THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 11, 2008 **REPORT NO. PC-08-068**

ATTENTION: **Planning Commission, Agenda of July 17, 2008**
Continued from June 19, 2008

SUBJECT: **NANCY RIDGE BUSINESS PARK – PROJECT NO. 114358**
PROCESS 5

OWNER/
APPLICANT: Nancy Ridge Business Park, LLC

SUMMARY

Issue(s): Should the Planning Commission recommend to the City Council approval to construct two step-down, flat pads for outdoor storage use only at 5909 Nancy Ridge Drive, within the Mira Mesa Community Plan?

Staff Recommendations:

1. **Recommend Certification** to the City Council of Mitigated Negative Declaration No. 114358 and **Adoption** of the Mitigation, Monitoring and Reporting Program (MMRP); and

2. **Recommend Approval** to the City Council of Rezone No. 387102, Site Development Permit No. 385300, Planned Development Permit No. 385298, and a Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment.

Community Planning Group Recommendation: On January 22, 2007, the Mira Mesa Community Planning Group voted unanimously to approve the project.

Environmental Review: Mitigated Negative Declaration No. 114358 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

DIVERSITY

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Housing Impact Statement: The proposed project is identified as light industrial and open space within the Mira Mesa Community Plan. No residential units are proposed as part of this project.

BACKGROUND

The Nancy Ridge Business Park project is located across two undeveloped parcel lots of 25.79 acres at 5909 Nancy Ridge Drive, and the adjoining southern parcel, south of Carroll Canyon Road, within the Mira Mesa Community Plan. A portion of the proposed project is located within the Miramar Subarea of the Mira Mesa Community Plan (MMCP), and designated for Light Industrial use. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution, and similar uses. A portion of the site is also located within designated Open Space in the MMCP. The Open Space designation is intended for the preservation of land in a natural state. Approximately 13.95 acres of the project site is currently zoned AR-1-1, with the remainder of the site zoned IL-2-1.

The project site is located below Nancy Ridge Drive on south and west facing slopes north of the Atchison, Topeka & Santa Fe (AT&SF) Railroad. Both parcels contain moderate to steep slopes with elevations ranging from approximately 200 feet to approximately 280 feet above Mean Sea Level. The northern parcel totals approximately 11.80 acres, and fronts a portion of Nancy Ridge Drive which extends from a point approximately 150 feet south of the Carroll Canyon Road/Nancy Ridge Drive intersection and continues south around a bend turning eastward for a total of approximately 0.48 miles. The southern parcel totals approximately 13.95 acres, and has no street frontage. The project site is bounded to the north/northeast by existing industrial and scientific research development on a mesa above the site. Heading south/southwest and below the site is a canyon and creek bed area. Continuing south, up the slope are undisturbed areas and the AT&SF railway benched into the slope area.

Both parcels contain Environmentally Sensitive Lands due to Steep Hillsides and Sensitive Biological Resources on-site. Vegetation on-site consists of Diegan Coastal Sage Scrub, Southern Willow Scrub, Coast Live Oak Woodland, Southern Mixed Chaparral, non-native grasslands, San Diego barrel cactus, and drought-tolerant ornamental vegetation. Both parcels are located partially within the City of San Diego Multiple Species Subarea Plan's Multi-Habitat Planning Area and contain wetlands.

A Site Development Permit and a Planned Development Permit are requested to construct two step-down, flat pad areas, and a driveway totaling approximately 6.17 acres within Environmentally Sensitive Lands for Steep Hillsides and Sensitive Biological Resources on-site. The project site is zoned AR-1-1 (Agricultural-Residential). In order to allow for the proposed outdoor storage use, a rezone from AR-1-1 to IL-2-1 (Industrial—Light) is requested for 13.95 acres. Also, according to the City of San Diego Land Development Code, "where the MHPA covers less than 75 percent of a premise, no development will be allowed within the MHPA."

The project's biology report indicates the MHPA covers approximately 16.05 acres (62 percent) of both parcels combined. In order to construct the project, a MHPA Boundary Line Adjustment (BLA) is requested.

DISCUSSION

Project Description:

The entire project site is comprised of two undeveloped parcels totaling approximately 25.79 acres. The project proposes the construction of a paved, non-standard access driveway from Nancy Ridge Drive to an outdoor storage area. The outdoor storage area would consist of two graded pad areas for a total of 4.2 acres. Both pads would be covered with Class 2 base gravel material. Grading calculations for the project site (both parcels) would require a total cut quantity of approximately 58,000 cubic yards with a maximum cut height of 34 feet, and a maximum cut slope height of 34 feet with a maximum cut slope ratio of 2:1. The project would require a total fill quantity of approximately 58,000 cubic yards with a maximum fill depth of 36 feet and a maximum fill slope height of 30 feet with a maximum fill slope ratio of 2:1. No export material would result, as the cut materials would be used for fill.

The drainage pattern would continue to drain south towards the bottom of Soledad Canyon. Increased runoff would result from a minor increase to impervious surfaces and land form alteration. However, the increase would be minimal, and would not be considered significant. The project would be required to incorporate construction Best Management Practices (BMPs) and post-construction BMPs consistent with the approved Water Quality Technical Report. The applicant would also be required to enter into a Maintenance Agreement with the City of San Diego for on-going permanent BMP maintenance. All site runoff would be required to comply with the City of San Diego's Storm Water Standards.

The project site is within the Floodplain and Floodway areas, noted as Special Flood Hazard Areas. However, the project does not propose to alter any flood areas or construct any habitable structures within the Special Flood Hazard Areas or flood fringe. The only encroachment allowed would be the construction of a storm drain pipeline and structure to discharge runoff from the site into the creek bed. The placement of fill material as part of the drainage structure within the Special Flood Area has been conditioned in the draft permit to minimize development effects to the area.

The project also proposes a series of keystone retaining walls around the perimeter of the two pad areas in order to stabilize the proposed step-down, flat pad areas and non-standard driveway. Without the retaining walls the project's development footprint would increase with graded slopes and decrease in available pad area for storage use. Therefore, approximately 2,800 linear feet of retaining walls will be constructed with an average height of 10 to 16 feet, and a maximum height of 31 feet located at the southeast corner of the development. Pursuant to the Land Development Code, the maximum retaining wall height outside of required yards is 12 feet, and the applicant has requested a deviation as part of the Planned Development Permit application to exceed that height. In addition to the planting of new trees at the base of the southerly retaining wall, all of the plantable retaining walls would be screened with drought-

tolerant, native plant species. All retaining walls would be required to provide 80 percent screening within two years consistent with the requirements of the Land Development Code. Considering the site is located well below adjacent development and street thoroughfare, visual impacts of the retaining walls would not exist from the north, east, and west locations. Any possible views from the AT&SF railway and existing industrial buildings, setback from the south side of the canyon area looking north, would be adequately screened with the planted trees and plantings in the walls as described previously.

Community Plan Analysis:

The project site is designated Open Space and Light Industrial by the Mira Mesa Community Plan (MMCP). The area to be graded for the proposed storage use occurs entirely within the portion of the site designated Light Industrial and does not encroach into the area designated Open Space. The Light Industrial designation is intended for manufacturing, storage, warehousing, distribution and similar uses. The proposed use and the rezone from AR-1-1 to IL-2-1 to allow this use is consistent with the MMCP's Light Industrial land use designation.

The MMCP provides development criteria for new commercial and industrial developments requiring discretionary review. However, because the proposed storage use does not include any structures these criteria do not apply. The project site is also located within the Airport Overlay designation in the MMCP, which is intended to ensure that development of properties that are subject to high noise levels or accident potential from aircraft operations at MCAS Miramar are reviewed for conformance with the Airport Land Use Compatibility Plan for MCAS Miramar (ALUCP). The site is within Accident Potential Zone 1 and within the 70 CNEL contour of the ALUCP where storage uses are considered a compatible use.

Due to the project's location adjacent to land designated Open Space, it was reviewed for conformance with all applicable policies in the MMCP's Sensitive Resources and Open Space Element. This Element seeks to preserve and/or enhance natural open space and habitat for rare, threatened, endangered or candidate species. Compliance with the City's Environmentally Sensitive Lands (ESL) regulations will ensure that the proposed project will implement all the applicable policies and recommendations of the MMCP regarding sensitive resources and open space.

Environmental Analysis:

The City of San Diego conducted an Initial Study to determine if the proposed project would result in environmental impacts. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), detailed in Section V of Mitigated Negative Declaration (MND) No. 114358, would reduce the project's impacts to below a level of significance. Implementation of the proposed MMRP would reduce impacts to below a level of significance in the following categories:

Land Use- The project would result in total impacts to approximately 4.17 acres of Diegan Coastal Sage Scrub (CSS) and non-native grasslands (NNG), of which, approximately 3.66 acres (3.51 CSS/ 0.15 NNG) would occur within the Multi-Habitat Planning Area (MHPA) on-site. An

MHPA Boundary Line Adjustment (BLA) was approved by the California Department of Fish and Game and the U.S. Department of Interior Fish and Wildlife Service on January 16, 2008, which would remove approximately 3.66 acres of sensitive habitat from the MHPA within the proposed development area, and add approximately 8.02 acres of MHPA habitat on-site within an approved City conservation easement for a total net gain of approximately 4.36 acres. The net gain of 4.36 acres, as a result of the MHPA BLA, would satisfy the upland habitat mitigation requirement of 4.17 acres. Therefore, no further mitigation would be required for impacts to Tier II and Tier IIIB habitat.

Biological Resources - The project site and adjacent parcels contain mature trees which have the potential for nesting raptors. No direct impacts to nesting raptors are permitted. Direct impacts would be avoided through compliance with the Migratory Bird Treaty Act. Project-related construction activities could have the potential to indirectly impact raptor species during the breeding season (February 1-September 15). If construction occurs during the raptor breeding season, a preconstruction survey would be conducted by a qualified biologist to determine whether nesting raptors are present. No construction would occur within 300 feet of any identified nest(s) until the young fledge. Noise impacts would be avoided during the breeding season through pre-construction surveys and adherence to appropriate noise buffer zone restrictions.

Paleontological Resources - The project site is underlain by the following geologic formations: Ardath Shale (Tm), Scripps Formation (Tsd) and Stadium Conglomerate (Tst). With respect to paleontological fossil resource potential, all of the above-referenced geologic formations are assigned a high sensitivity rating in all areas where they occur. According to the City of San Diego Significance Determination Thresholds, projects underlain by high sensitivity formations require paleontological monitoring when grading quantities exceed 1,000 cubic yards and have a cut depth greater than 10 feet. The project proposes to construct two levels of graded pads, which would require approximately 58,000 cubic yards of cut with a maximum cut depth of 34 feet to construct. Therefore, paleontological monitoring would be required during all grading activities to mitigate for potential impacts to paleontological resources. In the event that paleontological resources are discovered, excavation would be halted or diverted to allow recovery, evaluation, and recordation of materials. See MND Section V. Mitigation, Monitoring and Reporting Program.

Project-Related Issues:

- The project proposes an outdoor storage facility only.
- The facility will not include any habitable structures and the draft permit includes conditions that will restrict the development and use of the project site to only an outdoor storage facility. Any other uses on the site would require an application to the City to amend the proposed permit.
- No storage of hazardous waste chemicals or materials, petroleum products, or motor vehicles shall be allowed on site.
- The open storage facility shall be required to provide a screening fence of no less than 6 feet in height and no greater than 12 feet in height.

- The height of any materials stored shall not exceed the height of the screening fence.
- The draft permit also requires the applicant to take measures to ensure that water quality is not adversely affected by runoff containing fuel and lubricants or other pollutants.
- The project site encompasses 25.79 acres and the development footprint for the outdoor storage facility will be 6.17 acres. Not including the conveyance of 8.02 acres for the MHPA conservation easement, and consistent with SDMC Section 143.0140(a), the draft permit also requires the applicant to record a covenant of easement on approximately 11.6 acres, the remainder of the site's environmentally sensitive lands that are outside of the allowable development area, to be left in a natural state.

Conclusion:

Staff has determined the proposed Nancy Ridge Business Park project, with the adoption of the rezone from AR-1-1 to IL-2-1 and permit conditions for the outdoor storage use, complies with the applicable sections of the Municipal Code and adopted City Council policies. Staff has determined the required findings can be made to support the decision to approve the proposed project. A Mitigated Negative Declaration has been prepared for this project and the mitigation required would reduce any potentially significant impact to a level below significance. Staff recommends the Planning Commission recommend to the City Council approval of the resolutions granting the Site Development Permit, Planned Development Permit with Multi-Habitat Planning Area boundary line adjustment, and associated rezone.

ALTERNATIVES

1. **Recommend Approval** to the City Council of Rezone No. 387102, Site Development Permit No. 385300, Planned Development Permit No. 385298, and Multi-Habitat Planning Area boundary line adjustment, **with modifications.**

2. **Do Not Recommend Approval** to the City Council of Rezone No. 387102, Site Development Permit No. 385300, Planned Development Permit No. 385298, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Development Services Department

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KGB/td

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Draft Ordinance
9. Rezone Exhibit B-4263
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Project Chronology

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