



May 21, 2024

Sent via Email and U.S. Mail to:  
[MayorToddGloria@sandiego.gov](mailto:MayorToddGloria@sandiego.gov)

CITY OF SAN DIEGO  
Attn: Mayor Gloria and Councilmembers  
202 C Street, 10th and 11th Floor  
San Diego, CA 92101

**RE: VIOLATION OF CA DEPARTMENT OF TRANSPORTATION  
NOISE VARIANCE**

Project: NTC H-Barracks Homeless Compound ("**Homeless Project**")  
CIP #: S-24010  
Letter# 4

Dear Mayor Gloria and Members of the San Diego City Council,

As you know, our law firm represents Point Loma CARES, a neighborhood and community-based nonprofit association ("**PL CARES**") located near the Barracks H site where the City of San Diego ("**City**") intends to create a facility for a significant number of unhoused residents of San Diego.

This is our *fifth* correspondence to you outlining our grave concerns with the site and our belief that there are more viable sites and solutions for the City and to house unsheltered residents than creating the Homeless Project.

We recognize that recently, the City submitted a Coastal Development Permit application to the California Coastal Commission requesting permission to build a Homeless Safe Parking site for 200 cars and RVs (Phase 1) along with two large, industrial tent structures to house 600+ homeless individuals on cots (Phase 2). However, among many fallacies, this application mainly rests on a Mitigated Negative Declaration from October 3, 2000. This outdated report could not have possibly contemplated a historically large homeless encampment or the expansion of San Diego International Airport (Appendix A, Coastal Development Permit application). As such, we request that a **new** comprehensive study be prepared taking into account the purpose and use of the site.

Additionally, we have serious legal reservations about situating a homeless parking or tent facility within the 65dB Community Noise Equivalent Level (“CNEL”) contour of San Diego International Airport (“SDIA”). The current proposal blatantly violates the terms of the noise variance granted by the California Department of Transportation to SDIA and poses substantial risks to the well-being of potential residents.

As documented in the attached variance documentation (Appendix B, pages 1-3), the noise variance **prohibits** the construction of new residential housing (*including mobile homes / RVs*) unless the lot is contiguous to existing residential housing lots *and* construction incorporates significant acoustic remediation. The H Barracks site does not meet both criteria. and the proposed use of tents (Phase 2) for housing does not allow for any form of acoustic remediation, thus exposing the homeless population who may already be prone to mental illness to harmful noise levels.

Moreover, the FAR 150 report (Appendix C) indicates that the SDIA Terminal 1 expansion will increase air traffic, which in turn is projected to elevate noise levels at the H Barracks site. In fact, *the intent* of expanding Terminal 1 is to expand air traffic at SDIA and will therefore increase the footprint of the 65dB CNEL contour. The 2026 noise contour projections (Appendix C, part 4.23 – 4.24) show that the entire H Barracks lot will be enveloped within the 65dB noise contour, confirming that *the noise levels will exceed those deemed safe for residential areas*.

This situation presents not only a direct violation of the California Department of Transportation noise variance but undoubtedly also poses severe risks to the auditory and mental health of individuals who would reside at this location. It is concerning that under the new City camping ban, homeless individuals would be coerced into choosing between criminal prosecution or living in an environment that knowingly jeopardizes their health and well-being.

Even more, **knowingly** placing a homeless shelter within the 65dB CNEL contour of San Diego International Airport puts homeless individuals in a hazardous environment likely exposing the City and other regulatory bodies to significant legal liability for any auditory or mental health damage caused to the homeless residents. Such an action deliberately disregards the CalTrans noise variance guidelines and may likely lead to prolonged litigation and substantial financial consequences. We strongly advise reevaluating this decision to avoid such risks and ensure the health and safety of vulnerable members of our society.

Given these factors, the proposal to establish a homeless encampment at this site is not only legally untenable but also morally indefensible. It disregards the protective intent of existing noise regulations and exposes vulnerable populations to unacceptable health risks.

We urge you to reconsider this proposal and seek alternative solutions that do not compromise the health and safety of homeless individuals. It is imperative that any development

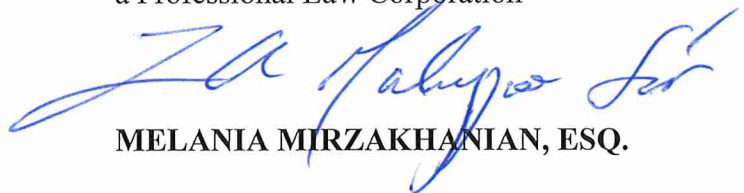
at the H Barracks site undergo a rigorous and updated environmental study, accounting for the increased noise projections and ensuring compliance with **all** health, welfare and safety regulations.

Before the City Council commits funding to the Homeless Project, we, again, strongly advise considering alternative initiatives that are not mired in legal ambiguities and are less likely to encounter protracted legal challenges. Allocating resources to a project that currently appears legally untenable not only risks significant financial loss but also delays the provision of much-needed services. We encourage the City Council to prioritize projects with a clearer path to compliance and implementation, ensuring that critical resources are used effectively and promptly to benefit the community.

We look forward to your prompt attention to this matter and to the exploration of more humane and legally compliant solutions for the housing of our city's homeless population.

Sincerely,

**G10 LAW**  
a Professional Law Corporation



**MELANIA MIRZAKHANIAN, ESQ.**

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CITY OF SAN DIEGO

Mayor Gloria and Councilmembers

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