

RESOLUTION NUMBER R- 298302

ADOPTED ON AUG 04 2003

WHEREAS, San Diego Municipal Code section 132.0310 allows an applicant to file a petition to the City Council of the City of San Diego to override the City Manager's determination of noncompliance with the land use recommendations of the adopted Comprehensive Land Use Plan [CLUP]; and

WHEREAS, the City Manager has determined that a project proposed by Arena Pharmaceuticals, Owner/Permitee, to convert and add 50,000 square feet to an existing warehouse/office/light industrial building for a research and development industrial building, located at 6154 Nancy Ridge Drive, Building E, and legally described as Parcel 12 of Parcel Map 17437, in the Airport Environs Overlay Zone, within the Mira Mesa Community Plan area, in the IL-2-1/AR-1-1 zone, known as the Arena Pharmaceuticals project [Project], does not comply with the adopted MCAS Miramar CLUP noise matrix, because of its specific use and location within the 70-75 db CNEL noise contour;

WHEREAS, Arena Pharmaceuticals, pursuant to San Diego Municipal Code section 132.0310, filed a petition to the City Council to override the City Manager's determination that the Project does not comply with the adopted MCAS Miramar CLUP noise matrix; and

WHEREAS, on April 3, 2003, the San Diego Regional Airport Authority found, in an advisory capacity, that the proposed Project does not comply with the CLUP because of its specific use and location within the 70-75 db CNEL noise contour; and

WHEREAS, the matter was set for public hearing on August 4, 2003, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, pursuant to a two-thirds vote, that it adopts the following findings with respect to the Project:

1. The proposed development will not be detrimental to the public health, safety, and welfare.

Arena's existing and proposed business operations are conducted entirely within a campus of enclosed industrial buildings which are only accessible to employees and managers of Arena Pharmaceuticals, plus a small number of escorted visitors. Arena Pharmaceuticals is currently located at adjacent sites to 6154 Nancy Ridge Drive, which borders the 65-70 db CNEL and 70-75 db CNEL lines. A small portion of these sites are within the 70-75 CNEL, while the remaining portions are within the 65-70 CNEL. The proposed project site (6154 Nancy Ridge Drive) also borders these CNEL lines and is located mostly within the 70-75 CNEL contour area. The development and proposed use of this site is also consistent with existing industrial uses in the immediate area.

On page 120 of the Mira Mesa Community Plan on the NAS Miramar Airport Noise/Land Use Compatibility Matrix table, it states under incompatible uses "The community noise equivalent level is severe. Although extensive mitigation techniques could make the indoor environment acceptable for performance of activities, the outdoor environment would be intolerable for outdoor activities associated with the land use." Arena Pharmaceuticals does not propose any outdoor activities associated with their business other than walking a short distance to and from the parking lot. Should the City Council override the City Manager's determination, and should the project be approved pursuant to a Process Three public hearing, conditions will be placed in the permit that the proposed addition and the existing building will be constructed/modified such that interior noise levels will be attenuated to a level below the 50 db CNEL noise threshold, so as to protect the hearing of employees and escorted visitors, and to safeguard the effectiveness and efficiency of Arena's operations. Arena intends to accomplish this by consulting with an acoustics engineer for recommendations which may include, but not be limited to construction techniques such as noise resistant wall insulation, heavy

window glazing, and air conditioning to minimize window openings, as suggested in the Noise Element of the City's General Plan.

Furthermore, the City's General Plan identifies this site area as "general industrial" use, and the site is zoned as Industrial use, as identified in the Land Development Code IL-2-1 designation and the "light industrial" use designation of the Mira Mesa Community Plan. Within the General Plan, Industrial use is a compatible use within the 70-75 CNEL.

Therefore, the proposed use would not be detrimental to the public health, safety, and welfare.

2. The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.

Neither the subject site, nor any of Arena Pharmaceuticals' existing industrial buildings are open to the general public, nor is such public access contemplated. There are no outdoor activities associated with their business type other than walking a short distance, (typically less than one minute) to and from the parking lot. Should City Council override City Manager's determination, and should the project be approved pursuant to a Process Three public hearing, conditions will be placed in the permit that the proposed addition and existing building at 6154 Nancy Ridge Drive will be constructed and/or modified such that interior noise levels will be attenuated to a level below the 50 db CNEL noise threshold, so as both to protect the hearing of employees and escorted visitors, and to safeguard the effectiveness and efficiency of Arena's operations. Arena Pharmaceuticals intends to accomplish this by consulting with an acoustics engineer for recommendations which may include, but not be limited to, construction techniques such as noise resistant wall insulation, heavy window glazing, and air conditioning to minimize window openings, as suggested in the Noise Element of the City's General Plan.

Arena Pharmaceuticals does not propose any outdoor activities associated with their business. Their indoor cafeteria eliminates the need for outdoor eating areas for their staff, thereby minimizing the need for employees leaving the building/area during the lunch hours, and minimizing their exposure to outside noise. The accessory use of their interior fitness center promotes employee's health and well being, also minimizing exposure to outside noise by providing a means for employees to exercise during lunch periods, as well as before or after work hours.

This site is also located in the Accident Potential Zone (APZ) 2. Staff has determined that the proposed research and development and laboratory uses are compatible uses as indicated in the Accident Potential Zones/Land Use Compatibility table within the NAS Miramar CLUP and the Mira Mesa Community Plan.

Further, Arena Pharmaceutical's proposed land uses would be consistent with existing land uses, employee density, and intensities for industrial uses, already established in the

immediate area, which consist of primarily research & development, laboratories and office uses, within the 70-75 CNEL area (Attachment No. 7).

3. The proposed development will meet the purpose and intent of the California Public Utilities Code section 21670.

The purpose and intent of the California Public Utilities Code section 21670 is to “provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems.” In addition, the purpose and intent of the section is also “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.”

The proposed uses for Arena Pharmaceuticals will not have any impact on airport operations that would be different than any other industrial use allowed. MCAS Miramar is located on the south side of Miramar Road. The land areas to the north of Miramar Road are developed with a variety of existing single-story and multi-story, multi-use commercial and industrial public buildings. The proposed site for Arena Pharmaceuticals is located on Nancy Ridge Drive, north of Miramar Road and south of Carroll Canyon Road, running parallel, and east of I-805 and west of Camino Santa Fe. Due to the project site location (north of Miramar Road), Arena Pharmaceuticals would not interfere with any potential expansion of the airport, and will not interfere with Miramar operations.

Arena Pharmaceuticals intends to attenuate the interior noise levels to a level below the 50 db CNEL noise threshold, so as to protect the hearing of their employees and escorted visitors, and to safeguard the effectiveness and efficiency of their operations. They will consult with an acoustics engineer for recommendations which may include, but not be limited to construction techniques such as noise resistant wall insulation, heavy window glazing, and air conditioning to minimize window openings, as suggested in the Noise Element of the City’s General Plan.

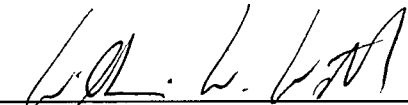
In addition, Arena Pharmaceuticals does not propose any outdoor activities associated with their business. Their indoor cafeteria eliminates the need for outdoor eating areas for their staff, thereby minimizing the need for employees leaving the building/area during the lunch hours, and minimizing their exposure to outside noise. The accessory use of their interior fitness center promotes employee’s health and well being, also minimizing exposure to outside noise by providing a means for employees to exercise during lunch periods, as well as before or after work hours. Arena Pharmaceuticals is not open to the general public, nor is any public access contemplated. The small number of visitors to Arena Pharmaceuticals will be escorted through their facility, which will help to ensure the visitor’s safety and minimize their exposure to any excessive noise.

The immediate area surrounding this site is fully developed with existing research & development, laboratory and office land uses within the 70-75 CNEL (Attachment No. 7). There are a significant number of firms engaged in research and development activities on this street, virtually all of which are overlain by the 70-75 CNEL noise contour. Given the current presence of research and development uses in the area, the action of City Council to override Staff's determination would not create a new incompatible use. Therefore, based on the information in the report and these findings, the proposed development will meet the purpose and intent of the California Public Utilities Code section 21670.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the City Council overrides the decision of the City Manager and determines that the proposed use meets the intent of the CLUP.

APPROVED: CASEY GWINN, City Attorney

By 
William W. Witt
Deputy City Attorney

WWW:dm
07/21/03
07/25/03 (COR.COPY)
Or.Dept:Dev.Svcs.
R-2004-172
Form=permitr.frm
Reviewed by Cathy Middlested