

DATE ISSUED: June 24, 2006 **REPORT NO.** PC-06 -229

ATTENTION: Planning Commission, Agenda of August 31, 2006

SUBJECT: NATIONAL UNIVERSITY - PROJECT NO. 95654. (PROCESS 4)

REFERENCE: Council Policy 900-01 - Economic Development
Council Policy 900-12 - Business and Industry Incentive Program
West Aero Drive Land Use Study
Conditional Use Permit No. 400- PC (Attachment 8)

OWNER: Richard Carter, National University

APPLICANT: David Salud, Architects Delawie Wilkes Rodrigues Barker

SUMMARY

Issue(s): Should the Planning Commission approve the construction of a new 39,100-square-foot, two-story academic building; a 7,300 square-foot, two story annex building with reduced setbacks; and a two-level parking garage on a 4.31 acre site?

Staff Recommendation:

1. **Certify** Mitigated Negative Declaration No. 95654, and **Adopt** Mitigation, Monitoring, and Reporting Program (MMRP); and
2. **Approve** Conditional Use Permit (CUP) No. 309920 to amend CUP No. 400-PC; and
3. **Approve** Planned Development Permit (PDP) No. 309921.

Community Planning Group Recommendation: On May 17, 2006, the Kearny Mesa Planning Group voted 11-0-0 to recommend approval of the project. (Attachment 9)

Environmental Review: A Mitigated Negative Declaration (MND No. 95654) has been prepared for the project in accordance with State of California Environmental Quality Act

(CEQA) Guidelines. A Mitigation, Monitoring, and Reporting Program (MMRP) has been prepared and would be implemented which would reduce potential impacts to a level below significance

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 on a site designated as industrial and business park in the Kearny Mesa Community Plan. No residential units are proposed with this project.

BACKGROUND

The National University project site is located at 3580 Aero Court, south of Aero Drive (Attachment 1). The site is zoned IP-2-1 (Industrial Park) and designated for industrial park and business park land uses, as identified in the Kearny Mesa Community Plan (Attachment 2). The 4.31 acre project site is relatively flat and currently developed with a 23,000-square-foot, one-story academic building; a dive-tank facility; an equipment work-yard; surface off-street parking; landscaping and associated improvements. Access to the site can be taken from two driveways along Aero Court. A private driveway, Frontage Road, is located directly north of the site. The project site is located within the San Diego County Airport Authority's jurisdiction, but not located within an identified Airport Influence Area (AIA), Airport Environs Overlay Zone (AEOZ), Airport Noise Contour Overlay Zone, or Airport Accident Potential Overlay Zone.

The properties to the east of National University are zoned the same IP-2-1 and designated for the same industrial and business park uses as identified in the Kearny Mesa Community Plan. The properties to the west and south of National University are zoned CO-1-2 (Commercial Office) and designated for general commercial uses. The surrounding land uses include commercial-visitor (Sheraton Four Points) and Montgomery Field (municipal airport) to the north; industrial uses to the east; a mixed-use (residential/commercial) development (under construction) to the south; and commercial/office (Children's Plaza medical offices) development to the west and northwest of the project site.

On April 22, 2004, the Planning Commission initiated the West Aero Drive Land Use Study, which was prepared by Latitude 33 Planning and Engineering at the request of the City of San Diego Planning Department. The land use study determined whether the area south of Aero Drive, east of Kearny Villa Road, and within the boundaries of the Kearny Mesa Community Plan, zoned and designated for Industrial uses, would be more appropriately co-located or converted to alternative land uses (i.e. commercial, office, residential). The report concluded that although this area was initially planned to be developed for industrial uses, the current surrounding uses are favorable for a mixed-use development and can support the co-location and/or conversion of land uses. The project site is located within this West Aero Drive Land Use Study area.

The site is currently governed by a Conditional Use Permit (CUP No. 400-PC) that was approved in November 1973, and allowed the conversion of the existing one-story, 23,000 square foot structure (originally a research and development facility) into classrooms and offices for Cabrillo Pacific University, a vocational school. CUP No. 400-PC allowed a maximum enrollment of 750 students, required a minimum of 253 off-street parking spaces, and classroom instructions to be conducted between the hours of 6:00 AM to 10:00 PM. National University acquired the property and has since been operating as an educational facility in conformance with this permit.

In 1983 and 1984, National University applied for and the Planning Commission approved a Conditional Use Permit (CUP No. 83-0099) to amend CUP No. 400-PC and an Extension of Time (EOT) to extend the CUP for an additional 36 months (CUP No. 83-0099.1). These previous amendments to CUP No. 400-PC included the construction of a new 54,000 square-foot building and parking lot. However, construction of the new building never occurred and CUP No. 83-099.1 expired.

DISCUSSION

Project Description

National University's current proposal to approve a Planned Development Permit (PDP) and Conditional Use Permit (CUP) to amend CUP 400-PC, would allow the demolition of an existing 23,000 square foot, one-story academic building and the construction of an approximate two-story, 39,100 square-foot academic building (Building A); a 117,300 square-foot, two-level parking structure (Building B); and a two-story, 7,300 square foot annex building (Building C) with reduced setbacks. The 4.31 acre site is located at 3580 Aero Court, in the IP-2-1 Zone (Industrial Park), and designated for Industrial and Business Park uses within the Kearny Mesa Community planning area. The existing dive tank facility and outdoor work yard, which is used as a training area for various types of equipment, would remain. National University would continue to operate its college programs and the educational use would also remain the same.

The City's Community and Economic Development Department authorizes this project to be processed as an Economic Development Expedite in accordance with City Council Policy 900-12 and City Council Policy 900-01, which specifically states: "It is the policy of the City Council to work closely with a variety of organizations including our institutions of higher learning to encourage support and collaboration in our economic development activities." The proposed project will assist in the retention and expansion of existing San Diego businesses, promote employment opportunities, encourage commercial and neighborhood revitalization and redevelopment, and provide economic benefits to the Kearny Mesa community and the City of San Diego. National University operates their School of Engineering and Oceanering degree program at this site and would therefore further encourage support in institutions of higher learning that are targeted for technological professions in San Diego.

In accordance with the Land Development Code's Planned Development Permit regulations and approval process, National University is requesting deviations to the IP-2-1 zone and parking requirements. The proposed site design would allow Building C to observe a 10-foot side and

rear setback, where 15 feet and 25 feet (respectively) is required within the IP-2-1 zone. In addition, per the Land Development Code Table 142-05F, the minimum parking requirement ratio for vocation/trade school facilities is one (1) parking space per student. Based on the traffic data and analysis of other schools of similar sizes, enrollments, and locations; the parking requirement has been reduced to a ratio of 0.512 parking spaces per student and a minimum of 333 off-site parking spaces is required. The applicant would be providing a total of 392 off-street parking spaces on-site.

Approximately 4.35 acres (including off-site) would be graded to prepare the site for the proposed demolition and development. Balanced grading would include approximately 4,000 cubic yards of soil cut and fill on-site at a maximum depth of cut of one-and-one-half (1^{1/2}) feet. A six-foot-high, 448-foot-long concrete masonry unit (CMU) wall would be constructed along the perimeter of the southwest corner (property line) designed to enclose and attenuate equipment noise from the work yard and existing dive tank area. Proposed landscaping and site maintenance would conform to the requirements of the City's Landscape Standards and Land Development Code.

Community Plan Analysis

The Kearny Mesa Community Plan designates the project site as industrial and business park. The subject parcel is located along the south side of Aero Drive, at 3580 Aero Court, between Kearny Villa Road and Aero Court. To the north of the parcel is the Montgomery Airfield. To the east of the subject parcel is Kelco Research and Development. To the south of the subject parcel is the approved mixed-use (commercial and residential) project under construction. To the west of the subject parcel is the Children's Plaza medical office.

The proposed expansion of the National University campus would continue to maintain a large setback south of Aero Drive to allow large specimen trees and landscaping to be placed in the setback. This would provide the visual continuity of Aero Drive which is currently characterized by mature eucalyptus trees planted along most of the southerly portion of Aero Drive. The new building façade facing north onto Aero Drive would include punched windows to allow visibility from the building to the street. The façade has a strong fenestration element and this would contribute to improving the visual quality of the area and notably the entry into both the Kearny Mesa and Serra Mesa communities.

The West Aero Drive Land Use Study, which is referenced in the Kearny Mesa Community Plan, recommends that this area is not suitable for future industrial use and that the existence of schools, religious services, makes it attractive for mixed use development in the future. This development would accommodate school uses as well.

The Kearny Mesa Community Plan also recommends that new buildings located along the entries into the community be distinct through attractive entrances which announce Kearny Mesa as a desirable place to work and shop. This project fulfills that recommendation. Therefore, the proposed project and increase in educational space for the National University would implement the Kearny Mesa Community Plan.

Environmental Analysis

During the environmental Initial Study, staff identified potentially significant noise, transportation/parking, and water quality impacts that could result from the proposed development. Substantial evidence in the administrative record (i.e. technical reports, project re-design, etc.) has been provided to conclude that the project as revised now avoids or mitigates the potentially significant environmental effects identified, and the preparation of an Environmental Impact Report (EIR) would not be required.

Discussion of the environmental review is described below and disclosed in the Mitigated Negative Declaration (MND) No. 95654, which has been prepared in accordance with the California Environmental Quality Act (CEQA). The MND concluded that the project would result in a potentially significant but mitigable impact associated with noise from equipment used within the training work yard and dive-tank area. Implementation of the proposed Mitigation, Monitoring, and Reporting Program (MMRP) would reduce identified environmental effects (noise) to a level below significant.

Noise

The National University Kearny Mesa campus is currently developed with a large parking lot, an academic building, and a deep water dive tank facility. An existing outdoor work yard, used as a training area for various types of equipment (i.e. cranes, diesel generators, forklift, and diesel compressors) is located in the southwest area of the parcel and would be relocated near the western property line. The adjacent property, a mixed-use development (currently under construction) would include both commercial uses and 288 multi-family units, and its occupants can be considered sensitive receptors. Therefore an acoustical study was required to evaluate existing noise levels from equipment used at the at the southern property line.

The noise study (*As Designed Post Construction Diving Equipment Noise Levels; Academic Annex, Eilar Associates, June 12, 2006*) analyzed the individual stationary, portable, and mobile equipment intermittently used at the dive tank facility for training purposes. The report disclosed that the noise level limits of the equipment (i.e. compressors) at the site were as high as 95.1 dBA Average Sound Level (Leq). The acoustical report concluded that the southern property line noise level would exceed the allowable noise level threshold of 65 dBA. Therefore, to minimize noise impacts the stationary mechanical diving equipment's High Pressure and Low Pressure diving compressors would be relocated inside an eight-foot high equipment enclosure constructed on the west side of the dive tank facility. In addition, a 448-foot-long, six-foot-high concrete masonry unit (CMU) perimeter noise control wall would be constructed at the southwestern corner of the property adjacent to the property line and surrounding the south and west sides of the dive facility.

With the planned noise control elements, the south property line is expected to have noise level impacts below 55 dBA and 65 dBA Community Noise Equivalent Level (CNEL) during the daytime and evening hours; in compliance with all City of San Diego ordinances. The eight-foot-

high equipment enclosure and the six-foot-high CMU wall would be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project. Compliance with the MMRP would reduce potential noise impacts to below a level of significance.

Transportation

Parking

According to a traffic evaluation (*National University Aero Court Campus, Katz, Okitsu and Associates, June 19, 2006*), the existing CUP allows for a maximum student enrollment of 750 students. The project anticipates a student enrollment of 450 students; however, at a potential build-out of the site, National University anticipates a maximum student enrollment of 650 students by 2008. The applicant has requested a reduction of the parking requirement from 650 (one parking space/student) to 333 (0.512 parking space per student) parking spaces due to the variability in the number of students in classrooms at different times of the day during the week. Therefore, it is not likely that all 650 students will be at this campus at one given time.

To determine an appropriate parking ratio for the Kearny Mesa facility, data was collected at two other National University campuses; the Mission Valley and the Spectrum campuses. The Mission Valley campus has a student enrollment of approximately 861 students and provides 628 parking spaces. The Spectrum campus has an enrollment of approximately 662 students and provides 911 parking spaces. Based on the peak hour parking occupancy at the Mission and Spectrum campuses, the parking rate is 0.512 spaces per student. Applying this peak parking rate to the Kearny Mesa campus, 333 parking spaces (0.512 spaces per student x 650 students) would be required at the Kearny Mesa campus to serve 650 students. Due to the number of online courses, National University estimates the number of students attending classes at campus has decreased by an average of five percent per year and is expected to continue to decline.

The proposed two-level parking structure would provide 317 parking spaces with 75 surface parking spaces on-site. Therefore, the 392 parking spaces proposed are considered adequate to serve 650 students.

Trip generation

The proposed project is located south of a private driveway (Frontage Road) and Aero Drive, east of Kearny Villa Road, and west of Aero Court. Aero Court is the main ingress/egress to and from Aero Drive. The nearest direct access to/from the school facility is Interstate (I-805) and State Route (SR) 163 which is located north at Balboa Avenue. Partial freeway access to/from I-805 south and SR-163 south is located south, via Kearny Villa Road.

According to the *Traffic Evaluation for National University Aero Court Campus* (Katz, Okitsu and Associates, June 19, 2006), the existing CUP would generate a maximum of 1,200 average daily trips (ADT) with 144 AM peak hour trips and 96 PM peak hour trips; however, the maximum student enrollment has never been realized. Currently, the project generates approximately 645 ADT with 77 AM peak hour trips and 52 PM peak hour trips. The proposed

project would generate a maximum of 1,040 ADT with 125 AM peak hour trips and 84 PM peak hour trips. Based on the information provided, the project would generate a maximum increase of 395 ADT when there is a student enrollment of 650 students, which is the maximum enrollment permitted under the proposed CUP amendment. The 395 ADT is under the 500 ADT threshold requiring a traffic study that is established in the City of San Diego's Traffic Impact Study Manual. The project would not be expected to increase the traffic over what was permitted in the existing CUP, because it represents no increase in the present permitted student enrollment. Since no transportation/parking impacts are anticipated, no mitigation would be required.

Water Quality

Water quality is affected by run-off containing soil and contaminants, and by the direct discharge of pollutants (point-source pollution). The proposed development would create new impervious surfaces and introduce substances to the site which could increase the volume of urban runoff into the watershed. Such runoff could contain oils, heavy metals, pesticides, fertilizers, and other non-point source contaminants that could be introduced into the storm water drainage system if not controlled.

In order to determine site specific, Best Management Practices (BMPs) to help control polluted run-off, the applicant was required to submit a Storm Water Requirements Applicability Checklist and water quality technical report for the project. According to the *Water Quality Technical Report* prepared by RBF Consulting (June 5, 2006), the project is connected via storm drain to an unnamed tributary of Murray Canyon Creek which is connected to the San Diego River. The San Diego River is approximately 1.3 miles downstream from the project site. The already developed project site drains northerly. The site, which has existing parking, drains to various storm drains facilities on the adjacent property to the west.

The project would incorporate Site Design BMP's to trap storm runoff onsite for treatment prior to leaving the site as required by the City's Standard Permanent Storm Water BMPs. In addition, the project applicant would be required to comply with all requirements of the State Water Resources Control Board Order No. 99-08, Municipal Storm Water Permit Order No. 2001-01, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity. A Storm Water Pollution Prevention Plan and a Monitoring Program Plan would also be implemented concurrently with the commencement of grading activities. Implementation of the aforementioned measures would reduce potential environmental impacts to hydrology/water quality to below a level of significance.

Project-Related Issues

Discretionary Permits

To redevelop the site with new buildings and continue the operation of the existing collegiate educational facility within the IP-2-1 zone, a Conditional Use Permit (CUP) to amend the previous CUP No. 400 PC is required pursuant to Land Development Code Section 126.0303.

National University proposes to demolish the existing (out-dated) 23,000 square foot, one-story academic building in order to construct a new two-story, 39,100 square-foot academic building (Building A), a one-story parking structure (Building B), and two-story, 7,300 square foot annex building (Building C). The existing equipment work yard and dive tank would remain on-site.

Pursuant to Land Development Code Section 126.0602(b)(1) a Planned Development Permit is required, to allow deviations to the IP-2-1 zone and parking requirements.

The applicant is requesting deviations to the IP-2-1 zoning regulation, which would allow one 7,300 square foot academic building (Building C) located in the southwest corner of the property to 1) observe a 10-foot side setback, where the minimum required is 15 feet and 2) observe a 10-foot rear setback, where the minimum required is 25 feet. Staff has determined that although the site is zoned IP-2-1, the adjacent parcels to the Building C are zoned CO-1-2, which require a 10-foot side and rear setback(s). The site is anticipated to be rezoned to a commercial designation and therefore the proposed design and reduced setbacks would meet these requirements and be consistent with the surrounding properties.

In addition, per the Land Development Code Table 142-05F, the minimum parking requirement ratio for vocation/trade school facilities is one (1) parking space per student. However, based on empirical data from other sites of similar sizes, enrollments, and locations, it was determined that a ratio of 0.512 parking spaces per student would be more appropriate since it is not likely 650 students (capped) would attend the University at one time. Therefore, based on the traffic analysis prepared, staff determined that a minimum of 333 off-site parking spaces would be required for the proposed use. The applicant would be providing approximately 317 parking spaces in the proposed parking structure and 75 surface parking spaces, for a total of 392 off-street parking spaces on-site.

Staff has reviewed and considered each of the requested deviations and determined that they are minor in scope, provide for a superior site design, and that the project as a whole is consistent with the purpose and intent of the IP-2-1 zone and parking regulations.

CONCLUSION

The proposed National University project, as a collegiate educational facility, conforms to the land use designation and design guidelines specified in the Kearny Mesa Community Plan. In addition, the project as proposed is compatible with the existing surrounding developments.

A Mitigated Negative Declaration (MND No. 95654) has been prepared in accordance with California Environmental Quality Act (CEQA), and implementation of the Mitigation, Monitoring, and Reporting Program (MMRP) would avoid and mitigate potentially significant noise impacts to a level below significance. Draft conditions of approval have been prepared for the project (Attachments 6). Findings required to approve the project are included in draft resolutions (Attachments 7). The Kearny Mesa Planning Group voted 11-0-0 to recommend approval of the project. In a letter submitted to the City, the planning group supports redevelopment in older areas of Kearny Mesa with new high quality buildings that better utilize

the site. The recommendation letter submitted by the Kearny Mesa Planning Group stated: “when completed, this facility would greatly enhance the Kearny Mesa area.”

Therefore, staff has determined the National University Kearny Mesa project would be in compliance with the applicable regulations of the Land Development Code and consistent with the Kearny Mesa Community Plan.

ALTERNATIVES

1. **Approve** Conditional Use Permit (CUP) No. 309920 to Amend CUP No. 400-PC and Planned Development Permit (PDP) No. 309921, with modifications.
2. **Deny** Conditional Use Permit (CUP) No. 309920 to Amend CUP No. 400-PC and Planned Development Permit (PDP) No. 309921, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
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WESTLAKE/ABJ

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Project Site Plan(s)
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Copy of CUP 400-PC (previous permit)
9. Kearny Mesa Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology