

**CONSISTENCY DETERMINATION
MARINE CORPS AIR STATION (MCAS) MIRAMAR
AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)
JULY 7, 2011**

Item # 3 Resolution # 2011-0010 ALUC

Recommendation: Conditionally Consistent

**CONSTRUCTION OF RESEARCH & DEVELOPMENT BUILDING AT 11099
NORTH TORREY PINES ROAD, CITY OF SAN DIEGO**

Description of Project: Based on plans submitted to the ALUC, the project proposes the construction of a two-story, 58,060 square foot building for research and development use with a two-level subterranean parking garage. The new building is proposed on a property of 7.88 acres to be subdivided which contains an existing research and development building. With the subdivision, the new building lot area would be 0.74 acres. The lot area with the existing building would be 1.28 acres, and the third lot would be a non-buildable lot of 5.86 acres over which the two building lots would share a common access easement.

Noise Contours: The proposed project is located outside the 60 decibel Community Noise Equivalent Level (dB CNEL) noise contour. (See the attached map.) The ALUCP identifies research & development uses located outside the 60 dB CNEL noise contour as compatible with airport uses.

Airspace Protection Surfaces: The height of the proposed project structure will be 28 feet above ground level. The height of the proposed project is consistent with the ALUCP because it does not exceed an airspace threshold which would require an obstruction evaluation from the Federal Aviation Administration (FAA).

Safety Zones: The proposed project is located within Accident Potential Zone (APZ) 2. The ALUCP identifies research & development uses located within APZ) 2 as conditionally compatible with airport uses, provided that it abides by a limitation of 50 people per acre, given as 0.34 floor area ratio (FAR) in the ALUCP. Assuming land use of the entire 7.88 acre property, the new building would have a FAR of 0.17, which would comply with the ALUCP limitation. The ALUCP allows projects to exceed the FAR if parking spaces provided would not exceed the ultimate 50 people per acre limit. The entire 7.88 acre property at 50 people per acre would yield a maximum allowance of 394 people. The total number of parking spaces for both the new and existing building would be 365, and therefore the project would comply (assuming a single occupant per vehicle).

000004

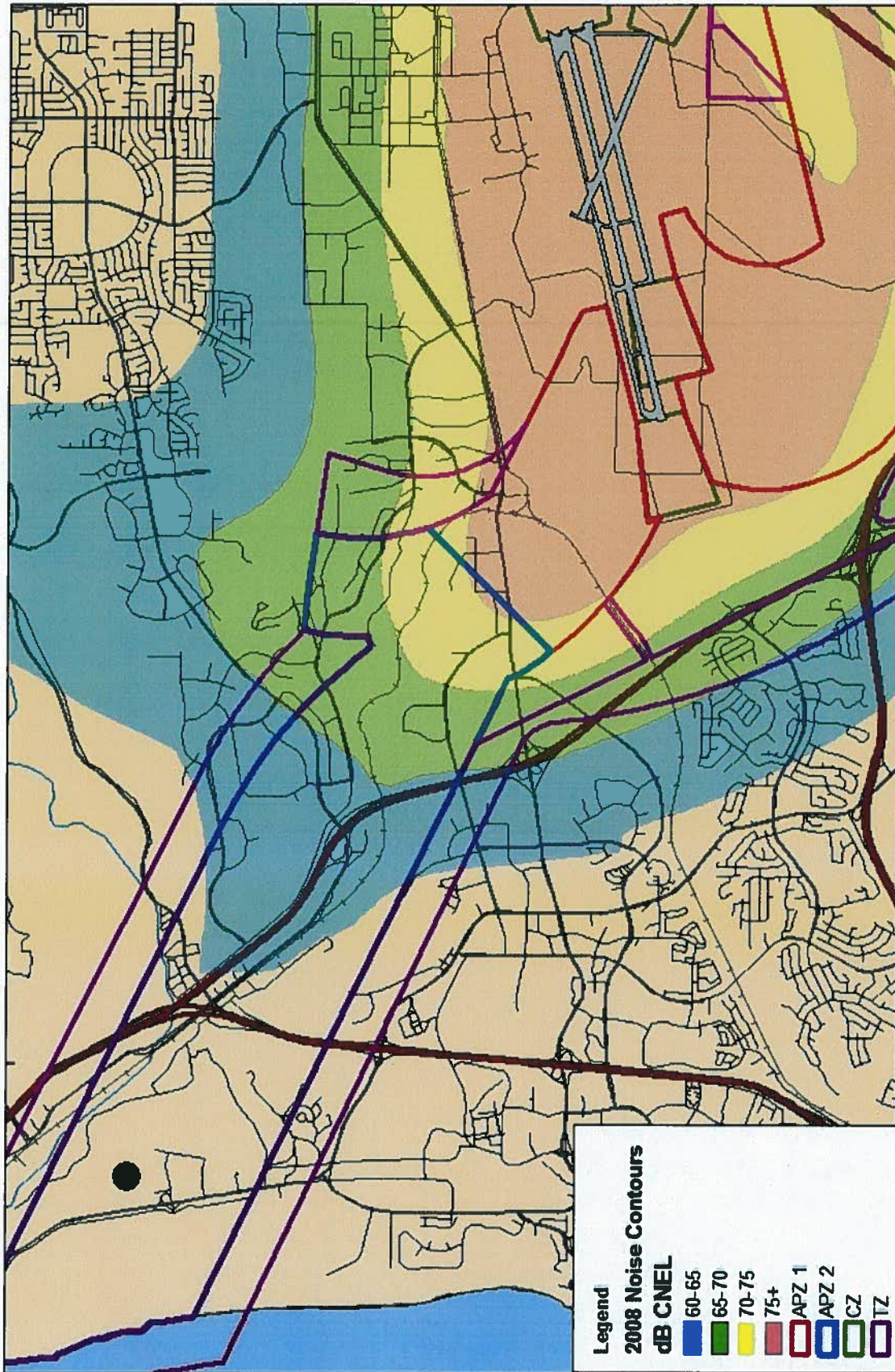
As a condition of project approval, the ALUCP requires the recordation of a deed restriction which would limit the entire 7.88 acres to a maximum of 394 people.

Ownership: The property is owned by AG/Touchstone TP LLC of Carlsbad. The architect is Pacific Cornerstone Architects of San Diego. The engineer is Kimley-Horn and Associates of San Diego. The landscape architect is Architectural Landscapes of San Diego.

Recommendation: Based on review of the materials submitted in connection with the proposed project and the policies in the MCAS Miramar ALUCP adopted in 2008 and amended in 2010, staff recommends that the ALUC make the determination that the project is conditionally consistent with the MCAS Miramar ALUCP.

Conditions: Recordation of deed restriction which would limit the entire 7.88 acres of the project to a maximum of 394 people.

000005



Legend

2008 Noise Contours

dB CNEL

60-65

65-70

70-75

75+

APZ 1

APZ 2

CZ

TZ

fwy

majorrds

roads



**11099 North Torrey Pines Road
(APN: 310-110-17)**



000006

RESOLUTION NO. 2011-0010 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF RESEARCH & DEVELOPMENT BUILDING AT 11099 NORTH TORREY PINES ROAD, CITY OF SAN DIEGO, IS CONDITIONALLY CONSISTENT WITH THE MARINE CORPS AIR STATION MIRMAR AIRPORT LAND USE COMPATIBILITY PLAN.

WHEREAS, the Board of the San Diego County Regional Airport Authority, acting in its capacity as the Airport Land Use Commission (ALUC) for San Diego County, pursuant to Section 21670.3 of the Public Utilities Code, was requested by the City of San Diego to determine the consistency of a proposed development project: Construction of Research & Development Building at 11099 North Torrey Pines Road, City of San Diego, which is located within the Airport Influence Area (AIA) for the Marine Corps Air Station (MCAS) Miramar Airport Land Use Compatibility Plan (ALUCP), originally adopted in 2008 and amended in 2010; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of a research & development (R&D) building with subterranean parking garage on a site with an existing R&D building with which the proposed project shares a common access easement over a non-buildable lot for a total project site area of 7.88 acres; and

WHEREAS, the proposed project would be located outside the 60 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies R&D uses located outside the 60 dB CNEL noise contour as compatible with airport uses; and

WHEREAS, the proposed project is in compliance with the ALUCP airspace protection surfaces because it does not exceed an airspace threshold which would require an obstruction evaluation from the Federal Aviation Administration (FAA); and

WHEREAS, the proposed project is located within Accident Potential Zone (APZ) 2 and the ALUCP identifies R&D uses located within APZ 2 as conditionally compatible with airport uses, provided that the project complies with a limitation of 50 people per acre; and

000007

WHEREAS, the ALUC has considered the information provided by staff, including information in the staff report and other relevant material regarding the project; and

WHEREAS, the ALUC has provided an opportunity for the City of San Diego, the U.S. Marine Corps, and interested members of the public to present information regarding this matter;

NOW, THEREFORE, BE IT RESOLVED that the ALUC determines that the proposed project: Construction of Research & Development Building at 11099 North Torrey Pines Road, City of San Diego, is conditionally consistent with the MCAS Miramar ALUCP, which was adopted in 2008 and amended in 2010, based upon the following facts and findings:

- (1) The proposed project involves the construction of an R&D building with subterranean parking garage on a site with an existing R&D building with which the proposed project shares a common access easement over a non-buildable lot for a total project site area of 7.88 acres.
- (2) The proposed project is located outside the 60 dB CNEL noise contour. The ALUCP identifies R&D uses located outside the 60 dB CNEL noise contour as compatible with airport uses.
- (3) The proposed project is in compliance with the ALUCP airspace protection surfaces because it does not exceed an airspace threshold which would require an obstruction evaluation from the FAA.
- (4) The proposed project is located within APZ 2. The ALUCP identifies R&D uses located within APZ 2 as conditionally compatible with airport uses, provided that the project complies with a limitation of 50 people per acre.
- (5) The ALUCP requires that a deed restriction for a maximum occupancy of 394 people over the project site (7.88 acres X 50 people per acre) be recorded with the County Recorder. Therefore, as a condition of project approval, a deed restriction for a maximum occupancy of 394 people over the 7.88 acre project site must be recorded with the County Recorder.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the MCAS Miramar ALUCP.

BE IT FURTHER RESOLVED that this ALUC determination is not a "project" as defined by the California Environmental Quality Act (CEQA), Pub. Res. Code Section 21065, and is not a "development" as defined by the California Coastal Act, Pub. Res. Code Section 30106.

PASSED, ADOPTED AND APPROVED by the ALUC for San Diego County at a regular meeting this 7th day of July, 2011, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ATTEST:

TONY R. RUSSELL
DIRECTOR, CORPORATE SERVICES/
AUTHORITY CLERK

APPROVED AS TO FORM:

BRETON K. LOBNER
GENERAL COUNSEL