

RESOLUTION NUMBER R- 290103

ADOPTED ON MAY 12 1998

WHEREAS, on March 27, 1998, SANDAG, acting as the region's Airport Land Use Commission, determined after a public hearing that the Lodge at Torrey Pines Project was inconsistent with the NAS Miramar Comprehensive Land Use Plan; and

WHEREAS, California Public Utilities Code section 21670 includes a provision which allows the Council of The City of San Diego to overrule the Airport Land Use Commission after a public hearing by a two-thirds vote if it makes specific findings; and

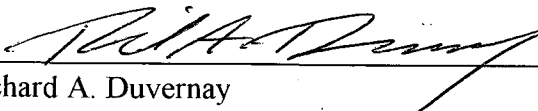
WHEREAS, the issue was heard by the City Council on May 12, 1998; and

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That it approves the Statement of Findings to Override the Airport Land Use Commission's Determination of Inconsistency with the CLUP for the Lodge at Torrey Pines Project, a copy of which is attached hereto and incorporated herein by reference.

2. That, based up the findings approved in paragraph 1 above, the Council overrules the Airport Land Use Commission's determination that the Lodge at Torrey Pines Project is inconsistent with the NAS Miramar Comprehensive Land Use Plan.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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**STATEMENT OF FINDINGS
TO OVERRIDE THE AIRPORT LAND USE COMMISSION'S
DETERMINATION OF INCONSISTENCY WITH THE CLUP
FOR THE LODGE AT TORREY PINES PROJECT**

1. *The proposed project has minimized the public's exposure to excessive noise and safety hazards to the extent feasible.* This finding may be made because the new guest rooms will incorporate features designed to attenuate the exterior noise to an acceptable level of 45 decibels. This reduction will be substantiated in specific acoustical analysis submitted for City review once construction drawings are prepared in connection with building permit applications. An acoustical analysis shall be prepared by a qualified acoustician in conjunction with submittal of building permit applications. The acoustical analysis shall demonstrate, to the satisfaction of the Acoustical Plan Check Section of the Development Services Department, that the location of the guest rooms and structural features as proposed will meet the 45 dB CNEL interior standard. Unless specific documentation of any terrain shielding effects is provided, the analysis should be based upon achieving a 21 dB structural attenuation for an assumed 66 dB CNEL exterior noise loading.

The proposed project incorporates features which will minimize exposure to safety hazards. The CLUP suggests that uses which are considered compatible under accident potential zone ("APZ II") cover less than 40% of a parcel. The proposed project will cover only 26% of its site. Furthermore, the Lodge has been designed as low rise structures. The proposed use is surrounded by a 36-hole golf course covering hundreds of acres, the Torrey Pines State Preserve, and the Pacific Ocean, where no land use intensity occurs. These areas provide huge expanses of open space surrounding what is in reality a very small development in relative terms and provide alternative "crash sites" for disabled aircraft.

2. *The proposed project is consistent with protection of the public health, safety, and welfare.* This finding may be made because the size of the project is relatively small compared to the area of open space surrounding it and its coverage of only 26% of its site. Although Navy regulations stipulate the APZ limits of 15,000 feet, the Lodge is located more than 25,000 feet (approximately five miles) from the end of the nearest runway. The APZ for MCAS El Toro, the prior home of the aircraft now flying at Miramar, is only 15,000 feet in length. If a similar APZ were in place at Miramar, the proposed project would be located almost two miles outside the boundary of the APZ. The project complies with the federal and State of California land use criteria relating to aircraft noise.

The project conforms to height and airspace requirements of Federal Regulation Part 77. The project is 15,000 feet beyond any state airport safety zone and still conforms to the densities recommended by the state for the outer safety zone of up to 100 persons per

acre. In addition, the development is clustered, producing open space as recommended by the State Planning Handbook. The project has lower parcel coverage (26%) than the existing Sheraton-Grand Hotel Torrey Pines (32.4%). The project is also adjacent to a golf course which is considered an open space.

We are informed that projections by the Department of the Navy indicate use of the Sea Wolf corridor by Marine jet aircraft will be significantly less than when the Miramar CLUP was prepared. Even with the possible inclusion of military helicopters in the corridor, total operations will most likely be less than when the CLUP was prepared.

The Environmental Impact Statement ("EIS") for the Realignment of NAS Miramar states over 80% of the total aircraft operation will occur between 7:00 a.m. and 7:00 p.m. and only 3.6% between 10:00 p.m. and 7:00 a.m. EIS figure 4.10-3, p. 4.10-6. Therefore, the most intensive hours of operation are the opposite of when the Lodge will experience its most intensive occupancy, as the Lodge expects to have most intensive occupancy in the evening hours.

3. *The proposed project will meet the purpose and intent of Section 21670 of the Public Utilities Code.* Public Utilities Code Section 21670 states: "It is the purpose of this article to protect 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." Public Utilities Code §21670(a)(2). The purpose and intent of this section are met because the proposed project covers only 26% of its site, compared to the lot coverage suggested for uses considered to be compatible under APZ II of up to 40%. The proposed project presents no more of a safety risk than other office park projects, retail stores and manufacturing uses, as well as outdoor uses such as playgrounds and parks allowed in APZ II. The proposed project will be surrounded by hundreds of acres of open space, including a golf course, the Torrey Pines State Preserve, and the Pacific Ocean. Considering the unusual length of the APZ, which exceeds regulations by more than 10,000 feet, the proposed project minimizes the public's exposure to safety hazards.

In addition, the proposed project will incorporate acoustical features designed to lower the amount of noise to an acceptable level. As noted in finding 101.0444.K(1) above, an acoustical analysis shall be prepared by a qualified acoustician in conjunction with submittal of building permit applications.