

DATE ISSUED: May 5, 2004 REPORT NO. 04-087

ATTENTION: Honorable Mayor and City Council
Docket of May 11, 2004

SUBJECT: Nobel Athletic Area and Library, City Council Override,
Project No. 5825, Council District 1

OWNER/
APPLICANT: City Of San Diego, Owner
Engineering and Capital Projects Department, Applicant

SUMMARY

Issues – Should the City Council override the City Manager determination of noncompliance with the land use recommendations of the adopted NAS Miramar Comprehensive Land Use Plan (CLUP), in accordance with Land Development Code Section 132.0310, for library and playground uses located within an area identified as being subject to the 65-70 dB Community Noise Equivalent Level, at a site northwest of Nobel Drive, east of Toscana Drive and southwest of Judicial Drive in the Airport Environs Overlay Zone, within the University Community Plan area?

Staff's Recommendation – Approve the override, although the City Manager has determined that a library and playground are noncompliant land uses based on the Community Noise Equivalent Level contours illustrated in the adopted NAS Miramar CLUP (1992). Staff would recommend approval based on changes in circumstances since the 1992 adoption of the NAS Miramar CLUP, as well as current site specific analysis and other information presented in this report, staff believes City Council could make the required findings identified in Land Development Code Section 132.0310(b) (Attachment 3), and override the City Manager's determination.

Planning Commission Recommendation - A recommendation from the Planning Commission is not part of this process per Land Development Code Section 132.0310.

Community Planning Group Recommendation - The University Community Planning

Group met on February 12, 2002, and voted to recommend approval of the Nobel Athletic Area and Library by a vote of 7-5-0.

Other Recommendations - The Marine Corps opposes the library and playground components of the project based on lack of compatibility with the adopted NAS Miramar CLUP (Attachment 1). In addition, the San Diego Regional Airport Authority, acting as the Airport Land Use Commission, met on January 5, 2004 and voted 7-1 that the library and playground components of the project are not compatible uses according to the adopted NAS Miramar CLUP (Attachment 2).

Environmental Impact - None with this action. The Environmental Analysis Section of the Land Development Review Division has determined that this action for City Council override is exempt from California Environmental Quality Act (CEQA). The activity is not a “project” and therefore exempt from CEQA pursuant to the State CEQA Guidelines Section 15060 (c) (3). If the City Council votes to override City Manager determination, a determination of Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report will be made on the project.

Fiscal Impact - None with this action

Code Enforcement Impact - None with this action

Housing Impact – No housing impacts with this action. Potential impacts to housing would be addressed in a Report to the Planning Commission pending this override action.

Water Quality Impact Statement - No Water Quality Impacts with this action. The project’s storm water Best Management Practices (BMPs) will be reviewed and approved by City staff with the review of the project, pending this override action.

BACKGROUND

The proposed project is located within the University Community Planning Area and is designated for development of the Nobel Sports Complex (Attachment 5). The project proposes to develop athletic fields, a recreation center, a library, and playground area on an undeveloped 30.2 acre site. The site is currently zoned residential and is subject to the Airport Environs Overlay Zone. The project is currently being reviewed for a Site Development Permit for Environmentally Sensitive Lands (Process 4). Further processing and a hearing on the project is pending this override action by City Council.

During the review of the proposed Site Development Permit, it was determined that the library and playground portions of the Nobel Athletic Area & Library project were not in compliance with the NAS Miramar CLUP. The Community Noise Equivalent Level (CNEL) contour map (Attachment 6) illustrated in the NAS Miramar CLUP, and replicated in the University Community Plan, identifies the location of the proposed library and playground as being between the 65-70 dB noise contours. The Airport Noise/Land Use Compatibility Matrix (Attachment 7) identifies libraries and playgrounds as noncompliant uses when the annual day/night average

sound levels exceed 65 dB. Additionally, Marine Corp Air Station (MCAS) Miramar and the San Diego Regional Airport Authority have also determined that the library and playground uses are not in compliance if subject to noise levels in excess of 65 dB. The MCAS Miramar and San Diego Regional Airport Authority determinations are advisory in nature.

In accordance with Land Development Code Section 132.0310, Engineering and Capital Projects Department has filed a petition requesting the City Council to override the City Manager's determination of noncompliance with the recommendations of the NAS Miramar CLUP. The determination of noncompliance affects only the library and playground portions of the project, the athletic fields comply with the CLUP.

DISCUSSION

The City Manager has determined that the library and playground portions of the Nobel Athletic Area and Library project are noncompliant uses, based on the CNEL contour map as illustrated in the NAS Miramar CLUP. However, evidence has been provided that states that the CNEL contours in the NAS Miramar CLUP are no longer accurate at the project site as a result of the overflight and operational changes that have occurred since the air station came under the control of the Marine Corps, and therefore the City Council is requested to override the City Manager determination of noncompliance.

The applicant has made a credible argument which could support a City Council decision to override City Manager determination of noncompliance with the CLUP, and approve the proposed uses at this site based on changes in circumstances that are not reflected in the NAS Miramar CLUP. The determination of noncompliance was made by analyzing the project location against the CNEL contour map of the NAS Miramar CLUP. The map illustrates that the library and playground portions of the project would be located between the 65-70 dB noise contours. Second, the Airport Noise/Land Use Compatibility Matrix was reviewed to determine whether the 65-70 dB noise level was compatible with a library or playground use. The language in the matrix identifies that neither a playground nor a library are compatible uses when the community noise equivalent level (CNEL) exceeds 65 dB. An illustration of the project site plan with the 65 dB noise contour provided as Attachment 9. It should be noted that the Airport Noise/Land Use Compatibility Matrix does identify that within the 60-65 dB noise contours, playgrounds are compatible and that libraries are conditionally compatible provided that an acoustical study is performed to verify that the interior noise will not exceed 45dB and that an avigation easement for noise be recorded with the County Recorder.

The current NAS Miramar CLUP was adopted in 1990 and amended in 1992. Preparation of the 1990 NAS Miramar CLUP was undertaken by the Navy and SANDAG in 1988. The purpose of the update was to resolve inconsistencies between the CLUP and the air installation compatible use zone, to address changes in aircraft mix and flight patterns, and to reconcile conflicts between proposed land uses and the land use categories in the matrices for Airport Noise/Land Use Compatibility and Accident Potential Zones. Some of the key assumptions made for the update were that:

- the current flight activity would remain unchanged for the next 20 years;

- flight patterns would not change significantly; and
- the Navy's noise survey, prepared in 1989 would be a valid indication of project noise levels for 20 years.

These assumptions are no longer valid as a result of the realignment of Naval Air Station Miramar to Marine Corps Air Station Miramar.

According to the 1996 Final Environmental Impact Statement for the Realignment of NAS Miramar, the level of operations and the number of squadrons of aircraft had already decreased from previous levels. Additionally, the Marine Corps has implemented a number of changes to previous flight patterns and routes, operating procedures, and flight altitudes since taking control of the air station in 1995. The reduction in operations and numbers of squadrons, in addition to the changes implemented by the Marine Corps resulted in decreases in the noise levels at the project site (See Attachment 8). As a result the CNEL contours illustrated in the NAS Miramar CLUP no longer reflect the actual or planned noise contours. The decreases are confirmed in the Acoustical Analysis Report prepared for the Nobel Athletic Area & Library by Douglas Eilar & Associates Acoustical & Environmental Consulting. The analysis in the report is based on four on-site noise measurements used to monitor the frequency of the aircraft overflights and to obtain on-site aircraft noise level measurements, and flight information provided in the MCAS Miramar Airfields Operations Report prepared by Colonel G. G. Raths to calculate model aircraft overflight noise levels. The analysis of the MCAS overflight data and the actual onsite noise monitoring resulted in a worst-case noise level of 61.9 dB CNEL.

The 61.9 dB CNEL would fall between the 60-65 dB noise contours of the Airport Noise/Land Use Compatibility Matrix. According to the matrix playgrounds are compatible uses within the 60-65 dB contours, and libraries are conditionally compatible provided that an acoustical study is performed to verify that interior noise does not exceed 45 dB and that an aviation easement for noise be recorded with the County Recorder. It should be noted that the library plans have been developed to attenuate the interior noise levels to 45 dB by utilizing specific wall materials with sufficient thickness, dual glazed laminated insulating windows, and specific roofing materials and design.

The City Manager does not have the flexibility to determine that the proposed library and playground comply with the intent of the NAS Miramar CLUP. The determination must be based on the information in the adopted CLUP. However, the applicant's arguments could support findings that would advocate a City Council action to override the City Manager's decision (pursuant to the City's Land Development Code) and determine that the proposed uses meet the intent of the NAS Miramar CLUP.

CONCLUSION

The City Manager has determined that the library and playground portions of the Nobel Athletic Area and Library project are noncompliant uses, based on the CNEL contour map as illustrated in the NAS Miramar CLUP.

However, evidence has been provided that states that the CNEL contours in the NAS Miramar CLUP are no longer accurate at the project site as a result of the overflight and operational changes that have occurred since the air station came under the control of the Marine Corps, and therefore the City Council is requested to override the City Manager determination of noncompliance.

As the City Manager must make the determination that the library and playground are noncompliant uses based on adopted plans, City Council could make the required findings (Attachment 3) to override the City Manager decision and find that the library and playground portions of the Nobel Athletic Area and Library project are compatible with the intent of the NAS Miramar CLUP based on the information in this report and supporting information in the Acoustical Analysis Report for the Nobel Athletic Area and Library project prepared by Douglas Eilar & Associates Acoustical & Environmental Consulting (Attachment 11). Staff believes the City Council could determine that the library and playground uses are compatible with the intent of the NAS Miramar CLUP and Public Utilities Code Section 21670 because the uses are located within the 60-65 dB noise contours.

If the City Council overrides the City Manager's determination of noncompliance with the recommendations of the NAS Miramar CLUP, the decision would need to pass by a two-thirds vote. If the override is approved, the project would continue as a Process 4 level decision for the Site Development Permit by the Planning Commission and two conditions would be applied to the project. First, that the library would be noise attenuated to no more than 45dB based on an acoustical study submitted along with building plans, and second, that an avigation easement for noise would be recorded.

ALTERNATIVE

Deny the override. The Nobel Athletic Area would be developed without a library, resulting in an undetermined cost reduction for the development on this site.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: George I. Loveland
Assistant City Manager

CHRISTIANSEN/DJ

Note: Attachments 1-9 and 11 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:

1. Letter from the US Marine Corps dated September 25, 2001
2. Letter from the San Diego County Regional Airport Authority dated January 28, 2004
3. Municipal Code Section 132.0310 (City Council Override)

4. Petition to Override The City Manager Determination
5. Project Location Map
6. CNEL Contour Map (University Community Plan, NAS Miramar CLUP)
7. Airport Noise/Land Use Compatibility Matrix
8. Proposed CNEL Contour Map (NAS Miramar Realignment FEIR, 1996)
9. Site Plan with CNEL Contours
- [10. Draft City of San Diego Resolution and Findings](#)
11. Acoustical Analysis Report