

DATE ISSUED: February 23, 2005

REPORT NO. 05-047

ATTENTION: Honorable Mayor and City Council  
Docket of March 1, 2005

SUBJECT: Towne Centre Corporate Plaza; Rezone No. 2759, Tentative Map No. 2761, Coastal Development Permit No. 117798, Site Development Permit No. 2758, and Multiple Habitat Planning Area (MHPA) Boundary Adjustment; Project No. 1591; City Council District 1; Process 5

REFERENCE: Planning Commission Report No. PC-03-105 (August 26, 2004) -- Planning Commission recommendation of subject project.

OWNER/

APPLICANT: Lawrence M. Cushman

### SUMMARY

Issues - Should the City Council approve the construction of three buildings totaling 190,000 square-feet of gross floor area for Research and Development use, located at the northwest terminus of Towne Centre Drive in the RS-1-7 zone of the University Community Planning Area?

#### Staff's Recommendation:

1. CERTIFY Mitigated Negative Declaration No. 1591, and ADOPT the Mitigation, Monitoring, and Reporting Program covering this activity; and
2. APPROVE Rezone No. 2759, Tentative Map No. 2761, Coastal Development Permit No. 117798, Site Development Permit No. 2758, and Multiple Habitat Planning Area (MHPA) Boundary Adjustment.

Planning Commission Recommendation – The Planning Commission voted 5-1-0 on August 26, 2004, to recommend approval of the project. The motion to recommend approval requires staff to provide information to the City Council whether adjacent wildlife habitat and trails are considered part of a wildlife corridor.

Community Planning Group Recommendation - On March 12, 2001, the University Community Planning Group voted to recommend approval of the project. On November 11, 2003, the University Community Planning Group voted 15-0-0 to confirm the previous vote.

Airport Land Use Commission (ALUC) Consistency Determination – On February 7, 2005, the ALUC determined that the project is consistent with the NAS Miramar Comprehensive Land Use Plan (CLUP) by a vote of 7-0-0.

Environmental Review - The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) has prepared and completed a Mitigated Negative Declaration No. 1591, dated July 8, 2004, and Mitigation, Monitoring, and Reporting Program (MMRP) covering this activity.

Fiscal Impact - All processing costs for this project are recovered from a deposit account funded by the applicant.

Code Enforcement Impact - None

Housing Impact Statement - The proposed project would have a neutral impact on housing. The University Community Plan designates this undeveloped site for industrial and open space uses. Although the area proposed for the industrial development is presently zoned RS-1-7 (residential single dwelling unit), development of residential units could not be permitted since residential development at this location is incompatible with the accident potential zone of the Comprehensive Land Use Plan for Miramar. Therefore, the proposed industrial/scientific research and open space uses would not result in an increase or decrease in existing or potential housing units.

Water Quality Impact Statement - The design of the drainage system will result in discharge into the Multiple Habitat Planning Area (MHPA) areas that is below the current levels. The project is proposing site design Best Management Practices (BMPs) such as reducing impervious surfaces, conserving natural areas and providing sufficient landscape. The post development BMPs will consist of catch basin filter inserts and the use of fossil filter mediums prior to release of storm water into the public system.

## BACKGROUND

The project site is located on the northwest end of Town Centre Drive, on a 22.2-acre vacant land immediately west of the Eastgate Technology Park in the University Community Planning Area. Towne Centre Drive is a north-to-south street that turns westward at its north terminus. The University Community Plan designates the site for Scientific Research use. The proposed zone change from the RS-1-7 zone to the IP-1-1 zone would update the site's zoning designation into compliance with the University Community Plan's Scientific Research land use designation. A Rezone is a decision Process 5, which requires Planning Commission recommendation and City Council decision.

In addition to the Rezone, the project also proposes a Tentative Map (TM), Site Development Permit (SDP), Coastal Development Permit (CDP), and Multiple Habitat Planning Area (MHPA) Boundary Adjustment. The northern portion of the lot is located within the Coastal Overlay Zone.

The project proposes a TM to subdivide the property along the Coastal Overlay Zone boundary. A CDP is required for development within the Coastal Overlay Zone, unless specifically exempted by San Diego Municipal Code Section (SDMC) 126.0704. A TM is considered a development, and therefore, the proposed project is subject to a CDP. An SDP is required by SDMC 143.0110 for the proposed project's impacts to environmentally sensitive lands (ESL). In addition to the above permits, the project also proposes a Multiple Habitat Planning Area (MHPA) Boundary Line Adjustment.

The Planning Commission voted 5-1-0 on August 26, 2004, to recommend approval of the project (Planning Commission Report No. PC-03-105, August 26, 2004, Attachment 1). The motion to approve requires staff to provide information to the City Council whether adjacent wildlife habitat and trails are considered part of a wildlife corridor. In response to the Planning Commission discussion regarding adjacent sensitive habitat, the applicant reduced the development area by pulling back the northern-most tip by 130 feet. The modification resulted in the reduction of the number of parking spaces by 24, and the preservation of an additional 0.53 acre of sensitive habitat (Attachment 2). The development now proposes 661 parking spaces (3.48 parking spaces per square-foot of floor area). Permit Condition Numbers 26, 27, and 54 are additional project conditions to accommodate this change.

## DISCUSSION

### Project Description:

The project site is presently undisturbed, consisting of a relatively flat mesa top that drops off on all sides except at the southeastern portion. Proposed grading would create 11.9 acres of flat development area. The Towne Centre Drive extension would be fully improved with curb, gutter, and sidewalk. Several retaining walls are proposed around the perimeter of the level development area the longest at 1,800 lineal feet, and the tallest at 12 feet in height. These walls would be plantable and screened by evergreen shrubs.

An additional 55 parking spaces may be considered at a later date, through the construction of a parking deck behind Buildings A and B. Such a proposal would be subject to an amendment of the Site Development Permit (Permit Condition Number 30). The project also includes the realignment, upgrade, and extension of the existing 10- to 12-foot-wide sewer line and storm drain access road, and proposes an MHPA (Multiple Habitat Planning Area) Boundary Adjustment.

Three buildings totaling 190,000 square feet for Research and Development use are proposed. Research and Development use is permitted by right in the IP-1-1 zone. The proposed building sizes are as follows:

	Gross Floor Area	Height	Stories
Building A	80,500	60	4
Building B	63,500	46	3
Building C	46,000	32	2

Community Plan Analysis:

The proposed project is located within the Central Subarea of the University Community Plan. The Community Plan designates the site as Industrial and Open Space. The Industrial Element more specifically identifies the industrial portion of the site as Scientific Research. The site is also subject to the Community Plan Implementation Overlay Zone (CPIOZ) Type “A,” and subject to the Accident Potential Zone (APZ) “2,” and the Noise Impact/Land Use Compatibility Matrix of the Comprehensive Land use Plan (CLUP) for Miramar.

The development would implement the policies and objectives of the University Community Plan. Community Plan Implementation Overlay Zone (CPIOZ) Type “A” is a ministerial review that implements the Development Intensity Element of the Community Plan by identifying appropriate uses and intensities for specific areas. The Community Plan identifies the site for development with Scientific Research uses. The project is consistent with Table 3 of the Development Intensity Element which limits development for this project site at 195,120 square-feet. The proposed project would comply with a development of 190,000 square square-feet. The CLUP for Miramar requires that lot coverage in APZ “2” to be less than 40 percent of the project site, which calculates to 8.9 acres of the 22.23-acre site. The proposed project is in compliance with the CLUP at the proposed lot coverage of 1.5 acres, or 6.7 percent of the project site, and with the CLUP’s Noise Impact/Land Use Compatibility Matrix at 60-65 dB CNEL.

The project is located at the terminus of Towne Centre Drive. Metropolitan Transit System (MTS) Shuttle Route No. 982 runs between the project and the Sorrento Valley Coaster station, with stops in between. The shuttle service has a three-year funding which began in July 2004. The project provides onsite bike racks, bike lockers, and showers. The project is also required to provide Rideshare Information as required by the City’s Land Development Code. Rideshare information is typically provided as a kiosk/bulletin board containing information on transit use, carpooling, and other forms of ridesharing. In order to maintain the development intensity that is consistent with Scientific Research use, the permit includes a condition that limits the development to one tenant per 40,000 square feet of development, thereby preventing any future conversion to multi-tenant office use.

Environmental Analysis:

Biological Technical Report for Towne Centre Corporate Plaza (Helix Environmental Planning, November 19, 2001) states in addition to a Multiple Habitat Preservation Area (MHPA) boundary line adjustment, the proposed development and off-site sewer improvements would directly impact biologically sensitive lands. The project Mitigation, Monitoring, and Reporting Program (MMRP) requires that the development’s direct on-site impacts on biologically sensitive lands be mitigated onsite through the preservation of the 9.4 acres of Environmentally Sensitive Lands, and through appropriate payment into the City’s Habitat Acquisition Fund.

To mitigate potential impacts from the construction of the off-site sewer line, the report recommends the option of purchasing habitat land or paying into the City's Habitat Acquisition Fund, the amount necessary to mitigate for 0.9 acre of impacts to Diegan coastal sage scrub that can not be mitigated for on-site within the MHPA. The project is also required to mitigate impacts at the intersections of Towne Centre Drive and Eastgate Mall, and Towne Centre Drive and La Jolla Village Drive. Specific improvement measures at those intersections that would mitigate potentially significant impacts to a level below significance and improve circulation and traffic in the area as required by permit condition. Measures to encourage ride sharing and to accommodate bicycle and motorcycle travel are included as project features and permit conditions.

To address potentially significant impacts to water quality, the development must comply with the mitigation measures (implementation of construction and post-construction BMPs) described in the project MMRP to minimize and control runoff carrying pollutants that could create potentially significant impacts to downstream water bodies. The project MMRP also requires that all grading and excavations are monitored by a qualified paleontologist so that any resources on-site are properly curated and recorded so that they not significantly impacted by the development.

#### Project-Related Issues:

The project also proposes a Multiple Habitat Planning Area (MHPA) Boundary Adjustment. The Multiple Species Conservation Program (MSCP) Subarea Plan allows such adjustments without amending the Subarea Plan in cases where the new MHPA boundary results in an area of equivalent or higher biological value. Determination of biological value is made by the City in accordance with the Subarea Plan, with concurrence from the wildlife agencies. The project proposes to expand the MHPA by 3.4 acres along the northern and eastern portions of the site and reduce the MHPA by 2.63 acres along the southern and western portions of the site. The boundary adjustment would result in a net gain of 0.77 acre in MHPA acreage. Analysis in the project Biological Technical Report (November 19, 2001) determined that the proposed boundary adjustment is consistent with the criteria established by the Subarea Plan. The Environmental Analysis Section has reviewed and accepted the Report. The proposal has been approved by the wildlife agencies, due in part to the fact that the adjustment would result in increased biodiversity and better habitat connectivity. The MHPA Boundary Line Adjustment is a separate action that is independent of the Rezone, Tentative Map, Coastal Development Permit, and Site Development Permit approvals required of this project.

Another project component is realignment, upgrade, and extension of the existing 10- to 12-foot-wide sewer line and storm drain access road. The realignment/upgrade/extension would run off-site and connect with an existing storm access easement located south of the project site. The combined sewer/storm drain easement would be 20 feet in width, originating between Towne Centre Drive and Westerra Court. (An additional five feet would be dedicated along the existing 15-foot easement).

The size and alignment of the existing sewer line on Towne Centre Drive cannot accommodate the increase in flow and velocity of sewage generated by the proposed project. Because Towne Centre Drive is significantly lower than the street, keeping the sewer within the street is not a practical option. This option would require the replacement and the upsizing of existing sewer line of the sewer line on Towne Centre Drive and the construction of a sewer pump station. The proposed sewer alignment would utilize gravity flow, which is the more reliable and simpler option. The

proposal would minimize impacts to the surrounding environmentally sensitive lands by utilizing an existing storm drain access easement and avoiding bottom lands. The proposed sewer line would connect with an existing 36-inch sewer force main at the bottom of the canyon southwest of the project site.

The purpose of the Environmentally Sensitive Lands (ESL) regulations is to protect, preserve and, where damaged restore, the ESLs of San Diego and the viability of the species supported by those lands (SDMC 143.0101). The proposed project impacts to on-site environmentally sensitive lands (ESL), total 11.2 acres; impacts associated with the off-site sewer construction total 0.9 acres. Required mitigation totals 9.8 acres for on-site impacts, and 0.9 acre for off-site impacts. The mitigation ratios are based on the City's Land Development Code Biology Guidelines and the project Mitigation, Monitoring, and Reporting Program (MMRP). A total of 9.64 acres of the project site would be dedicated to the City's Multiple Habitat Planning Area (MHPA). The remainder 1.56 acres of required mitigation would be mitigated through payment of appropriate fees to the City's Habitat Acquisition Fund.

On March 12, 2001, the University Community Planning Group voted to recommend approval of the project. On November 11, 2003, the University Community Planning Group confirmed the previous vote and voted 15-0-0 to submit comments regarding issues discussed in the Mitigated Negative Declaration. These issues are discussed as follows:

1. The parking for the project appears to be based on an office use and not a Scientific Research use. Therefore, the trip generation rate used in the traffic study should have been based upon an office trip generation rate (16 ADT/1,000 s. f.) and not on a Scientific Research trip generation rate. The traffic study should be revised to use the appropriate trip generation rate.

Response: The traffic study was based on Scientific Research use, combined with related office use, at 10 average daily trips (ADT) per 1,000 square feet of gross floor area. The project's location within the Accident Potential Zone (APZ) "2" and the intents of the Scientific Research use designation and the IP-1-1 zone, combine to prohibit exclusively office uses on the site. Office uses are generally more intensive than those envisioned for Scientific Research designated areas and the IP-1-1 zone, and are only permitted in conjunction with Scientific Research uses. To further ensure consistency with development intensity intended by the underlying zone and the land use designation, the number of tenants in the campus would be limited by project condition to four tenants, each occupying at least 40,000 square-feet of floor area.

2. The City ought to determine if the applicant can mitigate to a level of insignificance if an office generation is used. If a fair argument can be made that with an office trip generation rate, the project cannot mitigate its impacts to a level of insignificance, an EIR should be prepared."

Response: The traffic study shows that the lower trip generation rate of 10 ADT will mitigate all traffic impacts to a level below significant. As previously discussed, the impacts of the project are mitigated by the project's Mitigation, Monitoring, & Reporting Program's requirement to improve Towne Centre Drive and Eastgate Mall, and Towne Centre Drive and La Jolla Village Drive. The mitigation requirements will

improve the capacities of the intersections. In addition, the development is also required by project condition to encourage ridesharing and other commute options to reduce motor vehicle trips.

All development would occur outside the Coastal Overlay Zone. Coastal development regulations are not applicable to the development proposal. The development would have no effect public access or coastal resources.

Planning Commission:

Towne Centre Corporate Plaza was originally scheduled for hearing on July 22, 2004. It was continued to August 12 at the request of staff. The project was again continued by the Planning Commission to August 26 after much discussion. The Planning Commission requested that staff come back with additional information regarding the visual impact of the project's retaining walls; requested additional details on the proposed sewer access road; more details on the lighting and its effect on adjacent environmentally sensitive lands; and additional information regarding the project's transportation impacts.

The applicant made changes to the retaining walls by reducing the heights in some areas and by ensuring that the color of the proposed retaining walls are approximately the same color as the soils in the area. A note was added ensure landscaping will completely cover the retaining walls within two years. Staff provided additional information to further address the Commissioner's concerns. A permit condition was added that would make it more difficult to add the proposed parking deck and additional technical staff and exhibits were brought to the hearing to describe the project in greater detail. In addition, staff also found that a new shuttle service was established that connects Towne Centre Drive businesses with the Sorrento Valley Coaster Station. The service began in July 2004 and is funded for three years.

The Planning Commission's motion to recommend approval requires staff to provide information to the City Council whether adjacent wildlife habitat and trails are considered to be part of a wildlife corridor. The Planning Commission's intent was to require the development to appropriately accommodate any adjacent wildlife corridor. Wildlife corridors are typically defined as linkages that facilitate the large-scale movement of wildlife from one preserve to another. While much of the surrounding area are considered sensitive habitat, this type of development at the edge of a much larger mesa typically do not affect the functioning of a corridor.

Two speakers also spoke against the project because of transportation impacts and the wildlife corridor issue. The applicant have addressed these issues through the required improvements of

Towne Centre Drive and Eastgate Mall, and Towne Centre Drive and La Jolla Village Drive, as well as other efforts to encourage alternative modes of transportation required by the Municipal Code. The applicant also responded to the wildlife issue through the reduction of the development area by 0.53 acres. The reduction in development area reduces the project's impact to biologically sensitive lands, and reduces the number of parking spaces.

Conclusion:

The proposed development is will impact 12 acres of the 22.2 acre project site. Impacts to environmentally sensitive lands would be minimized through the on-site preservation/dedication of 9.4 acres of environmentally sensitive lands/open space to the MHPA. The proposed development and proposed use is consistent with surrounding developments and uses, and with the intent of the proposed IP-1-1 zone, which is to accommodate science and business park development in a well-landscaped campus setting. The proposed IP-1-1 zone would bring the development area into compliance with the Scientific Research designation of the Community Plan. The proposed development intensity is consistent with the limits established by the proposed IP-1-1 zone, aircraft Accident Potential Zone "2," and the Scientific Research land use designation of the University Community Plan. The proposed project will have no impact of coastal vantage points or access. This is consistent with the purpose of the Coastal Overlay Zone, which is to protect coastal views and coastal access.

The proposed project is consistent with the University Community Plan, the IP-1-1 zone, The Coastal Overlay Zone, and the Environmentally Sensitive Lands regulation, and therefore, staff recommends approval.

ALTERNATIVES

1. Recommend to City Council the approval of Rezone No. 2759, Tentative Map No. 2761, Coastal Development Permit No. 117798, Site Development Permit No. 2758, and Multiple Habitat Planning Area (MHPA) Boundary Adjustment, with modifications.
2. Recommend to City Council the denial of Rezone No. 2759, Tentative Map No. 2761, Coastal Development Permit No. 117798, Site Development Permit No. 2758, and Multiple Habitat Planning Area (MHPA) Boundary Adjustment, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Gary Halbert  
Development Services Director

Approved: Patricia Frazier  
Deputy City Manager



HALBERT/JB

Note: Attachments 5 – 8, and 11 are available in electronic format. A complete copy for review is available in the Office of the City Clerk.

Attachments:

1. Planning Commission Report No. PC-03-105 (August 26, 2004)
2. Modification in response to Planning Commission discussion
3. Project Location Map
4. Project Plans
5. [Draft Tentative Map Conditions](#)
6. [Draft Permit with Conditions](#)
7. [Draft Resolution with Findings](#)
8. [Draft Ordinances](#)
9. Rezone - B or C Sheet
10. Ownership Disclosure Statement
11. [Planning Commission Resolution](#)