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RESOLUTION NUMBER R-NUMBER

ADOPTED ON AUGUST 26, 2004

WHEREAS, Lawrence M. Cushman, Owner/Permittee, filed an application with the City of San Diego for a Coastal Development Permit (CDP) No. 117798, Site Development Permit (SDP) No. 2758, and Multiple Habitat Planning Area (MHPA) Boundary Adjustment to construct three buildings totaling 190,000 square-feet of gross floor area for Research and Development use, known as the Towne Centre Corporate Plaza project, located at northwest terminus of Towne Centre Drive, and legally described as Lot "A" of Pueblo Lot 1320, Pueblo Lands of San Diego, in the City of San Diego, State of California, according to referee's partition map of said pueblo map filed in action no. 17622 in Superior Court of California, entitled San Diego Realty Company vs. the City of San Diego, in the University Community Plan area, in the RS-1-7 (Single-Family Residential) which is proposed to be rezoned to the IP-1-1 (Industrial Park) zones; and

WHEREAS, on August 26, 2004, the Planning Commission of the City of San Diego considered Coastal Development Permit (CDP) No. 117798 Site Development Permit (SDP) No. 2758 and Multiple Habitat Planning Area (MHPA) Boundary Adjustment, pursuant to Resolution No. 3564-PC voted to recommend City Council approval of the permit and required staff to provide information to the City Council whether adjacent wildlife habitat and trails are considered part of a wildlife corridor; and

WHEREAS, the matter was set for public hearing on August 26, 2004, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Rezone No. 2759, TM No. 2761, CDP No. 117798, SDP No. 2758, and Multiple Habitat Planning Area (MHPA) Boundary Adjustment:

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

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. The proposal to develop the project site for Research and Development use is consistent with the Scientific Research land use designation of the University Community Plan.

The site is also subject to the Community Plan Implementation Overlay Zone (CPIOZ) Type "A," the Accident Potential Zone (APZ) "2," and the Noise Impact/Land Use Compatibility Matrix of the Comprehensive Land use Plan (CLUP) for Marine Corps Air Station (MCAS) Miramar. Collectively, these regulations establish appropriate densities and land uses for sites within the University Community Plan affected by activities by MCAS Miramar. The proposed 190,000 square-foot is below the maximum 195,120 square-foot maximum established by the Density Element of the University Community Plan; and the proposed lot coverage of 1.5 acres is below the maximum development limit of 8.9 acres for the 22.2 acre site, as required by the Miramar CLUP for sites within APZ "2." The CLUP also identifies that the proposed Scientific Research facility to be a consistent use within the project's location within the 60 to 65 decibel (dB) Community Noise Equivalent Level (CNEL) noise contour lines.

Therefore, no adverse affect on the University Community Plan will occur as a result of the project.

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The proposed development is consistent with the density limitation for projects located within the Accident Potential Zone (APZ) "2," and consistent with the Noise Impact/

Land Use Compatibility Matrix, of the Miramar Comprehensive Land Use Plan (CLUP). In addition, specific measures included in the project Mitigation, Monitoring, and Reporting Program (MMRP) require the project to make improvements to Towne Centre Drive and Eastgate Mall, and Towne Centre Drive and La Jolla Village Drive. These specific improvement measures at those intersections would mitigate potentially significant traffic impacts to a level below significance and improve circulation and traffic in the area. Additional measures to encourage ride sharing are included as project features and permit conditions.

These measures are designed to comply with APZ 2, the Miramar CLUP, and the project traffic study to reduce the public's exposure to aircraft accidents, noise exposure, and to minimize the project's traffic impacts. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project is consistent with the intent of the Environmentally Sensitive Lands (ESL) regulations to protect, preserve and, where damaged restore, ESLs of San Diego and the viability of the species supported by those lands. Project impacts to environmentally sensitive lands (ESL), total 11.2 acres; impacts associated with the off-site sewer construction total 0.9 acres. Project impacts to ESLs are minimized by the preservation of a total of 9.64 acres of the required 10.7 acres of mitigation. The 9.64 acres would be dedicated to the City's Multiple Habitat Planning Area (MHPA) as on-site mitigation intended for long-term preservation.

The 22.2 acre project site is well in excess of the 40,000 square-foot minimum lot size required in the IP-1-1 zone. With the approximate lot dimensions of 1,400 feet by 550 feet are also well in excess of the IP-1-1 minimum lot dimensions of 100 feet by 200 feet. The proposed buildings are generously set back from property lines: ~110+ feet front setback, ~70 feet and ~80 feet side setbacks, and ~500 feet rear setback rear. The proposed floor area ratio of 0.29 is well below the 2.0 limitation of the IP-1-1 zone. The development would have no effect public access or coastal resources.

Therefore, the proposed development would be in compliance with the applicable regulations of the Land Development Code.

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;

Development is proposed on the relatively flat area of Parcel 1 near the Towne Centre Drive entrance, on a total of 11.2 of the 22.2-acre site. Impacts associated with the off-site sewer construction total 0.9 acres. Project impacts to ESLs are minimized by the on-site preservation of a total of 9.64 acres of the required 10.7 acres of mitigation. The 9.64 acres would be dedicated to the City's Multiple Habitat Planning Area (MHPA) as on-site mitigation for long-term preservation. In addition, the development also proposes an MHPA Boundary Adjustment that would be an equal acreage exchange (3.4 acres for 3.4 acres). The adjustment is determined to be acceptable because it would result in increased biodiversity and better habitat connectivity within the project site and immediate area.

The project design clusters the development on Parcel 1 near the project entrance. The design allows the preservation of much of the surrounding hillsides and ESLs.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;

On-site grading will balance 60,000 cubic yards on-site to create about 11.9 acres of developable area on the mesa near the Towne Centre Drive entrance. Much of the surrounding hillsides would be preserved. Staff review has confirmed that the applicant has adequately addressed the soil and geologic conditions potentially affecting the development. No unusual fire safety issues exist that could potentially affect the project. The project will not result in undue risks from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;

The project site is located on a relatively flat mesa top that drops off on all sides except at the southeastern portion. On-site grading will balance 60,000 cubic yards on-site to create about 11.9 acres of developable area on the mesa near the Towne Centre Drive entrance. Much of the surrounding hillsides within the 22.2-acre project site would be preserved within the MHPA and connect with adjacent environmentally sensitive lands.

The clustering of the development on the 11.9 acres allows the preservation of much of the project site. Generously building set back from property lines, ~110+ feet front setback, ~70 feet and ~80 feet side setbacks, and ~500 feet rear setback rear, protect the surrounding environmentally sensitive lands. Indirect impacts to the adjacent MHPA, such as lighting, drainage, landscaping, grading, access, and construction noise, is specifically addressed by the project Mitigation, Monitoring, and Reporting Program

(MMRP). The MMRP requires the project to minimize or eliminate indirect impacts the MHPA.

The proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan; and

Approximately 9.64 acres is located within the City's Multiple Habitat Planning Area (MHPA), which subjects the development to the MSCP Land Use Adjacency Guidelines. The Guidelines would require the project to minimize indirect impacts to the MHPA. The project Mitigation, Monitoring, and Reporting Program (MMRP) lists specific conditions to address project impacts on the MHPA: impacts such as lighting, drainage, landscaping, grading, access, and construction noise. These measures would minimize or eliminate indirect impacts the MHPA and would ensure the project's consistency with the Subarea Plan.

In addition, the development also proposes an MHPA Boundary Adjustment that would be an equal acreage exchange (3.4 acres for 3.4 acres). The adjustment is determined to be acceptable because it would result in increased biodiversity and better habitat connectivity within the project site and immediate area. The exchange is therefore consistent with the Subarea Plan, provided that the exchange results a situation that is either equal or greater in quality and/or size of the resources within the MHPA.

Indirect impacts to the adjacent MHPA, such as lighting, drainage, landscaping, grading, access, and construction noise, is specifically addressed by the project Mitigation, Monitoring, and Reporting Program (MMRP). The MMRP requires the project to minimize or eliminate indirect impacts the MHPA and would ensure the project's consistency with the Subarea Plan.

Therefore, the proposed development would be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

The proposed development site is over 2.5 miles of hills and canyons from the ocean, and will be required to control run-off as required by City and Regional Water Quality Control Board regulations. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

The proposed project impacts to environmentally sensitive lands (ESL), total 11.2 acres; impacts associated with the off-site sewer construction total 0.9 acres would be mitigated by the preservation of a total of 9.64 acres of the required 10.7 acres of mitigation. The 9.64 acres would be dedicated to the City's Multiple Habitat Planning Area (MHPA) as on-site mitigation for long-term preservation. The remainder acreage would be mitigated through the project's appropriate payment to the City's Habitat Acquisition Fund.

Indirect impacts to the adjacent MHPA, such as lighting, drainage, landscaping, grading, access, and construction noise, is specifically addressed by the project Mitigation, Monitoring, and Reporting Program (MMRP). The MMRP requires the project to minimize or eliminate indirect impacts the MHPA.

In addition, specific measures included in the project Mitigation, Monitoring, and Reporting Program requires that the project provide improvements to Towne Centre Drive and Eastgate Mall, and Towne Centre Drive and La Jolla Village Drive to mitigate potentially significant impacts to a level below significance and improve circulation and traffic in the area. Additional mitigation and project conditions encourage ride sharing are included as project features and permit conditions.

Project impact mitigation measures were intended to alleviate negative impacts of the development.

B. Findings for all Coastal Development Permits

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan;

The project is located approximately 2.5 miles of hills and canyons from the coast. There is no direct coastal access or any coastal vantage points from the project site. Therefore, the project will not encroach or affect coastal access or views to the ocean.

2. The proposed coastal development will not adversely affect environmentally sensitive lands;

No active development will occur within the Coastal Overlay Zone. All environmentally sensitive lands within the project, and located within the Coastal Overlay Zone, will be preserved as open space within the Multiple Habitat Planning Area. Indirect impacts to the adjacent MHPA, such as lighting, drainage, landscaping, grading, access, and construction noise, is specifically addressed by the project Mitigation, Monitoring, and Reporting Program (MMRP). The MMRP requires the project to minimize or eliminate indirect impacts the MHPA.

Therefore, environmentally sensitive lands within the Coastal Overlay Zone will therefore not be adversely affected by the proposed development.

3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program; and

The purpose of the Coastal Overlay Zone is to protect and enhance the quality of public access and coastal scenic resources. Since there is no active development proposed within the Coastal Overlay Zone, the proposed project is in conformance with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The project is located approximately 2.5 miles of hills and canyons from the coast, and is not located between the ocean and the nearest public road. There is no direct coastal access from the project site. The proposed development will have no effect on public access or public recreation policies of the California Coastal Act.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Coastal Development Permit (CDP) No. 117798, Site Development Permit (SDP) No. 2758, and Multiple Habitat Planning Area (MHPA) Boundary Adjustment is granted to Lawrence M. Cushman, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By _____
Mary Jo Lanzafame
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

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Reviewed by Juan Baligad