

**DATE ISSUED:** July 28, 2006 **REPORT NO.** PC-06-234

**ATTENTION:** **Planning Commission, Agenda of August 3, 2006**

**SUBJECT:** RANCHO BERNARDO RETAIL, PROJECT NO. 39177.  
PROCESS 4.

**OWNER/** Harki Parekh (Attachment 10)  
**APPLICANT:** Janay Kruger

**SUMMARY**

**Issue(s):** Should the Planning Commission approve a proposal for a 7,213 square-foot, single-story, retail development on a 0.78-acre site?

**Staff Recommendations:**

1. **Certify** Mitigated Negative Declaration No. 39177 and **Adopt** the Mitigation Monitoring and Reporting Program, and;
2. **Approve** Planned Development Permit No. 111820.

**Community Planning Group Recommendation:** On May 18, 2006, the Rancho Bernardo Community Planning Board voted 11-7-0 to recommend approval of the proposed project with no conditions (Attachment 9).

**Environmental Review:** Mitigated Negative Declaration No. 39177 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 Rancho Bernardo Community Plan's Commercial Element and is identified for "specialized commercial" uses. The proposed project is in conformance with the Commercial Element and no residential units are proposed as part of this project.

## **BACKGROUND**

The Rancho Bernardo Retail project site is located at 11611 Rancho Bernardo Road, west of Interstate 15 (I-15) at the southeast corner of the intersection of West Bernardo Drive and Rancho Bernardo Road (Attachment 3). The 0.78-acre project site is predominately a flat graded, undeveloped lot with graded slopes on the south and east portions of the property. The project site is in the Rancho Bernardo Community Plan and is specifically identified in the Plan's Commercial Element for "specialized commercial" uses (Attachment 2). The surrounding land uses include I-15 to the east, residential to the northwest, commercial development to the south, and two service stations located north and west of the site. The applicable zone designation for this property is IP-2-1 (industrial park) which allows for some commercial services and retail sales.

The project site was previously utilized as an automobile service station that contained four 10,000-gallon double walled fiberglass Underground Storage Tanks (UST), five product dispensers in three islands, and a service station building. All of the USTs, dispensers, and the building were removed from the site in October 2002.

## **DISCUSSION**

### **Project Description**

The Rancho Bernardo Retail project proposes to construct a single story, 7,213 square-foot mixed use retail building with parking and landscaping (Attachment 5). The retail center would consist of an electronic store, nail salon, dry cleaners, phone store, and coffee shop. The highest point of the retail structure would be 25 feet. The development requires processing a Planned Development Permit (PDP) to allow development consistent with the Rancho Bernardo Community Plan's specialized commercial use designation of the site in the IP-2-1 zone with deviations to the lot size and lot depth requirements. The minimum lot size for the base zone is 40,000 square feet and the existing site is 34,080 square feet. The minimum lot depth is 200 feet and the existing site is 188 feet. Approval of the PDP would allow the construction of the proposed retail development to provide visitor and special community activities to serve the community.

The project site contains four existing driveways and the proposed development would remove two existing driveways at the northwest corner of the lot, and remove and replace a portion of an existing driveway with new curb/gutter and sidewalk. A new concrete sidewalk with tile finish

would be located along the perimeter of the building, and an outdoor seating area is proposed in the northwest corner of the lot. In addition, a pedestrian ramp and a decorative wrought iron railing is located in the northwest corner of the lot. The wrought iron railing is approximately 3 feet in height and 60 feet in length. Two proposed 3-foot high ground signs are proposed near each driveway entrance from West Bernardo Drive and Rancho Bernardo Road. A total of 41 off-street parking spaces will be provided and a retaining wall, approximately 130 feet in length, will be constructed along the southeast portion of the parking lot. The approximate 3 to 8 foot retaining wall does not exceed the 9-foot height limit allowed by the Land Development Code and would be screened with landscaping. Proposed landscaping, in conformance with the City's Landscape Standards, is required for the project. A variety of native and ornamental trees, shrubs, and groundcover would be included in the design.

### Community Plan Analysis

The subject site is located at the southeast corner of Rancho Bernardo Rd. and West Bernardo Dr. in the community of Rancho Bernardo. The site is designated Specialized Commercial by the Rancho Bernardo Community Plan. Specialized Commercial development is defined in the community plan as commercial areas which accommodate visitor-oriented, commercial-recreation, and special community-serving commercial activities. In general, these use areas provide sites for establishments which are primarily highway-oriented and serve a trade area extending beyond the community. These uses include banks, service stations, hotels, restaurants, offices and other retail uses which provide community services while also serving an extended trade area.

While the IP-2-1 zone allows for some retail, the commercial uses proposed by this project are not allowed by the underlying zone. The proposed commercial uses are identified as permitted uses within the community plan, therefore the applicant is requesting a Planned Development Permit to allow uses permitted in the land use plan, pursuant to the Land Development Code, section 143.0403(a). Specifically, the project is proposing to build a 7,213 square-foot retail center with uses in conformance with the specialized commercial designation identified in the Rancho Bernardo Community Plan. The allowable uses within this category correspond to those listed in the Commercial Services Use Category in the Land Development Code, including: building services, business support, eating and drinking establishments, financial institutions, funeral and mortuary services, maintenance and repair, off-site services, personal services, as well as additional visitor-oriented and commercial-recreation uses. The proposed development meets the goals and objectives of the land use plan by providing a development that contains community-serving commercial activities.

### Environmental Analysis

The environmental review process for the proposed project included an evaluation of several areas of interest; Health and Safety, Transportation/Circulation, Water Quality, and Geology. These areas of interest were evaluated by City staff and have been documented in Mitigated Negative Declaration (MND) No. 39177.

Of the aforementioned environmental issues, the MND concluded that the project could result in significant but mitigable direct impacts associated with Health and Safety (Hazardous Materials). Implementation of the proposed Mitigation, Monitoring, and Reporting Program (MMRP) would avoid or mitigate the environmental effects of the proposed project to below a level of significance.

### Health and Safety

As discussed earlier, the site was previously an automobile service station that was removed in October 2002. A “Remediation Batch Extraction Report and First Quarter 2004 Groundwater Monitoring Report for the former Texaco Service Station at 11611 Rancho Bernardo Road, San Diego, California” (March 16, 2004) was prepared for this project in order to evaluate the site’s environmental conditions, including petroleum hydrocarbons. The Report documents significant decrease in petroleum hydrocarbon impact to the groundwater, particularly in on-site wells near former source areas.

The owner has prepared a Corrective Action Plan (CAP) and submitted to the San Diego County Department of Environmental Health (CoDEH), Site Assessment and Mitigation (SAM) Program for review. On March 4, 2005, the CoDEH conditionally concurred with the CAP. Therefore, as conditioned by the permit and the MMRP, prior to the issuance of any construction permit, the applicant would be required to provide a clearance form from the CoDEH which verifies that human health, water resources and the environment are adequately protected from any contamination that may be present on the site.

### CONCLUSION

The proposed Rancho Bernardo Retail project conforms to the land use designation and commercial objectives 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 commercial development. The project as proposed is compatible with the existing surrounding developments. The Rancho Bernardo Community Planning Board, on May 18, 2006, voted to recommend approval of the proposed project.

## ALTERNATIVES

1. Approve Planned Development Permit No. 111820, and, with modifications.
2. Deny Planned Development Permit No. 111820, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Mike Westlake  
Program Manager,  
Development Services Department

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Tim Daly  
Development Project Manager,  
Development Services Department

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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan
6. Project Plans
7. Draft Permit with conditions
8. Draft Permit Resolution with Findings
9. Mira Mesa Community Planning Group recommendation
10. Ownership Disclosure Statement
11. Project Chronology