

DATE ISSUED: October 13, 2005

REPORT NO. PC-05-298

ATTENTION: **Planning Commission, Agenda of October 20, 2005**

SUBJECT: RANCHO BERNARDO INDUSTRIAL PARK LOT 11 - PROJECT NO. 1096. PROCESS 4.

OWNER/

APPLICANT: NMSBPCSLDHB, California Limited Partnership (Attachment 13).

SUMMARY

Issue(s): Should the Planning Commission approve Vesting Tentative Map No. 2259, Planned Development Permit No. 196193, and Site Development Permit No. 2260 to develop an approximately 27-acre Industrial Park containing 3 four-story buildings, 1 four-level parking structure, surface parking and 12.6 acres of open space?

Staff Recommendations:

1. **Certify** the Mitigated Negative Declaration LDR No. 1096 and Adopt the Mitigation Monitoring and Reporting Program; and
2. **Approve** Vesting Tentative Map No. 2259, Planned Development Permit No. 196193, and Site Development Permit No. 2260.

Community Planning Group Recommendation: The Rancho Bernardo Community Planning Board, on August 19, 2004, voted 11-4-0 to recommend approval of the proposed project with no conditions (Attachment 12).

Environmental Review: A Mitigated Negative Declaration No. 1096 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented and reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: All costs associated with the processing of this project are

recovered by a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project is located within the Bernardo Industrial Park and is identified as Industrial in the Rancho Bernardo Community Plan. One of the objectives outlined in the community plan is to prohibit residential uses in industrially designated areas. The proposed project is in conformance with that objective as no residential units are proposed as part of this project.

BACKGROUND

The site and surrounding area is zoned IP-2-1 (Industrial Park), which allows a mix of light industrial and office uses. The site is also designated for industrial uses as identified in the Ranch Bernardo Community Plan (Attachment 2). The undeveloped 26.99-acre site is located east of Via Del Campo, west of West Bernardo Drive, on the south side of Rancho Bernardo Road (Attachment 3). Light industrial and office developments are located to the east, west, and south of the site. Residential development is located to the north of the site on the northern side of Rancho Bernardo Road.

The project site is within the Bernardo Industrial Park North area, which subdivided approximately 57.9-acres into 11 individual lots for future industrial park development. The previously approved Environmental Impact Report (EIR No. 78-0502) for the Bernardo Industrial Park North disclosed that Lot 11 (subject property) will be partially used as a soil borrow site and would be slated for future development. In 1983, a Negative Declaration (ND No. 83-0152) was adopted for the project site (Lot 11) and included a Hillside Review Permit (HRP) which allowed 27.6 acres of Lot 11 to be graded for future industrial development (Attachment 5). However, no grading occurred within the project site. In 1997, a Substantial Conformance Review (SCR) to the previous ND No. 83-0152/HRP No. 83-0151 was approved which reduced the grading footprint to approximately 12.22 acres. Subsequent to the 1997 SCR approval, the site has been graded and a 12.22 graded pad was formed in the central portion of the project site.

The pan-handle shaped lot is currently undeveloped. Approximately 1.08 acres of the site contains steep slopes (greater than 25%) that surround the graded pad area. Elevations range from 680 feet above mean sea level (MSL) from the south to approximately 540 feet MSL to the north. Portions of the site that were not graded as part of the 1997 SCR approval contain sensitive vegetation (i.e. native grassland, coastal sage scrub) and relatively steep slopes. The project site is not located within nor is it adjacent to the City's Multi-Habitat Planning Area (MHPA).

An intermittent drainage area (wetland) bisects the site from the southwest corner of the site, westerly to the existing graded pad area. This wetland area mainly receives its water from an off-site concrete culvert located west and above the project site. Surface flows are conveyed to the east and northeast. Access to the site is from Rancho Bernardo Road at the intersection of

Matinal Road and Rancho Bernardo Road.

DISCUSSION

Project Description

The Rancho Bernardo Industrial Park Lot 11 project requires a Vesting Tentative Map, Planned Development Permit to allow deviations to the IP-2-1 regulations, and a Site Development Permit for impacts to environmentally sensitive lands and deviations to wetland impacts. The undeveloped 26.99 site is located east of Via Del Campo, west of West Bernardo Drive, on the south side of Rancho Bernardo Road (Attachment 3).

The vesting tentative map would allow the subdivision of approximately 26.99 acres into seven separate lots: Lot 1, a 1-acre site with a four-story 110,000 square-foot "Building A"; Lot 2, a 1-acre site with a four-story 110,000 square-foot "Building B"; Lot 3, a 1-acre site with a four-story 110,000 square-foot "Building C"; Lot 4, a 1.49-acre site with a four-level above ground parking structure with 575 parking spaces; Lot 5, a 9.88-acre site with surface parking for 573 parking spaces; Lot 6, an undeveloped 8.90-acre site; and Lot 7, also an undeveloped 3.72-acre site with conservation/open space easements.

The Planned Development Permit (PDP) is required for the applicant's requested deviations to the development regulations of the IP-2-1 zone. The PDP would control the entire site and govern the development of Lots 1 through 5 (Attachment 6). The three buildings and parking structure proposed would be architecturally similar in design, color, and material. The grading and development of Lots 1 through 5 would impact sensitive biological resources located on-site, therefore a Site Development Permit would be required in accordance with the Environmentally Sensitive Lands regulations. An intermittent drainage area (wetland) bisects the site from the southeast corner to the graded pad area. This wetland area mainly receives its water from an off-site concrete culvert from a property located west and above the project site.

Approval of the PDP would allow the following deviations: 1) The project proposes interior Lots 1 through 4, each with a building structure, with no street frontage where 100 feet is required; 2) Lots 1, 2, and 3 do not meet the minimum dimensions for lot depth where 200 feet is required and 156, 157, and 157 feet, respectively, is provided; 3) Lot 1, 2, 3 and 4 do not meet the minimum front yard setback where 25 feet is required and 15 feet on each lot is provided; 4) Lot 1, 2, 3 and 4 do not meet the minimum rear yard setback where 25 feet is required and 14, 15, 15, and 15 feet, respectively, is provided; and 5) Lot 2 and 3 do not meet the minimum side yard setback where 15 feet is required and 14 feet is provided.

To not adversely affect the Rancho Bernardo Community Plan and to achieve consistency with the Industrial Park zone, the proposed project is designed to accommodate research and development users, corporate headquarter users and a limited amount of multi-tenant users. As conditions of the draft permit, at least seventy-five percent of the entire development's gross floor area would be limited to industrial uses, and a maximum of twenty-five percent to multi-

tenant commercial office space. The project is required to provide a maximum of 1,148 parking spaces with a parking ratio of 3.48 spaces per 1000 square feet. Direct access to Lots 1 through 4 would be from a proposed driveway within Lot 5 from Rancho Bernardo Road.

Proposed landscaping, in conformance with the City's Landscape Standards, is required for the project. A variety of native and ornamental trees, shrubs, groundcover and hydro-seeding would be included in the design. Brush Management Zones 1 and 2 would include plantings and a hydro-seed mix of native species.

Community Plan Analysis

The Rancho Bernardo Community Plan identifies the project area for Industrial uses (Attachment 2). The Plan contains a number of objectives to discourage erosion of industrial lands by non-industrial uses with the goal that when fully developed the industrial parks in Rancho Bernardo would contain one of the largest concentrations of high technology industrial employment in San Diego County. The project, as proposed with restrictions on the mix of specific uses, implements the objectives of the Rancho Bernardo Community Plan to contribute to the industrial market and protect industrially-designated areas for industrial development.

Environmental Analysis

The environmental review process for the proposed project included an evaluation of several areas of interest; Biological Resources, Paleontological Resources, Transportation/Circulation, Archaeological Resources, Water Quality, Hydrology, Landform Alteration/Neighborhood Character, Agricultural/Natural/Mineral Resources, and Geology. These areas of interest were evaluated by City staff and have been documented in the Mitigated Negative Declaration No. 1096.

Of the aforementioned environmental issues, Biological Resources, Paleontological Resources, Transportation/Circulation, and Archaeological Resources were determined to be significant, but could be mitigated to a level below significance. Mitigation will be required as described below and within Section V (Mitigation, Monitoring, and Reporting Program) of the Mitigated Negative Declaration No. 1096.

Biological Resources

During the initial study review and a site visit, staff identified sensitive biological resources both on and adjacent to the property. According to the City's Multiple Species Conservation Program (MSCP) maps (1995), the Multi-Habitat Planning Area (MHPA) is not located within or adjacent to the property although sensitive biological resources exist on-site.

Previous biological surveys prepared for the site and adjacent areas have been completed for the approval of the Bernardo Industrial Park North Project (EIR/TM/HRP/REZONE No. 78-0502) and for the 1997 Substantial Conformance Review (SCR) to the Bernardo Industrial Park North (ND No. 83-0152/HRP No. 83-0151) project. However, staff determined the proposed Rancho Bernardo Industrial Park North Lot 11 project would require a biological resources survey report to determine the project's potential to significantly impact biological resources. Therefore, Biological Resources Technical Report (AMEC Earth & Environmental, August 2004) and Jurisdictional Waters and Wetland Delineation (AMEC Earth & Environmental, January 2002) were submitted to disclose the direct, indirect, and/or cumulative biological impacts from the proposed project.

Based upon the reports, the project site currently has a total of 14.31 acres of natural upland vegetation communities, including 7.24 acres of coastal sage scrub, 0.98 acres of disturbed coastal sage, 2.77 acres of southern mixed chaparral, 0.10 acres of perennial native grassland, and 3.22 acres of disturbed perennial native grassland. The project site also has a total of 0.11 acres of wetland vegetation communities that are fed entirely by off-site irrigation runoff from the adjacent property to the west, which includes 0.05 acres of southern willow scrub, 0.03 acres of freshwater marsh, and 0.03 acres of seasonal streambed. The delineation report classified the drainage to be a historical wetland and would be under the City's jurisdiction. Approximately 12.22 acres of the site are covered by other land cover types, including 2.76 acres of disturbed habitat, 7.19 acres of previously graded area, 2.22 acres of ornamental plantings, and 0.05 acres of development (a small portion of the adjacent development). In addition to these vegetation communities, a small population of the narrow endemic plant species, variegated dudleya (*Dudleya variegata*), was documented on the southern slopes of the site.

A total of 4.42 acres of natural upland vegetation communities would be impacted by the proposed project, including 1.66 acres of coastal sage scrub, 0.10 acres of southern mixed chaparral, and 2.67 acres of perennial native grassland. A total of 0.11 acres of wetland vegetation communities would be impacted by the proposed project, including 0.05 acres of southern willow scrub, 0.03 acres of freshwater marsh, and 0.03 acres of seasonal streambed. Additionally, the proposed project would impact a total of 9.26 acres of disturbed habitat, previously graded, ornamental, and developed land cover types.

As described in Section V (Mitigation, Monitoring, and Reporting Program) of the Mitigated Negative Declaration No. 1096, the development proposes to fully mitigate on-site impacts by implementing an Upland and Wetland Mitigation and Monitoring Plan(s) located at an approved off-site parcel, known as the Scarcia Property, within the City's MHPA. The biological

mitigation program shall include a creation component that will mitigate native grassland and wetland impacts to below a level of significance, so there is a no-net loss of habitat. In addition, a total of 9.9 acres of natural vegetation communities on the southern slopes of the project site will be avoided with the creation of Lots 6 and 7, a permanently protected open space area with a recorded conservation easement. Protected open space areas on the site include approximately 6.6 acres of coastal sage scrub, 2.7 acres of southern mixed chaparral, and 0.6 acres of perennial native grassland. In addition to the protection of natural vegetation communities, the project will completely avoid the population of variegated dudleya that occurs on the southern slopes. Brush management activities will not affect these protected resources. No landscaping activities are proposed in the protected open space and the proposed landscaping in the development area will avoid the use of invasive exotic plant species.

Paleontological Resources

According to the Geology of San Diego Metropolitan Area, California (1975), published by the California Division of Mines and Geology, the project is underlain by Friars Formation. This geologic formation has produced vertebrate fossils, marine microfossils, macroinvertebrates, and fossilized leaves (Deméré, August 1994). Friars formation is also assigned a high paleontological resource sensitivity rating and impacts would be considered significant if a project proposes more than 1,000 cubic yards of soil cut at a maximum depth of 10 feet or more. In addition, the site had been previously graded and formational soils may be more apparent. Therefore, the project's proposed grading (approximately 80,000 cubic yards of soil cut at a maximum depth of 13 feet) could result in significant impacts to buried fossil resources within Friars Formations. The applicant would be required to implement the paleontological Mitigation, Monitoring, and Reporting Program during the site grading.

Transportation/Circulation

With approximately 75% of the proposed floor area designated for research & development /corporate office and a maximum of 25% designated to commercial multi-tenant office uses, the proposed development is estimated to generate approximately 3,300 average daily trips (ADTs), with approximately 445 ADTs peak hour traffic in the morning (AM) and 445 peak hour traffic during the evening (PM). The project would provide 1,148 parking spaces where the maximum required is 3.48 parking spaces per 1,000 square feet of gross floor area (maximum of 1,148 parking spaces).

A Traffic Analysis was prepared for the proposed development by Rick Engineering (December 5, 2001). A supplemental letter on project trip generation/parking was submitted by Rick Engineering dated May 17, 2004. The traffic report analyzed proposed project traffic generation; short-term intersection, roadway, and arterial operations; commercial versus industrial traffic generation; and build-out intersection, roadway, and arterial operational impacts.

Based on the short-term and long term traffic analysis for the project area intersections and roadways, no significant impacts would result from the proposed project. Based on the traffic volumes generated by the site, the Traffic Analysis recommended the extension of the existing westbound left-turn pocket at the corner of Rancho Bernardo Road and Matinal Road from the current 250-foot length to a length of 300 feet. The proposed project would reconstruct the turn lane and median to accommodate the additional 50 feet of storage. Additionally, the proposed project would modify the traffic signal at the intersection of Rancho Bernardo Road and Matinal Road to accommodate the proposed lane configurations (two outbound/one inbound lane) at the project's main entrance.

Archaeological Resources

The Rancho Bernardo Industrial Park Lot 11 project site is located in a highly sensitive cultural resource area and a portion of the project site is undeveloped. As disclosed in the previous EIR No. 89-0969, an Archaeological Survey of Bernardo Industrial Park North (Westec, September 1978) was prepared for the entire 58-acre subdivision. The survey did not identify any cultural resources within the project site and therefore the development would preclude the possibility of such resources being destroyed or adversely impacted. In addition, development would be within the previously graded pad and proposed grading/development would not occur within approximately 9.9 acres of the site which will remain undisturbed and preserved with a recorded conservation easement. In addition, the analysis prepared for the Bernardo Industrial Park North Hillside Review Permit (HRP 83-0151) / Negative Declaration (ND) No. 83-0152, did not consider grading the entire 26.7-acres Lot 11 to be a significant impact to archaeological resources. Therefore, staff determined, based on the previous surveys submitted and current design layout, the proposed development would not likely discover or impact significant archaeological resources and no direct mitigation would be required for the development of Rancho Bernardo Industrial Park North - Lot 11.

However, the proposed off-site mitigation parcel, known as the Scarcia Property, is also located in an area of high cultural and historical resource sensitivity. Several known sites are located within a mile of the project site. Due to the proximity of known archaeological resources in the area, the implementation of the Conceptual Upland and Wetland Mitigation and Monitoring Plans could have a significant impact to historical resources. The applicant has agreed to the mitigation measures outlined in Section V. Mitigation, Monitoring, and Reporting Program of the Mitigated Negative Declaration that would require archaeological monitoring during grading activities. These conditions would reduce identified potential archaeological impacts to a level below significant.

Critical Project Features to Consider During Substantial Conformance Review

The project and conditions of approval have several requirements to address the mix of uses for the project within each building which should not be altered through any substantial conformance review process. These are important and necessary to conclude the proposed project would: not adversely impact the Rancho Bernardo Community Plan; not create unmitigated

transportation/circulation impacts; and be consistent with the requirements of the Land Development Code.

Draft conditions in the permit of specific importance to this concern include conditions 45, 46, and 47 (Attachment 9). These conditions are intended to assure the mix of uses would be consistent with the environmental analysis and CEQA document prepared for the project, the policies of the Rancho Bernardo Community Plan and the regulations of the Land Development Code. Prior to issuance of any tenant improvement building permit, the Owner/Permittee would be required to disclose the proposed and existing uses within the building for which the permit is sought on a data sheet. A table shall be created to include up-to-date uses as a percentage of entire Gross Floor Area (GFA). Uses are limited to a minimum seventy-five percent (75%) GFA for industrial uses (minimum 247,500 square feet), to include Research and Development, and Regional and Corporate office of at least 40,000 gross square feet. A twenty-five percent (25%) maximum GFA (maximum 82,500 square feet) shall be used to determine the approved multi-tenant office space proposed.

CONCLUSION

The proposed Rancho Bernardo Industrial Park Lot 11 project conforms to the land use density, land use designation and design guidelines specified within the Rancho Bernardo Community Plan. The project will provide the required pedestrian scale improvements and design features established in the community plan for industrial development. The project as proposed is compatible with the existing surrounding developments. Findings required to approve the project are included in draft resolutions (Attachments 10 and 11). Draft conditions of approval have been prepared for the project (Attachment 9). The Rancho Bernardo Community Planning Board, on August 19, 2004, voted 11-4-0 to recommend approval of the proposed project.

ALTERNATIVES

1. Approve Vesting Tentative Map No. 2259, Planned Development Permit No. 196193, and Site Development Permit No. 2260, with modifications.
2. Deny Vesting Tentative Map No. 2259, Planned Development Permit No. 196193, and Site Development Permit No. 2260, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Copy of Hillside Review Permit No. 83-0151
6. Project Site Plan
7. Vesting Tentative Map
8. Project Plans
9. Draft Permit with conditions
10. Draft Vesting Tentative Map conditions and subdivision resolution
11. Draft Permit Resolution with Findings
12. Rancho Bernardo Community Planning Group recommendation
13. Ownership Disclosure Statement
14. Project Chronology

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