

RESOLUTION NUMBER R- 299214

ADOPTED ON MAY 11 2004

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 Engineering and Capital Projects Department, Applicant, filed a petition pursuant to Section 132.0310 to override the City Manager's determination that the library and playground elements of the proposed Nobel Athletic Area & Library project are noncompliant with the NAS Miramar CLUP due to their specific use and location within the 65-70 db noise contour of the Community Noise Equivalent Level [CNEL] contour maps, and that the project is generally located northwest of Nobel Drive, East of Toscana Drive, and southwest of Judicial Drive, and legally described as A Portion of Pueblo Lot 1304, of the Pueblo lands of San Diego, City of San Diego, County of San Diego, State of CA, according to Map thereof made by James Pascoe in 1970, a copy of which said map was filed in the office of the county recorder on November 14, 1921, and is known as miscellaneous map No. 36, in the Airport Environs Overlay Zone, within the University Community Plan area, in the RM-2-5 and RS-1-14 zones; and

WHEREAS, on January 5, 2004, the San Diego Regional Airport Authority found, in an advisory capacity, that the library and playground elements of the proposed project do not comply with the CLUP because of their specific use and location within the 65-70 db CNEL noise contour; and

WHEREAS, the matter was set for public hearing on MAY 11 2004

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, that it adopts the following findings with respect to said override:

**1. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed library and playground would be part of a larger community facility that would include multi-purpose athletic fields and a recreation center and would not be detrimental to the public health, safety and welfare. The intent of the University Community Plan Noise Element is provide for the appropriate planning of land use and project design to minimize noise impacts and provide a more pleasant and productive human environment. The CNEL contour map in the NAS Miramar CLUP no longer accurately illustrates the noise impacts of Marine Corps Air Station Miramar. A number of overflight and operational changes have occurred since the air station came under the control of the Marine Corps. These changes have reduced the noise level at the library and playground to 61.9 db from the previous level of 65-70db (Acoustical Analysis Report for the Nobel Athletic Area and Library, prepared by Douglas Eilar & Associates Acoustical & Environmental Consulting). The Airport Noise/Land Use Compatibility Matrix of the Community Plan identifies that playgrounds are compatible uses within the 60-65 db noise contours and that libraries are compatible within the same contours provided that interior noise levels are attenuated to 45db and that an avigation easement for noise be recorded with the County Recorder. The library plans have been developed to attenuate the interior noise levels to 45 db by utilizing specific wall materials and thickness, dual glazed laminated insulating windows, and specific roofing materials and design.

**2. The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible.** The proposed library and play ground components of the Nobel Athletic Area and Library would minimize the public's exposure to excessive noise and safety hazards. Based on the Acoustical Analysis Report prepared for the Nobel Athletic Area & Library by Douglas Eilar & Associates Acoustical & Environmental Consulting, actual worst case outdoor noise level would be 61.9 db exterior and the proposed interior noise level of the library would be 45 db (a condition will be included in the project permit that requires the interior noise levels of the library not exceed 45 db). These noise levels are compatible with the proposed library and playground uses based on the Airport Noise/Land Use Compatibility Matrix of the NAS Miramar CLUP. The project site is not located in an Accident Potential Zone.

**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

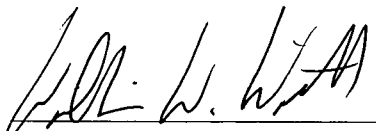
protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas located around public airports to the extent that these areas are not already devoted to incompatible uses."

The proposed library and playground will meet the purpose and intent of the California Public Utilities Code section 21670 in that they will not impact airport operations. MCAS Miramar is located east of Interstate-805. The project site location (west of Interstate-805) combined with the changes to flight patterns and routes, operating procedures, and flight altitudes initiated when the Marine Corps took control of the site allow the development of the library and playground without interfering with any potential expansion of the airport, and will not interfere with Miramar operations.

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   
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