



**SAN DIEGO COUNTY
REGIONAL AIRPORT AUTHORITY
Airport Land Use Commission
STAFF REPORT**

**Item No.
6**

Meeting Date: **DECEMBER 13, 2012**

Subject:

Consistency Determination – McClellan-Palomar Airport – Airport Land Use Compatibility Plan - Construction of Research & Development Office, Manufacturing & Warehouse Facility at 5819 Dryden Place, City of Carlsbad

Recommendation:

Adopt Resolution No. 2012-0010 ALUC, making the determination that the project is not consistent with the McClellan-Palomar Airport - Airport Land Use Compatibility Plan.

Background/Justification:

Project Description

The City of Carlsbad submitted an application for determination of consistency with the McClellan-Palomar Airport - Airport Land Use Compatibility Plan (ALUCP) for a project located at 5819 Dryden Place. The project proposes the construction of a two-story building of 55,475 square feet containing research and development offices, manufacturing and warehouse uses. The offices and manufacturing components would each comprise a quarter of the building area with the warehouse comprising the remaining half.

The project was deemed complete under the Government Code by the City of Carlsbad on July 29, 2009. Changes in property ownership and challenges related to the economic downturn hindered the project, so the application was not received by ALUC staff until November 7, 2011. The application did not include an airspace obstruction evaluation as required from the Federal Aviation Administration (FAA), so the application was not deemed complete until November 6, 2012, upon receipt of the FAA airspace determination.

Because the project was deemed complete by the local agency before the adoption of the current ALUCP, ALUC review is conducted under the previous ALUCP adopted by SANDAG in 1994 and revised by the Airport Authority as successor ALUC in 2004. SANDAG had previously deemed the City of Carlsbad General Plan and zoning implementation as consistent with the ALUCP, and therefore, submittal of the current project to the ALUC is voluntary under governing statute (Cal. Pub. Util. §21676.5(b)).

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Project Interests Disclosure

The property is owned by Hoehn LLC of Carlsbad. The project architect is Stephen Hall of Cardiff-by-the-Sea.

Noise Contours

The subject property is located within the 75-80 decibel Community Noise Equivalent Level (dB CNEL) noise contour (see attached map). The ALUCP identifies office, manufacturing and warehouse uses located within the 75-80 dB CNEL noise contour as incompatible with airport uses.

Airspace Protection Surfaces

The proposed project meets notice criteria of the FAA and therefore requires review by that agency. The FAA issued a Determination of No Hazard to Air Navigation on November 1, 2012. This determination measures only object penetrations to airspace surfaces and does not take into account any attributes of a given land use such as noise exposure or public safety.

Safety Zones

The subject property is located within the Runway Protection Zone (RPZ) of McClellan-Palomar Airport (see attached map). The ALUCP provides that only uninhabited uses (such as agriculture, public rights-of-way, or storage) are appropriate for the RPZ, and specifically prohibits offices and assembly uses, as well as restricting even surface vehicle parking to the outer edges of the RPZ.

Pursuant to FAA regulations (AC 150/5300-13 CHG 11), the RPZ's function is to enhance the protection of people and property on the ground by "clearing RPZ areas (and maintaining them clear) of incompatible objects and activities."

Human occupancy in a non-transitory land use such as offices and manufacturing is contrary to both ALUCP and FAA regulations. The intent of RPZs is to maintain them free of people, with even auto parking discouraged and restricted. Construction of an occupied building is not compatible with the functional protection RPZs are intended to provide for landing and departing aircraft and to protect people in airport proximity.

Staff Recommendation

The ALUC is charged with upholding the safety of people and property both in the air and on the ground as codified within the adopted ALUCP and FAA regulations. In 2007, the ALUC reviewed a proposed industrial office, manufacturing and warehouse building on a nearby property (in the same 75-80 dB CNEL noise contour and also in the RPZ) and determined that project to be inconsistent with the same ALUCP.

Though the ALUC does not have jurisdiction over any existing land uses, it does have the authority to advise on the compatibility of new, proposed land uses within airport influence areas as designated by the ALUCP. Based upon the project containing a land use which is incompatible with the airport noise exposure contours and incompatible with public safety in the RPZ, this project is not consistent with the McClellan-Palomar

Airport ALUCP. Additionally, the County of San Diego, as operator of McClellan-Palomar Airport, has expressed its concurrence with the ALUC staff recommendation that this project is not consistent with the ALUCP.

Fiscal Impact:

ALUC functions are funded through the Airport Planning FY13 operating budget, and adequate funds for the subject of this staff report are budgeted within personnel costs. There are no capital or other expenditures related to this matter, and no revenue will be realized as income for budgeting purposes.

Authority Strategies:

This item supports one or more of the Authority Strategies, as follows:

- Community Strategy Customer Strategy Employee Strategy Financial Strategy Operations Strategy

Environmental Review:

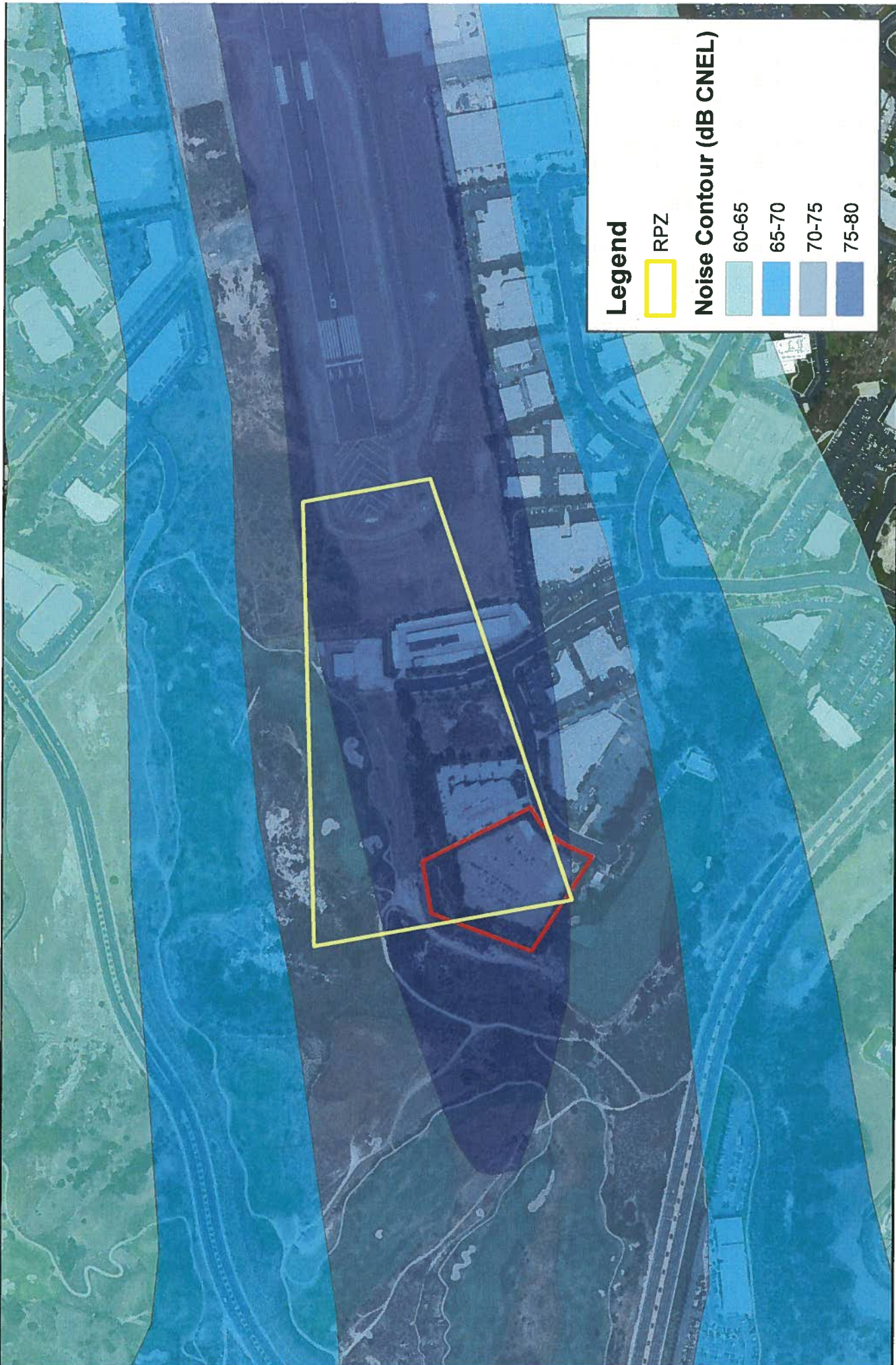
- A. This ALUC action is not a project that would have a significant effect on the environment as defined by the California Environmental Quality Act (CEQA), as amended. 14 Cal. Code Regs. §15378. This ALUC action is not a "project" subject to CEQA. Pub. Res. Code §21065.
- B. This ALUC action is not a "development" as defined by the California Coastal Act. Pub. Res. Code §30106.

Equal Opportunity Program:

Not applicable.

Prepared by:

KEITH WILSCHETZ
DIRECTOR, AIRPORT PLANNING



Legend

RPZ

Noise Contour (dB CNEL)

60-65
65-70
70-75
75-80

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5819 Dryden Place

APN 212-091-03



1 inch = 500 feet

RESOLUTION NO. 2012-0010 ALUC

A RESOLUTION OF THE AIRPORT LAND USE COMMISSION FOR SAN DIEGO COUNTY, MAKING A DETERMINATION THAT THE PROPOSED PROJECT: CONSTRUCTION OF RESEARCH & DEVELOPMENT OFFICE, MANUFACTURING & WAREHOUSE FACILITY AT 5819 DRYDEN PLACE, CITY OF CARLSBAD, IS NOT CONSISTENT WITH THE MCCLELLAN-PALOMAR AIRPORT - 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 Carlsbad to determine the consistency of a proposed development project: Construction of Research & Development Office, Manufacturing & Warehouse Facility at 5819 Dryden Place, City of Carlsbad, which is located within the Airport Influence Area (AIA) for the McClellan-Palomar Airport - Airport Land Use Compatibility Plan (ALUCP), originally adopted in 1994 and amended in 2004; and

WHEREAS, the plans submitted to the ALUC for the proposed project indicate that it would involve the construction of a two-story building containing research and development offices, manufacturing and warehouse uses; and

WHEREAS, the proposed project would be located within the 75-80 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour, and the ALUCP identifies research and development offices and laboratories, industrial and manufacturing uses located within the 75-80 dB CNEL noise contour as incompatible with airport uses; and

WHEREAS, the proposed project is in compliance with the ALUCP airspace protection surfaces because a determination of no hazard to air navigation has been issued by the Federal Aviation Administration (FAA); and

WHEREAS, the proposed project is located within the Runway Protection Zone (RPZ), and the ALUCP identifies occupied buildings located within the RPZ as incompatible with airport uses; and

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 Carlsbad 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 Office, Manufacturing & Warehouse Facility at 5819 Dryden Place, City of Carlsbad, is not consistent with the McClellan- Palomar Airport ALUCP, which was originally adopted in 1994 and amended in 2004, based upon the following facts and findings:

- (1) The proposed project involves the construction of a two-story building containing research and development offices, manufacturing and warehouse uses.
- (2) The proposed project is located within the 75-80 dB CNEL noise contour. The ALUCP identifies research and development offices and laboratories, industrial and manufacturing uses located within the 75-80 dB CNEL noise contour as incompatible with airport uses.
- (3) The proposed project is in compliance with the ALUCP airspace protection surfaces because a determination of no hazard to air navigation has been issued by the FAA.
- (4) The proposed project is located within the RPZ. The ALUCP identifies occupied buildings located within the RPZ as in compatible with airport uses.
- (5) Therefore, the proposed project is not consistent with the McClellan-Palomar Airport 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 special meeting this 13TH day of December, 2012, 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

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