THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: October 29, 2026

TO: Hearing Officer

FROM: Travis Cleveland, Development Project Manager, Development Services Department

SUBJECT: 3855 Ruffin Road, PRJ-1129058, Item #1 on the November 4, 2026 Hearing Officer Agenda

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This item was continued from the October 21, 2026 Hearing Officer hearing to allow time to provide additional information via changes to the staff report.

The staff report has been updated with the following, which are attached to this memorandum:

1. Staff Report – Strikeout/underline (SOUL) changes to the 10/21/2026 report, which was published online and previously distributed to the Hearing Officer.

2. Staff Report – Clean version of the updated report with the above changes.

3. Draft Resolution of Denial – This is a new document.

4. Updated Applicant Findings – These findings supersede those included in the 10/21/2026 report.

All other attachments to the 10/21/2026 report are unchanged and are not attached here.

Respectfully,

Travis Cleveland
Development Project Manager

Attachments: 1. Updated Staff Report – SOUL changes
2. Updated Staff Report – Clean Version
3. Draft Resolution of Denial
4. Updated Applicant Findings

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: October 28, 2026 REPORT NO. HO-26-053

HEARING DATE: November 4, 2026

SUBJECT: 3855 Ruffin Road, Process Three Decision

PROJECT NUMBER: PRJ-1129058

OWNER/APPLICANT: 3855 Ruffin Road~~PMSI Kearny Mesa~~, LLC / Massood Gaskari, Private Eyes Engineers~~Sunshine Permits~~

SUMMARY

Issue(s): Should the Hearing Officer approve a variance for a retaining wall that exceeds the allowed retaining wall height within the front yard setback at 3855 Ruffin Road within the Kearny Mesa Community Plan?

Proposed Actions:

1. DENY Variance No. PMT- 3339006.

Fiscal Considerations: None. Costs associated with this action are recovered through a fee paid by the applicant.

Community Planning Group Recommendation: On April 16, 2025, the Kearny Mesa Community Planning Association voted 11-0-0 to recommend approval of the proposed project without any conditions or recommendations. (Attachment 5).

Environmental Impact:
The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 New Construction and Section 15311, Accessory Structures. The environmental exemption determination for this project was made on July 17, 2026, and the opportunity to appeal that determination ended on July 31, 2026.

BACKGROUND
The 0.11-acre site area is a portion of an approximately 2.0 acre existing commercial site located at 3855 Ruffin Road ~~and within~~ the IL-2-1 (Industrial-Light) zone, Airport Land Use Compatibility Overlay Zone (ALUCOZ) for Marine Corps Air Station (MCAS) Miramar and Montgomery Field, Airport Influence Area (AIA) for MCAS Miramar (Review Area 2) and Montgomery Field (Review Area 1),

Airport Land Use Compatibility Plan (ALUCP) Safety Zones 3 and 4 for Montgomery Field, Federal Aviation Administration (FAA) Part 77 Noticing Area for MCAS Miramar and Montgomery Field, a Transit Priority Area (TPA), a Parking Standards TPA, Prime Industrial Lands, the Complete Communities Mobility Choices Mobility Zone 2, and a Very High Fire Hazard Severity Zone within the Kearny Mesa Community Plan.

Project Description:

The project proposes to construct a retaining wall to accommodate the expansion of the existing parking area and provide slope stability for existing eroded slope areas adjacent to the public right-of-way for Ruffin Road. The proposed retaining wall would exceed the three-foot height limit allowed within the front yard setback per San Diego Municipal Code (SDMC) Section 142.0340(c)(1). The project includes a request~~ed~~ for a variance ~~would~~to allow ~~for~~ a wall height of up to 13.5 feet within the front yard setback.

The existing buildings, existing site improvements and the topography of the project site restrict the expansion of the parking area. Additionally, the site constraints impede the ~~provision of adequate and safe~~ circulation of delivery trucks ~~as~~ required for the operation of the existing business. The existing commercial development is consistent with the IL-2-1 designation and shipping products and receiving deliveries are an integral part of business operations. Although the development is functioning, any potential expansion of the facility is limited without the proposed retaining wall.

DISCUSSION

The project proposes a retaining wall within the front yard setback that exceeds the allowed retaining wall height to accommodate the expansion of the existing parking lot area to improve vehicular circulation, which is integral to business operation. The 0.11-acre scope of work area is ~~within the IL-2-1 zone and~~ is currently constricted ~~from expanding~~ due to topography in the front yard and open space in the rear yard. The height of the proposed retaining wall varies, but is approximately 13.5 feet at the highest point, which exceeds the allowable height of three feet based on the fence and wall regulations of SDMC Section 142.0340(c)(1); thus, a variance is being requested~~required~~.

Pursuant to SDMC Section 126.0802, a variance may be requested for proposed development that would not comply with an applicable development regulation of the Land Development Code. In addition, findings must be made pursuant to SDMC Section 126.0805 (See attached applicant findings).

Per SDMC Section 126.0805(a), “special circumstances or conditions peculiar to the land or premises for which the variance is sought must apply to the land or premises and do not generally apply to the land or premises in the neighborhood, and these conditions must not result from any act of the application after the adoption of the applicable regulations.” Special circumstances and site conditions are present due to the erosion and slope stability issues of the existing slopes, with a slope ratio greater than 2:1 in some areas. A retaining wall is one solution to remedy these issues.

Considering the existing site conditions and the need to ~~construct the wall in both the public right-of-way and private property to~~ stabilize ~~an~~ eroded slopes~~area of land~~, these special circumstances and conditions on the site are unique to the land or premises and do not apply generally to the land or premises in the neighborhood. Therefore, Planning staff supports the variance based on the hardships created by the evidence provided by the applicant demonstrating that the existing environmentally sensitive lands at the rear of the property, along with current site conditions, such as the significant slope grade differential from the sidewalk up to the parking lot area, physically preclude the reasonable use of the premises.

Permit Required	Reason
Variance, Process Three in accordance with SDMC Section 126.0804 with appeal rights to the Planning Commission.	A retaining wall within a front yard setback that exceeds the allowed height requires a variance to San Diego Municipal Code Section (SDMC) 142.0340(c).

Required Public Improvements Not Provided

The proposed development complies with all the applicable development regulations, with the exception of wall height in the front yard setback and the provision of public improvements adjacent to the site as required by SDMC Sections 142.0610 and 142.0620. A variance is sought for relief from fence height requirements. However, this does not preclude the development from providing the required public improvements.

SDMC Section 142.0620 states that the approval of development permits [including variances] shall be conditioned to provide public facilities in accordance with SDMC Section 142.0610 and to mitigate any impact the development may have on existing public facilities. SDMC Section 142.0610(a) states that no structure shall be erected or enlarged, and no Building Permit shall be issued, for any lot unless the streets and alleys abutting the premises have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. Street improvements shall include street trees, curbs, gutters, sidewalks, and half-width paving.

Engineering staff identified the following requirements for public right-of-way improvements pursuant to SDMC Section 142.0610(a):

- Provide a new four-foot sidewalk within the public right-of-way along Ruffin Road fronting the project site that was not installed during the original development of the project site.

- Provide an additional four-foot right-of-way dedication in accordance with the requirements of the Community Plan and the Street Design Manual.

The applicant does not agree to provide the required improvements. Therefore, although staff could support the requested variance if improvements were provided,
staff must recommend denial pursuant to SDMC Section 126.0805, Findings for Variance Approval, because findings (c) and (d) cannot be made:

Findings Analysis	
Finding from SDMC Section 126.0805	Discussion
(a) There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations;	Special circumstances and site conditions are present due to the erosion and slope stability issues of the existing slopes with a ratio greater than 2:1 in some areas. A retaining wall is one solution to remedy these issues. Existing site conditions include environmentally sensitive lands at the rear of the property and a significant grade differential from the sidewalk up to the parking lot area. When coupled with the need to stabilize an eroded area of land, these special circumstances and conditions on the site are unique to the land or premises and do not apply generally to the land or premises in the neighborhood. **This finding can be made.**
(b) The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises;	Without a variance, two retaining walls with a maximum height of 3 feet each are permitted in the required front and street side yard if the two retaining walls are separated by a minimum horizontal distance equal to the height of the upper wall, per the retaining wall regulations of SDMC Section 142.0340(c). The front yard of this site has eroded, and action is necessary to stabilize the site. The project proposes a combination of retaining walls and planters to address this issue. Planters are adjacent to the front property line and range in size from 4 feet to 4.5 feet. They serve to soften the appearance of the retaining walls behind them. Retaining walls are adjacent to the planters with a maximum height of 11 feet. Therefore, the maximum combined height of retaining walls and planters required to stabilize the site is

	approximately 13.5 feet. This far exceeds the combined six feet allowed by the retaining wall regulations. However, without these retaining walls to stabilize the site, the site would continue to erode, and the applicant would be deprived of reasonable use of the land or premises. **This finding can be made**.
(c) The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.	The intent of the public facility regulations (SDMC Section 142.0601) is to assure that the cost of providing public facilities to serve new development is the responsibility of that development and that minimum standards for public facilities are maintained to protect the public health, safety, and welfare. Because the project will not provide the public improvements staff have identified as necessary to comply with SDMC Section 142.0601, the minimum standards for public facilities at this location will not be maintained. **This finding cannot be made.**
(d) The granting of the variance will not adversely affect the applicable land use plan.	The Kearny Mesa Community Plan designates the site for Industrial and Technology Park uses. This designation allows for a wide variety of industrial employment uses, including manufacturing, research and development, corporate headquarters, and other industrial uses. The project does not propose to change this designation or the use of the property as ~~a~~ a research, development, and manufacturing ~~shipping~~ business. The Kearny Mesa Community Plan designates Ruffin Road as a Collector Street with a two-way left turn lane. However, in declining to provide four feet of additional right-of-way for Ruffin Road and a four-foot sidewalk, the project does not allow Ruffin Road to reach its planned width per the Community Plan and Street Design Manual, and the project does not comply with the following Community Plan policies: 4.6 Improve active transportation access to transit, which includes providing visible, convenient, and comfortable bicycle and pedestrian connections and treatments

	adjacent to transit stations. 4.7 Upgrade the pedestrian network by utilizing existing right-of-way and seeking additional right-of-way for wider, non-contiguous sidewalks and parkway areas, and for closing gaps in the sidewalk network. 4.21 Improve the roadway network to provide for multimodal improvements based on the classifications identified in Figure 10: Planned Pedestrian Route Types, Figure 11: Planned Bicycle Network, and Figure 14: Planned Roadway Network Classifications. 4.22 Reconfigure public rights-of-way as appropriate to prioritize quality and dedicated bicycle, pedestrian, and transit facilities lanes. 5.1 Develop pedestrian-oriented mixed-use development, in a horizontal or vertical format. 5.4 Establish an integrated public realm framework of connected sidewalks, urban pathways, paseos, and other multimodal connections. **This finding cannot be made.**

The applicant is requesting that the City waive the requirement for the sidewalk and four-foot Right-of--Way dedication. After consideration of the requested waiver, for public improvements noted above, staff have additionally determined that the requested variance cannot be supported due to conflicts with the Kearny Mesa Community Plan.

All four required findings for a variance cannot be made because the project does not meet the public improvement standards outlined above. As a result, staff are recommending denial of the project due to noncompliance with the necessary public improvements. Staff does not support the project as proposed and recommends denial of Variance No. PMT-3339006.

ALTERNATIVES

1. Approve Variance No. PMT-3339006 if the findings required to approve the project as provided by the applicant can be affirmed.

2. Approve Variance No. PMT-3339006 with modifications, if the findings required to approve the project as provided by the applicant can be affirmed.

Respectfully submitted,



Travis Cleveland
Development Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Applicant's Submitted Variance Findings
4. Notice of Right to Appeal an Environmental Determination
5. Kearny Mesa Community Planning Association Recommendation
6. Ownership Disclosure Statement
7. Project Plans
~~7.~~8. Resolution of Denial

THE CITY OF SAN DIEGO

Report to the Hearing Officer

DATE ISSUED: October 28, 2026 REPORT NO. HO-26-053

HEARING DATE: November 4, 2026

SUBJECT: 3855 Ruffin Road, Process Three Decision

PROJECT NUMBER: PRJ-1129058

OWNER/APPLICANT: 3855 Ruffin Road, LLC / Massood Gaskari, Private Eyes Engineers

SUMMARY

Issue(s): Should the Hearing Officer approve a variance for a retaining wall that exceeds the allowed retaining wall height within the front yard setback at 3855 Ruffin Road within the Kearny Mesa Community Plan?

Proposed Actions:

1. DENY Variance No. PMT- 3339006.

Fiscal Considerations: None. Costs associated with this action are recovered through a fee paid by the applicant.

Community Planning Group Recommendation: On April 16, 2025, the Kearny Mesa Community Planning Association voted 11-0-0 to recommend approval of the proposed project without any conditions or recommendations. (Attachment 5).

Environmental Impact:
The project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 New Construction and Section 15311, Accessory Structures. The environmental exemption determination for this project was made on July 17, 2026, and the opportunity to appeal that determination ended on July 31, 2026.

BACKGROUND

The 0.11-acre site area is a portion of an approximately 2.0 acre existing commercial site located at 3855 Ruffin Road in the IL-2-1 (Industrial-Light) zone, Airport Land Use Compatibility Overlay Zone (ALUCOZ) for Marine Corps Air Station (MCAS) Miramar and Montgomery Field, Airport Influence Area (AIA) for MCAS Miramar (Review Area 2) and Montgomery Field (Review Area 1), Airport Land Use Compatibility Plan (ALUCP) Safety Zones 3 and 4 for Montgomery Field, Federal Aviation

Administration (FAA) Part 77 Noticing Area for MCAS Miramar and Montgomery Field, a Transit Priority Area (TPA), a Parking Standards TPA, Prime Industrial Lands, the Complete Communities Mobility Choices Mobility Zone 2, and a Very High Fire Hazard Severity Zone within the Kearny Mesa Community Plan.

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The existing buildings, existing site improvements and the topography of the project site restrict the expansion of the parking area. Additionally, the site constraints impede the circulation of delivery trucks required for the operation of the existing business. The existing commercial development is consistent with the IL-2-1 designation and shipping products and receiving deliveries are an integral part of business operations. Although the development is functioning, any potential expansion of the facility is limited without the proposed retaining wall.

DISCUSSION

The project proposes a retaining wall within the front yard setback that exceeds the allowed retaining wall height to accommodate the expansion of the existing parking lot area to improve vehicular circulation, which is integral to business operation. The 0.11-acre scope of work area is is currently constricted due to topography in the front yard and open space in the rear yard. The height of the proposed retaining wall varies, but is approximately 13.5 feet at the highest point, which exceeds the allowable height of three feet based on the fence and wall regulations of SDMC Section 142.0340(c)(1); thus, a variance is being requested.

Pursuant to SDMC Section 126.0802, a variance may be requested for proposed development that would not comply with an applicable development regulation of the Land Development Code. In addition, findings must be made pursuant to SDMC Section 126.0805 (See attached applicant findings).

Per SDMC Section 126.0805(a), “special circumstances or conditions peculiar to the land or premises for which the variance is sought must apply to the land or premises and do not generally apply to the land or premises in the neighborhood, and these conditions must not result from any act of the application after the adoption of the applicable regulations.” Special circumstances and site conditions are present due to the erosion and slope stability issues of the existing slopes, with a slope ratio greater than 2:1 in some areas. A retaining wall is one solution to remedy these issues.

Considering the existing site conditions and the need to stabilize eroded slopes, these special circumstances and conditions on the site are unique to the land or premises and do not apply generally to the land or premises in the neighborhood. Therefore, Planning staff supports the

variance based on the hardships created by the evidence provided by the applicant demonstrating that the existing environmentally sensitive lands at the rear of the property, along with current site conditions, such as the significant slope grade differential from the sidewalk up to the parking lot area, physically preclude the reasonable use of the premises.

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SDMC Section 142.0620 states that the approval of development permits [including variances] shall be conditioned to provide public facilities in accordance with SDMC Section 142.0610 and to mitigate any impact the development may have on existing public facilities. SDMC Section 142.0610(a) states that no structure shall be erected or enlarged, and no Building Permit shall be issued, for any lot unless the streets and alleys abutting the premises have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. Street improvements shall include street trees, curbs, gutters, sidewalks, and half-width paving.

Engineering staff identified the following requirements for public right-of-way improvements pursuant to SDMC Section 142.0610(a):

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- Provide an additional four-foot right-of-way dedication in accordance with the requirements of the Community Plan and the Street Design Manual.

The applicant does not agree to provide the required improvements. Therefore, although staff could support the requested variance if improvements were provided, staff must recommend denial pursuant to SDMC Section 126.0805, Findings for Variance Approval, because findings (c) and (d) cannot be made:

Findings Analysis	
Finding from SDMC Section 126.0805	Discussion
(a) There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations;	Special circumstances and site conditions are present due to the erosion and slope stability issues of the existing slopes with a ratio greater than 2:1 in some areas. A retaining wall is one solution to remedy these issues. Existing site conditions include environmentally sensitive lands at the rear of the property and a significant grade differential from the sidewalk up to the parking lot area. When coupled with the need to stabilize an eroded area of land, these special circumstances and conditions on the site are unique to the land or premises and do not apply generally to the land or premises in the neighborhood. **This finding can be made.**
(b) The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises;	Without a variance, two retaining walls with a maximum height of 3 feet each are permitted in the required front and street side yard if the two retaining walls are separated by a minimum horizontal distance equal to the height of the upper wall, per the retaining wall regulations of SDMC Section 142.0340(c). The front yard of this site has eroded, and action is necessary to stabilize the site. The project proposes a combination of retaining walls and planters to address this issue. Planters are adjacent to the front property line and range in size from 4 feet to 4.5 feet. They serve to soften the appearance of the retaining walls behind them. Retaining walls are adjacent to the planters with a maximum height of 11 feet. Therefore, the maximum combined height of retaining walls and planters required to stabilize the site is approximately 13.5 feet. This far exceeds the combined six feet allowed by the retaining wall regulations. However, without these retaining walls to stabilize the site, the site would continue to erode, and the applicant would be deprived of reasonable use of the land or premises. **This finding can be made**.

(c) The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.	The intent of the public facility regulations (SDMC Section 142.0601) is to assure that the cost of providing public facilities to serve new development is the responsibility of that development and that minimum standards for public facilities are maintained to protect the public health, safety, and welfare. Because the project will not provide the public improvements staff have identified as necessary to comply with SDMC Section 142.0601, the minimum standards for public facilities at this location will not be maintained. **This finding cannot be made.**
(d) The granting of the variance will not adversely affect the applicable land use plan.	The Kearny Mesa Community Plan designates the site for Industrial and Technology Park uses. This designation allows for a wide variety of industrial employment uses, including manufacturing, research and development, corporate headquarters, and other industrial uses. The project does not propose to change this designation or the use of the property as a research, development, and manufacturing business. The Kearny Mesa Community Plan designates Ruffin Road as a Collector Street with a two-way left turn lane. However, in declining to provide four feet of additional right-of-way for Ruffin Road and a four-foot sidewalk, the project does not allow Ruffin Road to reach its planned width per the Community Plan and Street Design Manual, and the project does not comply with the following Community Plan policies: 4.6 Improve active transportation access to transit, which includes providing visible, convenient, and comfortable bicycle and pedestrian connections and treatments adjacent to transit stations. 4.7 Upgrade the pedestrian network by utilizing existing right-of-way and seeking additional right-of-way for wider, non-contiguous sidewalks and parkway areas, and for closing gaps in the sidewalk network.

	4.21 Improve the roadway network to provide for multimodal improvements based on the classifications identified in Figure 10: Planned Pedestrian Route Types, Figure 11: Planned Bicycle Network, and Figure 14: Planned Roadway Network Classifications. 4.22 Reconfigure public rights-of-way as appropriate to prioritize quality and dedicated bicycle, pedestrian, and transit facilities lanes. 5.1 Develop pedestrian-oriented mixed-use development, in a horizontal or vertical format. 5.4 Establish an integrated public realm framework of connected sidewalks, urban pathways, paseos, and other multimodal connections. **This finding cannot be made.**

The applicant is requesting that the City waive the requirement for the sidewalk and four-foot Right-of-Way dedication. After consideration of the requested waiver, for public improvements noted above, staff have additionally determined that the requested variance cannot be supported due to conflicts with the Kearny Mesa Community Plan.

All four required findings for a variance cannot be made because the project does not meet the public improvement standards outlined above. As a result, staff are recommending denial of the project due to noncompliance with the necessary public improvements. Staff does not support the project as proposed and recommends denial of Variance No. PMT-3339006.

ALTERNATIVES

1. Approve Variance No. PMT-3339006 if the findings required to approve the project as provided by the applicant can be affirmed.

2. Approve Variance No. PMT-3339006 with modifications, if the findings required to approve the project as provided by the applicant can be affirmed.

Respectfully submitted,



Travis Cleveland
Development Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Applicant's Submitted Variance Findings
4. Notice of Right to Appeal an Environmental Determination
5. Kearny Mesa Community Planning Association Recommendation
6. Ownership Disclosure Statement
7. Project Plans
8. Resolution of Denial

HEARING OFFICER RESOLUTION NUMBER _____
DENYING VARIANCE NO. PMT- 3339006
3855 RUFFIN ROAD - PROJECT NO. PRJ-1129058

RECITALS

The Hearing Officer of the City of San Diego adopts this Resolution of Denial based on the following:

A. 3855 RUFFIN ROAD, LLC, Owner/Permittee, submitted an application to the City of San Diego for a Variance to allow a retaining wall that exceeds the allowed retaining wall height within the front yard setback for the 3855 Ruffin Road Variance project (Project).

B. The 2.0-acre site is located at 3855 Ruffin Road and within the IL-2-1 (Industrial-Light) zone, Airport Land Use Compatibility Overlay Zone (ALUCOZ) for Marine Corps Air Station (MCAS) Miramar and Montgomery Field, Airport Influence Area (AIA) for MCAS Miramar (Review Area 2) and Montgomery Field (Review Area 1), Airport Land Use Compatibility Plan (ALUCP) Safety Zones 3 and 4 for Montgomery Field, Federal Aviation Administration (FAA) Part 77 Noticing Area for MCAS Miramar and Montgomery Field, a Transit Priority Area (TPA), a Parking Standards TPA, Prime Industrial Lands, the Complete Communities Mobility Choices Mobility Zone 2, and a Very High Fire Hazard Severity Zone within the Kearny Mesa Community Plan. The project site is legally described as PARCEL A: PARCEL 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP RECORDED AUGUST 19, 1977, IN BOOK OF PARCEL MAPS AT PAGE 6287, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY. PARCEL B: AN EASEMENT FOR INGRESS AND EGRESS FOR ROAD PURPOSES OVER, ALONG AND ACROSS THAT PORTION OF LOT 3 OF THE CITY OF SAN DIEGO INDUSTRIAL PARK UNIT NO. 5, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 6031, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 23, 1968, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF PARCEL 1 HEAEINABOVE DESCRIBED, BEING A POINT ON THE ARC OF A 4,042.00 FOOT RADIUS CURVE IN THE SOUTHWESTERLY LINE OF

SAID LOT 3, THE CENTER OF SAID CURVE BEARS SOUTH 62 05' 10"WEST FROM SAID POINT; THENCE ALONG SAID SOUTHWESTERLY LINE, NORTHWESTERLY ALONG TI-IE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01 25' 03" A DISTANCE OF 100.00 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE SOUTH 64 06' 42" EAST, 118.64 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL 1 ABOVE; THENCE ALONG SAID NORTHWESTERLY LINE SOUTH 58 33' 10" WEST, 68.96 FEET TO THE POINT OF BEGINNING.

C. On July 17, 2026, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Sections 15303 New Construction and 15311, Accessory Structures, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;.

D. On November 4, 2026, the Hearing Officer considered Variance No. PMT- 3339006 pursuant to the Land Development Code of the City of San Diego.

ACTION ITEMS

Be it resolved by the Hearing Officer of the City of San Diego:

1. The Hearing Officer adopts the following findings with respect to Variance No. PMT-3339006, only two of which can be made in the affirmative:

A. VARIANCE [San Diego Municipal Code Section 126.0805]

I. There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.

Special circumstances and site conditions are present due to the erosion and slope stability issues of the existing slopes with a ratio greater than 2:1 in some areas. A retaining wall is one solution to remedy these issues. Existing site conditions include environmentally sensitive lands at the rear of the property and a significant grade differential from the sidewalk up to the parking lot area. When coupled with the need to stabilize an eroded area of land, these special circumstances and conditions on the site are unique to the land or premises and do not apply generally to the land or premises in the neighborhood. Therefore, there are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.

II. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.

Without a variance, two retaining walls with a maximum height of 3 feet each are permitted in the required front and street side yard if the two retaining walls are separated by a minimum horizontal distance equal to the height of the upper wall, per the retaining wall regulations of SDMC Section 142.0340(c).

The front yard of this site has eroded, and action is necessary to stabilize the site. The project proposes a combination of retaining walls and planters to address this issue. Planters are adjacent to the front property line and range in size from 4 feet to 4.5 feet. They serve to soften the appearance of the retaining walls behind them. Retaining walls are adjacent to the planters with a maximum height of 11 feet.

Therefore, the maximum combined height of retaining walls and planters required to stabilize the site is approximately 13.5 feet. This far exceeds the combined six feet allowed by the retaining wall regulations. However, without these retaining walls to stabilize the site, the site would continue to erode, and the applicant would be deprived of reasonable use of the land or premises. In conclusion, the circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.

III. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

This finding cannot be made.

The proposed development complies with all the applicable development regulations, with the exception of wall height in the front yard setback and the provision of public improvements adjacent to the site as required by SDMC Sections 142.0610 and 142.0620.

This variance is sought for relief from fence height requirements. However, a variance does not preclude the development from providing the required public improvements.

DRAFT

SDMC Section 142.0620 states that the approval of development permits [including variances] shall be conditioned to provide public facilities in accordance with SDMC Section 142.0610 and to mitigate any impact the development may have on existing public facilities. SDMC Section 142.0610(a) states that no structure shall be erected or enlarged, and no Building Permit shall be issued, for any lot unless the streets and alleys abutting the premises have been dedicated and improved along the abutting frontage to the prevailing standards of the City of San Diego. Street improvements shall include street trees, curbs, gutters, sidewalks, and half-width paving.

During review, Engineering staff identified the following requirements for public right-of-way improvements pursuant to SDMC Section 142.0610(a):

- Provide a new four-foot sidewalk within the public right-of-way along Ruffin Road fronting the project site that was not installed during the original development of the project site.

- Provide an additional four-foot right-of-way dedication in accordance with the requirements of the Community Plan and the Street Design Manual.

The project applicant declines to provide these public improvements and is requesting that the City waive the requirement for the sidewalk and four-foot Right- of-Way dedication.

As stated in SDMC Section 142.0601, the intent of the public facility regulations is to assure that the cost of providing public facilities to serve new development is the responsibility of that development and that minimum standards for public facilities are maintained to protect the public health, safety, and welfare.

Because the project will not provide the public improvements staff have identified as necessary to comply with SDMC Section 142.0601, the minimum standards for public facilities at this location will not be maintained. Therefore, the finding that the granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare cannot be made.

IV. The granting of the variance will not adversely affect the applicable land use plan.

This finding cannot be made.

The Kearny Mesa Community Plan designates the site for Industrial and Technology Park uses. This designation allows for a wide variety of industrial employment uses, including manufacturing, research and development, corporate headquarters, and other industrial uses. The project does not propose to change this designation or the use of the property as a research, development, and manufacturing business.

The Kearny Mesa Community Plan designates Ruffin Road as a Collector Street with a two-way left turn lane.

However, in declining to provide four feet of additional right-of-way for Ruffin Road and a four-foot sidewalk, the project does not allow Ruffin Road to reach its planned width per the

Community Plan and Street Design Manual, and the project does not comply with the following Community Plan policies:

4.6 Improve active transportation access to transit, which includes providing visible, convenient, and comfortable bicycle and pedestrian connections and treatments adjacent to transit stations.

4.7 Upgrade the pedestrian network by utilizing existing right-of-way and seeking additional right-of-way for wider, non-contiguous sidewalks and parkway areas, and for closing gaps in the sidewalk network.

4.21 Improve the roadway network to provide for multimodal improvements based on the classifications identified in Figure 10: Planned Pedestrian Route Types, Figure 11: Planned Bicycle Network, and Figure 14: Planned Roadway Network Classifications.

4.22 Reconfigure public rights-of-way as appropriate to prioritize quality and dedicated bicycle, pedestrian, and transit facilities lanes.

5.1 Develop pedestrian-oriented mixed-use development, in a horizontal or vertical format.

5.4 Establish an integrated public realm framework of connected sidewalks, urban pathways, paseos, and other multimodal connections.

Therefore, the finding that the granting of the variance will not adversely affect the applicable land use plan cannot be made.

2. Based on these findings adopted by the Hearing Officer, Variance No. PMT-3339006 is denied, because certain of the findings cannot be made.

Travis Cleveland
Development Project Manager
Development Services

Adopted on: November 4, 2026

IO#: 11004543

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LAND USE | REAL ESTATE | ENVIRONMENTAL

M E M O R A N D U M

To: Mark Olsson, Jeanette Temple, and Massood Gaskari
From: Andrea Contreras
Date: October 3, 2026
Re: Revised Draft Variance Findings PMT-3330006

Below is revised draft language to support the findings required by San Diego Municipal Code section 126.0805 to grant a variance.

San Diego Municipal Code Section 126.0805 Findings for Variance Approval

(a) There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.

The building pad and parking lot sit approximately 12 feet above Ruffin Road, at the top of a steep descending slope along the entire frontage. A canyon borders the rear property line. The building and its only loading dock are fixed in place between the two.

These conditions together leave the Site with one direction in which its parking area can be widened: toward the frontage slope. Widening in that direction requires retaining the slope and placing fill to extend the pad at its existing grade.

The Site's topography also makes two Land Development Code standards bear on it in a way they do not bear on its neighbors. The front-yard retaining wall limit (SDMC § 142.0340) and the prohibition on slopes greater than eight feet to be steeper than 2:1 (SDMC § 142.0133(c)) are each workable on a level lot. On this lot, together, they rule out any code-compliant way of widening the parking area. That combined effect is itself a special circumstance peculiar to the Site.

These conditions do not apply generally to property in the neighborhood. Other IL-2-1 properties in the vicinity, sit at or near the grade of the adjacent street, are not bounded by a canyon, or both. They can provide code-width drive aisles and truck access to loading areas without retaining walls in the front yard.

The conditions did not result from any act of the applicant. The frontage slope and the rear canyon are natural or pre-existing features of the land. They predate the applicant's ownership

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They were not created by, and do not change with, the identity of the owner. Any industrial user of this property would face the same constraints.

(b) The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises.

Under the Land Development Code, the purpose of a variance is to provide relief where, because of special circumstances such as topography, "the strict application of the development regulations would deprive the property of privileges enjoyed by other property in the vicinity and under the same land use designation and zone." (SDMC § 126.0801.) Reasonable use is therefore measured against the privileges that comparable IL-2-1 properties in the vicinity enjoy. It does not require a showing that the property has no economically viable use.

Reasonable use of an IL-2-1 manufacturing property includes, at a minimum, drive aisles that meet the Land Development Code's own standards. It also includes the ability of delivery trucks to reach and use the building's loading area safely, without conflicting with required parking, employees, and customers. The Code reflects both expectations. Parking aisles must be "of such width and design as to provide safe and efficient means of vehicular access." (SDMC § 142.0560(d)(1).) The loading regulations are intended "to minimize impacts to vehicular and pedestrian circulation and required off-street parking spaces." (SDMC § 142.1001.) Properties in the vicinity with the same zoning, which sit at or near street grade and are not bounded by a canyon, provide code-compliant aisles and truck access to their loading areas without a variance.

The Site does not. Its only loading dock is reachable solely through the employee and customer parking lot, which has angled parking along two one-way aisles. The stalls are angled more than 50 degrees to the aisle. For angles between 45 and 90 degrees, the Code requires "the aisle width for the next larger angle," which is 18 feet for a one-way aisle serving 60-degree parking. (SDMC § 142.0560(c), Table 142-05K & fn. 1.) One aisle is only 17 feet wide. It does not meet the Code's minimum even for passenger cars.

The deficiency matters more because this aisle doubles as the only access to the loading dock. The widths in Table 142-05K are minimums for "automobile parking aisles" and do not account for commercial trucks. An aisle that also serves as the loading dock approach must be wide enough for the trucks that use it. Otherwise, it cannot provide "safe and efficient" access or avoid the impacts on circulation and parking that the loading regulations are meant to prevent. (SDMC §§ 142.0560(d)(1), 142.1001.) Today, trucks must maneuver among parked cars, employees, and customers to reach the dock.

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The applicant cannot cure this deficiency within the regulations. The building and loading dock are fixed, and the canyon at the rear property line prevents expansion in that direction. The only available area lies toward the frontage, where the pad sits approximately 12 feet above Ruffin Road. Strict application of the Land Development Code forecloses every way of using that area:

1. A single retaining wall of three feet or less would require additional fill that creates a slope steeper than 2:1, which the Land Development Code also prohibits.
2. The two separated three-foot walls allowed in the front yard by SDMC § 142.0340(c) would retain approximately six feet of grade, about half the existing differential.
3. Leaving the slope as is leaves the aisle at 17 feet, below the Code's minimum aisle width and too narrow for delivery trucks to reach the dock without conflicting with parked cars and pedestrians.

Strict application of the wall height limit would thus leave the Site permanently unable to bring its drive aisle up to the Code's minimum width or to provide safe truck access to its loading dock. Both are basic features of reasonable industrial use that comparable properties in the vicinity enjoy. That is a deprivation of reasonable use, not a loss of convenience or profit. The Project does not add parking spaces, floor area, employees, or vehicle trips. It does not intensify the use. It allows the Site to meet the Land Development Code's own aisle, circulation, and loading standards.

The requested variance is the minimum necessary. Widening the aisle only to the 18-foot automobile minimum would cure the code deficiency but would still leave an aisle too narrow for the commercial trucks that must use it to reach the loading dock. The Project therefore widens the aisle to 24 feet, the width needed for commercial trucks to pass parked vehicles and reach the dock. The four-foot planter wall and the approximately 10-foot retaining wall stepped back behind it are the lowest wall heights that will achieve that width while keeping the slope at 2:1 or flatter. The planter wall also screens and softens the retaining wall as seen from Ruffin Road.

(c) The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

The variance is consistent with the purpose and intent of the front-yard retaining wall regulations. Those regulations limit the visual bulk of walls along the street. The Code itself accepts stepped walls as a means of achieving that goal: it permits two retaining walls in the front yard when separated horizontally. (SDMC § 142.0340(c).) The Project follows the same approach. A four-foot planter wall at the front is landscaped and screens the taller retaining wall, which is set back behind it. The result is a terraced, planted frontage rather than a single tall wall at the street.

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The variance will improve, not harm, public health and safety. Today, commercial trucks bound for the Site's only loading dock must travel through a 17-foot aisle and maneuver among parked cars, employees, and customers. Widening the aisle to 24 feet separates those movements and removes a recurring conflict between trucks and pedestrians. This is the outcome the Kearny Mesa Community Plan seeks: it calls for adequate loading internal to industrial development, efficient delivery of goods to industrial uses, and freight movement that "minimizes conflict with other roadway users, such as pedestrians, bicyclists, transit users, and motorists." (KMCP Policies 4.42–4.44, p. 37.)

The Project will not burden the public. It adds no parking spaces, floor area, employees, or vehicle trips and will not increase traffic on Ruffin Road. The walls will be engineered and built under a City grading permit and building permit. The walls are located entirely on private property, outside the existing public right-of-way, and will not obstruct sight distance for vehicles entering or leaving the Site.

(d) The granting of the variance will not adversely affect the applicable land use plan.

The applicable land use plan is the Kearny Mesa Community Plan ("KMCP"). The variance does not change the Site's land use designation, use, density, or intensity. It allows an existing industrial business to keep operating at the Site safely, which is the outcome the KMCP seeks.

The KMCP designates the Site Industrial and Technology Park. That designation "allows for a wide variety of industrial employment uses, including manufacturing, research and development, corporate headquarters, and other industrial uses." (KMCP, p. 12.) The applicant's research, development, and manufacturing business is squarely within it.

The KMCP stresses retaining such uses: "[t]here is a need to preserve Kearny Mesa's industrial parks since these industrial businesses are location sensitive and vital for economic prosperity." (KMCP, p. 16.) The Site lies within the Ruffin Technology Cluster, which the KMCP describes as supporting "large-scale employment users in a setting that is unencumbered by sensitive users or sites," where "existing businesses can expand operations and emerging industrial uses can co-locate." (*Id.*) Safe truck access to a loading dock is basic infrastructure for a manufacturing use. By providing it, the variance helps keep an established industrial employer in the cluster the KMCP intends to preserve.

The Project also implements specific KMCP policies:

- **Flexibility for existing industrial employers.** Policy 1.4 directs the City to "provide flexibility to serve operational and expansion needs of existing industrial employers within Prime Industrial Lands." (KMCP, p. 30.) A limited deviation from a wall height

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standard, so that an existing manufacturer can meet its operational need for code-compliant aisles and safe truck access, is the flexibility Policy 1.4 calls for.

- **Preserving industrial land for industrial operations.** Policy 1.2 seeks to "[p]reserve industrial lands for employment uses." Policy 1.5 protects land in the Ruffin Technology Cluster "to accommodate existing, new, and relocation of industrial operations for the City's economic base." (*Id.*) Industrial land is preserved in substance only if the operations on it can function. The variance keeps this Site usable for the industrial operations these policies protect.
- **On-site loading and goods movement.** Policy 4.43 calls for "adequate loading spaces internal to non-residential development to minimize vehicle loading and minimize truck storage spillover on adjacent streets." Policy 4.42 seeks to "[e]nsure efficient movement and delivery of goods to … industrial uses." Policy 4.44 seeks to accommodate freight "in a manner that minimizes conflict with other roadway users, such as pedestrians … and motorists." (KMCP, p. 36.) The Project keeps truck access and loading on site and separates trucks from employees and customers.
- **Pedestrian safety in parking areas.** Policy 4.12 calls for walkways in parking areas that are clearly differentiated and safe. (KMCP, p. 33.) The wider aisle reduces the existing conflict between delivery trucks and people walking through the lot.

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