

**DATE ISSUED:** November 9, 2005 **REPORT NO.** 05-219

**ATTENTION:** Honorable Mayor and City Council  
Docket of November 15, 2005

**SUBJECT:** APPEAL OF PLANNING COMMISSION DECISION TO APPROVE  
PUBLIC RIGHT OF WAY USE PERMIT 249359, PROJECT NUMBER  
67657, PROCESS 4.

**REFERENCE:** Planning Commission Report No. P-05-250  
Airport Noise Monitoring System – San Diego International Airport

**APPLICANT:** San Diego County Regional Airport Authority

**SUMMARY**

**Issue(s)** - Should the City Council deny a citizen appeal and uphold the Planning Commission's decision to approve a Public Right-of-Way Use Permit to install and maintain nine airport noise monitoring stations in various locations around San Diego International Airport?

**Staff Recommendation**– **DENY** the appeal and **APPROVE** Public Right-of-Way Use Permit No. 249359.

**Planning Commission Approval**- The Planning Commission voted to approve the staff recommendation on August 25, 2005 by a vote of 4-0-0, but directed the applicant to meet with the neighbors concerned about the location of proposed Station 8 to try to find a more suitable specific site location. Consensus was not reached over an alternative site location and an appeal was subsequently filed. ■

## **Community Planning Group Recommendations**

Ocean Beach Planning Board - At the July 6, 2005 meeting of the Ocean Beach Planning Board, the Board voted 9-0-1 to recommend approval of the location of Site 14A (Cape May Ave/Sunset Cliffs Blvd) within their community planning area. On July 7, 2004 the Ocean Beach Planning Board was given an advisory briefing on the Coastal Development Permit for Site 24.

Peninsula Community Planning Board - At the December 16, 2004 meeting of the Peninsula Community Planning Board, the Board voted 10-0-0 to recommend approval of the location of Sites 8 (Oleander Place/Amaryllis Dr.) and 25A (Santa Barbara St. between Niagara and Newport Avenues) within their community planning area.

Uptown Planners – At the July 5, 2005 meeting of the Uptown Planners, the Board voted 13-0-0 to recommend the location of Sites 4A (2<sup>nd</sup> Avenue/Juniper St.) and 18 (Nutmeg St./Brant St.) within their community planning area.

Centre City Advisory Committee – At the June 15, 2005 meeting of the Centre City Advisory Committee, the Committee voted unanimously (on consent) to recommend Sites 3 (8<sup>th</sup> Ave./Date St.) and 5A (Columbia St./Fir St.) within their community planning area.

Southeastern San Diego Planning Committee - At the February 15, 2005 meeting of the Southeastern San Diego Planning Committee, the Committee voted 10-0-0 to recommend the location of Site 26 (Gateway Center Way adjacent to Dennis Allen Park) within their community planning area.

Mission Beach – The Mission Beach Precise Planning Board was presented an advisory briefing on June 15, 2004 regarding the California Coastal Commission Coastal Development Permit for Site 23. A recommendation vote was not taken.

**Other Recommendations:** The Airport Coalition is a Loma Portal area citizen's group concerned about the impacts of San Diego International Airport (SDIA) on the surrounding community. The Coalition provided input in the SDIA 2000 Title 21 Variance process and was a signatory to the stipulation that required Airport Noise Office staff to "... accept suggestions from the Airport Coalition, as a representative of the community, regarding future location of one of the noise monitoring stations to be

implemented as part of the upgrade program." The Coalition requested placement of an additional (non-essential) "ridgeline" remote noise monitoring terminal to measure actual departure aircraft noise levels inside the 65dB CNEL contour at or close to the highest elevation in the Loma Portal area under the departure flight path. The proposed location of station 8 was in direct response to the Airport Coalition.

**Environmental Review:** The City of San Diego has determined pursuant to the California Environmental Quality Act (CEQA) that the action is exempt pursuant to 15303 of the State CEQA Guidelines.

**Fiscal Impact:** The cost of processing this application is paid for by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** None with this action.

## **BACKGROUND**

Under the provisions of Title 21 of the California Noise Standards, the San Diego County Regional Airport Authority (Airport Authority), owner/operator of San Diego International Airport (SDIA), is mandated to provide continuous monitoring of the SDIA noise impacts on surrounding communities. The acceptable level of aircraft noise for persons living near airports is established by the California Noise Standards to be a Community Noise Equivalent Level (CNEL) of 65 decibels (dB). SDIA has been determined to be a "Noise Problem Airport" under Title 21 and must monitor noise impacts of its operations to support regulatory reporting and noise mitigation initiatives. Airport noise is monitored through a network of 24 remote noise monitoring stations as part of the Airport Noise and Operations Monitoring System - Geographic Information System (ANOMS-GIS). Because of the importance of correctly modeling and measuring the location of the noise contours, and because the location of these noise contours shift over time due to changes in aircraft and airport operations, the Airport Authority must periodically upgrade and reconfigure its network of remote monitoring stations to correctly measure the existing noise environment. As such, the Airport Authority is proposing to install nine new airport noise monitoring stations in various locations around SDIA.

The Planning Commission voted to approve staff recommendation on August 25, 2005 by a vote of 4-0-0, but directed the applicant to meet with the neighbors concerned about the precise location of proposed Station 8 in the Loma Portal neighborhood of the Peninsula Community to try to find a more suitable specific site location. A meeting was conducted on site on Friday, September 2, 2005

to look for alternative locations. Consensus was not reached over an alternative site location and an appeal was subsequently filed.

## **DISCUSSION**

### **Project Description**

Nine proposed noise monitoring stations would be installed on 20-foot high aluminum poles with a microphone at the apex. An equipment cabinet would be located approximately four feet off the base. These stations are stand-alone systems with power provided by two four-foot wide solar panels and communications via a wireless data modem which transmits noise-monitoring data to the server at SDIA. The poles cannot be co-located on other poles (i.e., utility poles) or buildings due to provisions in Title 21 of the California Noise Standards that stipulate measures to prevent compromising aircraft noise monitoring data via electronic interference or acoustic reflection.

The Airport Coalition and affected community planning groups reviewed 13 possible site locations at approximately 20 public meetings. Based upon their recommendations, the following sites are the preferred locations for the nine proposed stations:

- Station 3 (8<sup>th</sup> Avenue./Date Street)
- Station 4A (2<sup>nd</sup> Avenue/Juniper Street)
- Station 5A (Columbia Street/Fir Street)
- Station 8 (Oleander Place/Amaryllis Drive)
- Station 14A (Cape May Avenue/Sunset Cliffs Boulevard)
- Station 18 (Nutmeg Street/Brant Street)
- Station 23 (Coastal Zone - North Jetty Road/Mission Boulevard)
- Station 25A (Santa Barbara Street between Niagara and Newport Avenues)
- Station 26 (Gateway Center Way adjacent to Dennis Allen Park).

### **Subject of Appeal:**

The Planning Commission voted to approve the staff recommendation on August 25, 2005 by a vote of 4-0-0, but directed the applicant to meet with the neighbors concerned about the precise location of proposed Station 8 in the Loma Portal neighborhood of the Peninsula Community to try to find a more suitable specific site location. An on-site meeting was held, but consensus could not be reached over an alternative site location and an appeal was subsequently filed (Attachment 9). Reasons cited for the appeal include concerns regarding reasonable use of private property adjacent to the proposed public use in the right-of-way, inconsistency with published site selection criteria, and insufficient analysis of alternatives. Specific appeal issues and staff response follows:

Appeal Issue No. 1: *“Proposed noise monitoring tower P-8 inappropriately located and has visual and other impacts to immediate community, excessively restricts owners use of yard as a safe play area for nine grandchildren.”*

Staff Response: The proposed location is within the public right-of-way and is not on private property. The proposed location has two other poles in the right of way: a street sign and a utility pole. The proposed pole would not encroach onto private property and is not located within a public view corridor.

Appeal Issue No. 2: *“Additionally, the site is not consistent with published siting criteria, alternate sites that had reduced community impact not considered and reasons given not consistent with the siting of other towers.”*

Staff Response: The location of proposed monitoring station 8 was originally suggested by the Airport Coalition, a public interest group which provides input to the Airport Authority and the State in matters relating to San Diego International Airport and its operations. The specific location was determined through field visits to determine best placement when considering other siting obstacles and requirements such as overhead power lines, acoustically reflective surfaces, and adequate space for station maintenance.

Title 21 of the Public Utilities Code, “California Noise Standards” defines criteria for placement of monitoring stations which form the basis for the state-approved airport-specific Noise Monitoring Plan. State law defines several data quality objectives that must be met to assure that noise data is accurate and reliable including:

- Accuracy of plus or minus 1.5 decibels (dB) with a trigger threshold of 0.5 dB
- Continuous monitoring
- Background noise equal to or less than 55 dB
- No obstructions in sound field
- Minimal interference from magnetic, electrostatic, and radio frequency sources
- Microphone placement 20 feet above ground, or at least 10 feet above roof tops, whichever is higher and has a clear line of sight path of aircraft in flight.

In reference to selecting a quiet location for the monitoring station, Section 5072 of Title 21 specifically states, “This objective may be satisfied by selecting locations in a residential area not immediately adjacent to a noisy industry, freeway, railroad track, et cetera.” To this end, the Airport Authority has determined that side street locations such as alleyways do not meet the selection criteria due to the low rumble of garbage trucks. The Airport Authority considered alternative site locations proposed by the neighbors. However, each proposed location has a siting drawback such as ability of access for station maintenance, proximity to overhead power lines, or proximity to background noise sources.

## **Conclusion:**

Staff has reviewed the proposed Right-of-Way Use Permit and found it to be in conformance with the applicable sections of the San Diego Municipal Code. Staff has determined that the required

findings can be made as the project meets applicable San Diego Municipal Code regulations and requirements. Staff therefore recommends to deny the appeal and approve the project as proposed.

#### ALTERNATIVES

1. Approve Right-of-Way Use Permit 249359 with modifications.
2. Deny Right-of-Way Use Permit 249359 if the findings cannot be affirmed.

Respectfully submitted,

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Gary Halbert  
Development Services Director

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Approved: Ellen Oppenheim  
Deputy City Manager

HALBERT/cw

Note: Attachments 6 and 7 are available in electronic format. A complete copy is available for review in the Office of the City Clerk.

#### Attachments:

1. Location, Aerial, Zone, Community Land Use Plan
  - Station 3 (8<sup>th</sup> Avenue./Date Street)
  - Station 4A (2<sup>nd</sup> Avenue/Juniper Street)
  - Station 5A (Columbia Street/Fir Street)
  - Station 8 (Oleander Place/Amaryllis Drive)
  - Station 14A (Cape May Avenue/Sunset Cliffs Boulevard)
  - Station 18 (Nutmeg Street/Brant Street)
  - Station 23 (Coastal Zone - North Jetty Road/Mission Boulevard)
  - Station 25A (Santa Barbara Street between Niagara and Newport Avenues)
  - Station 26 (Gateway Center Way adjacent to Dennis Allen Park).
2. Ownership Disclosure Statement
3. Project Chronology
4. Community Planning Group Recommendations
5. Coastal Commission Permit
6. [Draft Right-of-Way Use Permit with Conditions](#)
7. [Draft Resolution with Findings](#)
8. California Public Utilities Code, Title 21, § 5001, Subchapter 6, “Noise Standards”
9. Appeal