incorporate the Handbook into its general plan. It is undisputed that it has yet to do so.

And City's efforts to supplant its own analysis of project compatibility with the Handbook is contrary to the clear holding in *WPA I*. The CDOA also informed City it cannot pick and choose the application of Handbook policies at its discretion. (AR 3714.) The City previously agreed that it "remains mandated to incorporate the Airport Handbook into its General Plan as 'nondiscretionary' standards, and utilize the most stringent of those Airport Handbook standards…." (AR 4928, 4935.)[3] Making findings in development applications that incorporate Handbook standards is not enough – City unsuccessfully argued this in *WPA I*. (*WPA I* at 1068-1069.) "Allowing an affected city in a no-procedure county to pick and choose among the Handbook's criteria would do nothing to discourage incompatible land uses near the affected city's airport." (*WPA I* at 1076.)

RPIs' contentions on this topic are similarly misguided. Their argument is that because the City adopted the Watsonville Municipal Master Plan ("WAMP"), and the 2005 General Plan states that the Airport "shall be protected… as outlined in the Airport Master Plan," the 2005 General Plan therefore properly incorporated this criteria. (RPI Resp. at 17-18.) But this

[3] To the extent that City argues the 2019 Stipulation contracted away some of its police power (or that petitioner has made such an argument), City is mistaken as to the import and effect of the Stipulation. The Court finds that the Stipulation has significance in these cases since it is evidence that at some point in time, City understood its obligations under *WPA I* and *WPA II*.

argument was analyzed and dispelled in *WPA II*: "The Court further concludes that the [WAMP] is a document for land use planning on the airport, and is not the proper document for airport land use compatibility planning. The Handbook criteria shall be incorporated as part of the City's general plan, and not in other documents, such as the WAMP." (AR 3749-3750.)

A. Justiciable controversy exists

Respondent and RPIs argue that the issue is moot since the Project entitlements have expired. Where the court can grant any effectual relief, the matter is not moot. (*Wilson & Wilson v. City of Ukiah* (2024) 191 Cal.App.4th 1559, 1574.) Further, "[i]f an action involves a matter of continuing public interest and the issue is likely to recur, a court may exercise an inherent discretion to resolve that issue, even though an event occurring during its pendency would normally render the matter moot." (*Downtown Palo Alto Com. for Fair Assessment v. City Council* (1986) 180 Cal.App.3d 384, 391; see also *Malaga County Water Dist. v. Central Valley Regional Water Quality Control Bd.* (2020) 58 Cal.App.5th 396, 409 [where agency could leave decisions to executive staff was a matter of broad public interest relating to environmental impacts and the public wastewater system]; *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 734.)

Here, as petitioner correctly points out, the legislative acts of amending the General Plan for the site from "Industrial" to "Residential High Density" and the rezoning changes did not expire. This means that at any point, an applicant could come forth with a similar project, requiring the City to again determine what environmental document to use and what standards to apply. Therefore, the Court finds that the issues presented are not moot and that there is an active, justiciable controversy amongst the parties.

Further, the City's previous compliance with this Court's and the appellate court's rulings in *WPA I* and *WPA II*, and then departure from those, and the City's apparent interest in, and likely need to, construct housing in the vicinity of the airport serve as a sufficient justification for this Court's continued oversight.

To the extent that City argues mootness in 23CV00425, its stipulation to and order dismissing RPI made clear that such dismissal would not operate as a waiver, forfeiture, or

limitation of any claim, issues or positions between the parties regarding the SAA and the validity of the City's General Plan. (AR 4933-4934.)

B. Declaratory relief is appropriate

The City argues that declaratory relief is not appropriate since petitioner seeks to address past wrongs, not future rights. (Resp. Brief at 15-16.) However, since the Court has found an actual controversy here, declaratory relief is an appropriate remedy. "Code of Civil Procedure section 1060 requires that there be an 'actual controversy relating to the legal rights and duties of the respective parties,' not an abstract or academic dispute. (Citation.)" (*Centex Homes v. St. Paul Fire & Marine Ins. Co.* (2015) 237 Cal.App.4th 23, 29.) "A declaratory judgment 'serves to set controversies at rest before they lead to repudiation of obligations, invasion of rights or commission of wrongs; in short, the remedy is to be used in the interests of preventive justice, to declare rights rather than execute them.' [Citations.]" (*County of San Diego v. State of California* (2008) 164 Cal.App.4th 580, 607-608.)

Despite respondents' arguments to the contrary, petitioner shows prejudice and injury. Petitioner, by this action and its previous successful actions, seeks to uphold safety standards set forth by the SAA for airport users and members of the public in the vicinity of the airport. Moreover, prejudice has already been found -- this Court and the appellate court determined that City's actions approving prior airport development applications without adherence to the Handbook and without incorporation of it in a general plan were prejudicial abuses of discretion. (*WPA I* at 1086; *WPA II* Judgment, p. 2.) At hearing, both respondent and RPI argued that it is erroneous to set aside City's legislative approvals unless there is prejudicial error establishing that this Project did not comply with the Handbook standards. However, as this Court and the Sixth District have already ruled, city staff's application of Handbook standards without formal adoption of those standards for project approvals is wholly insufficient. (*WPA I* at 1068-1069, 1076.)

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C. Challenge is not untimely

RPIs argue petitioner is too late to challenge the City's 2005 General Plan since such a challenge was required to be filed within 90 days of adoption, and therefore this action is barred. (Government Code § 65009, subd. (c)(1).) This argument is not persuasive.

First, petitioner does not challenge the validity of the adoption of the 2005 General Plan, but instead challenges the City's practice of approving projects in the Safety Zones under a general plan that fails to comply with the SAA. Second, the 2005 General Plan predates the legislation exempting the City from ALUC procedures. (RPIs RJN, Ex. B; *WPA I* at 1073.) The City's noncompliance with the SAA did not arise until May 1, 1996, after the 2005 General Plan was adopted in 1994 (and its challenge period expired). (PUC § 21670.1, subd. (e)(1)(B)(ii).) Third, challengers to allegedly non-compliant approvals need not wait until the City adopts a new general plan. If this were the case, cities in this situation would have an incentive to not adopt updated general plans. Finally, RPIs' argument that the City readopted the 2005 General Plan in 2014 following *WPA I* and *WPA II* misstates the record. The City resolution rescinding its 2030 General Plan merely says, "That the Watsonville 2005 General Plan and Environmental Impact Report shall be re-established as the Governing Planning document while the Watsonville Vista 2030 General Plan is being updated." (RPIs RJN, Ex. D.) This action was not a readoption of the 2005 General Plan, but an acknowledgement that the operative General Plan was the previously adopted 2005 version.

D. Petitioner exhausted its administrative remedies

RPIs argue that petitioner failed to exhaust its administrative remedies when it failed to appeal the Planning Commission's or City Council's approval of the Project. They cite Watsonville Municipal Code ("WMD") section 14-10.1100, "Appeals to the City. Any applicant or any other interested person […] who considers an action taken under the provisions of this title by any official or advisory body to have been erroneously taken may appeal such action and decision."

Again, the Court is not persuaded. First, no action came out of the June 1, 2021, Planning Commission meeting (which considered the Project) since the votes did not constitute

a super majority as required. (AR 1242, 1863; City Resp. at 13.) Therefore, there was no action to appeal. Second, by its plain language, WMD section 14.10-1100 permits appeals of decisions made by officials or advisory bodies; the City Council is not an advisory body, but the legislative body with final decision-making authority over land use applications. (14 CCR § 15025.) RPIs' authorities relate to planning commission approvals, not those by city councils, and are therefore inapposite.

E. No moratorium results from complying with previous court orders

RPIs argue that their property rights are infringed and that petitioner's sought after relief would create an illegal moratorium. The Court disagrees.

This argument appears to relate to petitioner's fourth request for relief: "For an order staying City from approving future projects until its General Plan complies with the SAA, or unless an ALUC is formed and seated to oversee City's land use approvals within the airport Safety Zones." (Petitioner's prayer, no. 23CV00425.) Both respondent and RPI rely on *Building Industry Legal Defense Foundation v. Superior Court* (1999) 72 Cal.App.4th 1410, which found that a city's interim ordinance suspending development applications on certain lots pending review and update of its general plan was invalid since local jurisdictions do not have the authority to fix procedures for processing development applications. (*Id*. at 1416-1417.) They argue that any court order disallowing the City from acting on development applications would constitute an illegal moratorium and violate RPIs' property rights. But *Building Industry* related to a city's voluntary moratorium, which is not at issue here. Further, this Court would not be instituting a moratorium, but instead, would be issuing an order preventing the City from continuing to violate the SAA by failing to adopt the Handbook into its General Plan yet approving development in the Safety Zones without the requisite state-mandated criteria. As petitioner argued at hearing, "[s]ince consistency with the general plan is required, absence of a valid general plan, or valid relevant elements or components thereof, precludes enactment of zoning ordinances, and the like." (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184.) Courts may invalidate a derivative land use action when a general plan is deficient. (*Sierra Club v. Board of Supervisors* (1981) 126

Cal.App.3d 698, 704.) For the reasons detailed above, the Court finds that the City again violated the SAA in approving the Project without having adopted the Handbook into its General Plan.

2. The MND was insufficient to analyze environmental impacts

The parties agree that the City was required to consider whether the project would result in safety hazards or noise impacts for persons residing or working in the project area before adopting a negative declaration or MND. This is required because the project was within two miles of a public airport and no airport land use plan has been adopted. (Pub. Resources Code § 21096; Guidelines § 15154.) The City claims the record shows substantial evidence supporting a fair argument that it satisfied those obligations – first, by relying on a 2018 noise study related to the airport, and second, by analyzing safety impacts related to airport Safety Zone 6.

A. Noise analysis was inadequate to inform the public about potential noise impacts

The 2018 noise study monitored noise levels at two intervals in the spring and fall of 2017. The objectives of the study were to "document existing levels of noise from aircraft and other sources at representative locations in the vicinity of Watsonville Municipal Airport and to compare measured noise levels to the result of previous noise monitoring studies." (AR 995-002.) Those representative locations included eight sites – none of which were the project site or adjacent to it. (AR 995-003, 004, 014; Resp. at p. 26.) The MND resulted in a finding of "no impact" for the question of whether the project would expose people residing or working there to excessive noise levels. (AR 243.) However, there is no discussion in the MND related to the project site and the impacts observed in the 2018 study other than "it is anticipated that the site is [] exposed to aircraft noise levels of approximately 46.5 CNEL[4] (WVJ Acoustics, 2018)." (AR 247, 257.) City argues that that level is lower than the Handbook's recommended exterior and interior noise levels. (Resp. at p. 27.) But again, there is no discussion in the MND regarding the Handbook's requirements, either explicitly or implicitly. As petitioner points out,

[4] Community Noise Equivalent Level ("CNEL") is the required standard for analyzing airport noise impacts and represents annual average noise exposure.

the analysis that appears in City's responsive brief at pp. 26-27 does not appear in the MND, and likely should have.

The MND's cursory discussion of the City's General Plan goals and policies merely recites that the City "shall utilize land use regulations and enforcement to ensure that noise levels in developed areas are kept at acceptable levels, and that future noise-sensitive land uses are protected from noise that is harmful." (AR 243-258, MND section 6.13.) This policy statement hardly incorporates the Handbook's standards, as required by *WPA I*.

B. Safety impacts not sufficiently analyzed

The MND's evaluation of airport safety impacts is conclusory at best:

> "For Zone 6, the handbook does not recommend prohibiting any residential or nonresidential uses and recommends avoiding 'outdoor stadiums and similar uses with very high intensities.' The risk level is 'low' for Zone 6. While the site is geographically close to the airport, the site is located in Zone 6, the Traffic Pattern Zone, which is the furthest zone from the airport's runways. Therefore, the project would not result in a safety hazard for people residing or working in the project area and the impact would be less than significant." (AR 233.)

This analysis inaccurately reflects the Handbook's description of Zone 6's basic compatibility policies. (Pet. RJN, Ex. A, Chap. 4, p. 4-25.) While it's true that Zone 6 does not prohibit uses, it also recommends noise and overflight impacts be considered for residential uses, limits uses such as children's schools, large day care centers, hospitals, and nursing homes, and avoids outdoor stadium and similar uses. The MND failed to accurately reflect the Handbook's requirements, nor analyze them.

Moreover, without adopting the Handbook, the City has no frame of reference to analyze airport safety impacts. State law requires that if no airport land use compatibility plan has been adopted, projects within two nautical miles of an airport shall use the Handbook as a technical resource, and that an agency "shall not adopt a negative declaration …unless the agency considers whether the project will result in a safety hazard" for those living and

working in the project area. (Pub. Resources Code § 21096, subd. (b).) City's single sentence regarding Zone 6 failed to utilize the Handbook's standards in analyzing airport safety impacts.

VI. JUDICIAL NOTICE

1. Petitioner's Request for Judicial Notice, 21CV02343

The Court takes judicial notice of planning directives by the State of California pursuant to Evidence Code sections 452(b)(c), 453:

Exhibit A, The California Airport Land Use Planning Handbook, California Department of Transportation, Division of Aeronautics (October 2011), Introduction, Chapters 1 through 4, Appendix D.

The Court takes judicial notice of the following exhibit related to this Court's earlier rulings. (See Evidence Code section 452(d); *Linda Vista Village San Diego Homeowners Assn, Inc. v. Telecote Investors, LLC* (2015) 234 Cal.App.4th 166, 185, citing *Fontenot v. Wells Fargo Bank* (2011) 198 Cal.App.4th 256, 265; *Williams v. Wraxall* (1995) 33 Cal.App.4th 120, 130, fn. 78):

Exhibit B, "Joint Stipulation and Order Re Partial Return to the Writ of Mandate Enabling City Approval of Athletic Field Project and Auditorium Project for Pajaro Valley High School," *Watsonville Pilots Assoc. v. City of Watsonville*, Santa Cruz Superior No. 17CV02271.

The Court takes judicial notice of City of Watsonville ordinances and resolutions pursuant to Evidence Code sections 452(b), 453:

Exhibit C, Watsonville Municipal Code section 14-16.2507.

Exhibit D, Watsonville Municipal Code section 14-12.700 – 14-12.808.

The Court takes judicial notice of this Court's records pursuant to Evidence Code sections 452(d), 453:

Exhibit E, case file in *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. 23CV00425.

2. City's Request for Judicial Notice, 21CV02343

Exhibit A, Statement of Decision, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV154571: Granted, as noted above.

Exhibit B, Peremptory Writ of Mandate, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV154571: Granted, as noted above.

Exhibit C, Statement of Decision, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV176416: Granted, as noted above.

Exhibit D, Writ of Mandamus, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV176416: Granted, as noted above.

Exhibit E, Resolution No. 137-14, adopted on October 14, 2014, City of Watsonville: Granted, as noted above.

Exhibit E [sic], Watsonville Municipal Code section 14-10.1200: Granted, as noted above.

Exhibit F, September 12, 2023 correspondence from City of Watsonville Community Development Department to Raoul and Eve Ortiz: Granted.

Exhibit G, Resolution No. 13-13, adopted on January 22, 2013, City of Watsonville: Granted, as noted above.

Exhibit H, The California Airport Land Use Planning Handbook, California Department of Transportation, Division of Aeronautics (October 2011), Chapter 4: Granted, as noted above.

Exhibit I, "Joint Stipulation and Order Re Partial Return to the Writ of Mandate Enabling City Approval of Athletic Field Project and Auditorium Project for Pajaro Valley High School," *Watsonville Pilots Assoc. v. City of Watsonville*, Santa Cruz Superior No. 17CV02271: Granted, as noted above.

3. Real Party in Interest's Request for Judicial Notice, 21CV02343

Exhibit A, Statement of Decision, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV154571: Granted, as noted above.

Exhibit B, Watsonville General Plan, 2005: Granted, as noted above.

Exhibit C, Resolution No. 179-03, adopted on June 24, 2003, with attached Watsonville Municipal Airport Master Plan, City of Watsonville: Granted, as noted above.

Exhibit D, Resolution No. 137-14, adopted on October 14, 2014, City of Watsonville: Granted, as noted above.

Exhibit E, Watsonville Municipal Code sections 10.1100 – 10.1106: Granted, as noted above.

4. Petitioner's Request for Judicial Notice, 23CV00425

Exhibit A, The California Airport Land Use Planning Handbook, California Department of Transportation, Division of Aeronautics (October 2011), Introduction, Chapters 1 through 4, Appendix D: Granted, as noted above.

Exhibit B, case file in *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. 21CV02343: Granted, as noted above.

5. City's Request for Judicial Notice, 23CV00425

Exhibit A, Statement of Decision, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV154571: Granted, as noted above.

Exhibit B, Peremptory Writ of Mandate, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV154571: Granted, as noted above.

Exhibit C, Statement of Decision, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV176416: Granted, as noted above.

Exhibit D, Writ of Mandamus, *Watsonville Pilots Assoc. v. City of Watsonville, et al*., Santa Cruz Superior No. CV176416: Granted, as noted above.

Exhibit E, Resolution No. 137-14, adopted on October 14, 2014, City of Watsonville: Granted, as noted above.

Exhibit E [sic], Watsonville Municipal Code section 14-16.503(b): Granted, as noted above.

Exhibit F, Resolution No. 13-13, adopted on January 22, 2013, City of Watsonville: Granted, as noted above.

Exhibit G, "Joint Stipulation and Order Re Partial Return to the Writ of Mandate Enabling City Approval of Athletic Field Project and Auditorium Project for Pajaro Valley High School," *Watsonville Pilots Assoc. v. City of Watsonville*, Santa Cruz Superior No. 17CV02271: Granted, as noted above.

6. Petitioner's Second Request for Judicial Notice, 23CV00425

Exhibit A, front page of City of Watsonville 2005 General Plan: Granted, as noted above.

VII. CONCLUSION

For the foregoing reasons, the Court grants the petitions for writ of mandate as follows:

1. For Peremptory Writ of Mandate ordering City of Watsonville to set aside any and all Project approvals including, but not limited to, resolutions and ordinances adopting a Mitigated Negative Declaration, and approving a General Plan Map Amendment, Zoning Map Amendment, Planned Development, Major Subdivision (Tentative Map), and Special Use Permit with Design Review and Specific Development Plan (PP2018-11) to allow the construction of the 21 townhomes on a 1.57± acre site located at 547 Airport Boulevard (APN 015-321-01). The Court notes that petitioner's challenge to the project in case no. 23CV00425 was dropped per stipulation, and this provision of the peremptory writ therefore does not apply to 23CV00425.
2. For an order staying respondent City of Watsonville from engaging in any activity pursuant to the Project until the environmental review and the Project complies with California statutes and regulations, including but not limited to the requirements of CEQA and the State Aeronautics Act.

3. For a Declaratory Judgment determining that City of Watsonville has failed to comply with the State Aeronautics Act as set forth above. This ruling is intended to apply to the active controversies in both 21CV02343 and 23CV00425.
4. For prevailing party's reasonable and necessarily incurred attorneys' fees and costs of suit.

Petitioner shall prepare and circulate for signature the conforming Judgment Granting Petitions for Writ of Mandate and Peremptory Writ of Mandate.

IT IS SO ORDERED.

DATED: February 3, 2026

TIMOTHY SCHMAL
Judge of the Superior Court