

DATE ISSUED: November 10, 2005 **REPORT NO.** PC-05-321

ATTENTION: Planning Commission, Agenda of November 17, 2005

SUBJECT: NEXUS UNIVERSITY SCIENCE CENTER - PROJECT NO. 5906
PROCESS 5.

**OWNER/
APPLICANT:** Michael J. Reidy (Attachment 12).

SUMMARY

Issue(s): Should the Planning Commission recommend approval of the Nexus University Science Center project, which proposes to rezone three parcel lots from RS-1-14 (Residential) to IP-1-1 (Industrial Park) and allow 191,456 square feet of new industrial development distributed in three buildings on Lots 1 through 3.

Staff Recommendations:

1. **Recommend** to the City Council **Certification** of the Mitigated Negative Declaration No. 5906 and Adopt the Mitigation Monitoring and Reporting Program; and
2. **Recommend** to the City Council **Approval** of Rezone No. 9755 and Site Development Permit No. 9754.

Community Planning Group Recommendation: The University Community Planning Group, on February 8, 2005, voted 13:0:0 to recommend approval of the proposed project, with no conditions (Attachment 6).

San Diego County Regional Airport Authority Recommendation: On September 8, 2005, the San Diego Regional Airport Land Use Commission (ALUC) determined that the proposed project is conditionally consistent with the MCAS Miramar Airport Land Use Compatibility Plan (Attachment 13).

Environmental Review: A Mitigated Negative Declaration No. 5906 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 would have a neutral impact on Housing. The University Community Plan (UCP) designates this site for Industrial development. The Industrial Element of the UCP further identifies this site for Scientific Research Use. The request includes a rezone of the site from RS-1-14 to IP-1-1 which does not permit residential uses. The project site also lies within the APZ “1” and the 65-70db CNEL contours of the Comprehensive Land Use Plan for MCAS Miramar where residential use is identified as an incompatible use. Therefore, the proposed industrial/scientific research use would not result in an increase or decrease in existing or potential housing units.

BACKGROUND

The proposed 9.6-acre project site consists of three undeveloped lots and is located at the terminus (eastern end) of Executive Drive, northwest of the La Jolla Village Drive/Interstate 805 interchange, in the University City Community Plan area (Attachment 1). The site is designated for “Scientific Research” use in the University Community Plan, and is currently zoned RS-1-14 (Residential). The surrounding area is designated as IP-1-1 “Scientific Research”. The project site is bounded on the east by Interstate 805; on the west by the La Jolla Commons project (under construction and approved for a hotel, condominiums, office building, scientific research building, and parking structure); on the south by La Jolla Village Drive; and on the north by land designated as “Scientific Research” in the University Community Plan.

The project site ranges in elevations from 278 feet above mean sea level (AMSL) to 380 feet AMSL. The site contains no steep slopes as defined by the City of San Diego Municipal Code. The project site is not located within or adjacent to the City’s Multi-Habitat Planning Area. The project site is within the Accident Potential Zone (APZ) 1 of MCAS Miramar, which restricts the allowable lot coverage to 25% maximum lot coverage, and the project site is subject to a Restrictive Use Easement (RUE). The RUE prohibits office uses on the site, except as an ancillary use to other permitted uses. The project site is also within the 65 – 70 decibel (dB) Community Noise Equivalency Level (CNEL), as identified in the MCAS Miramar Comprehensive Land Use Plan (CLUP) and maps. The proposed industrial use and lot coverage would be consistent with the MCAS Miramar CLUP.

DISCUSSION

Project Description

The project proposes a rezone from RS-1-14 (Residential) to IP-1-1 (Industrial Park), which would be consistent with the community plan land use designation, and develop the entire 9.6-acre site with 191,456 square feet of new research and development use distributed in three buildings on the three lots, Lots 1 through 3. In addition and consistent with the University Community Plan (UCP), the site is subject to the Community Plan Implementation Overlay Zone (CPIOZ) Type “A.”

Lot 1’s building would be three stories (approximately 50 feet in height) and have a gross floor area (GFA) of approximately 49,920 square feet; Lot 2’s building would be two stories (approximately 50 feet in height) with a GFA of approximately 89,678 square feet, and; Lot 3’s building would be two stories (approximately 50 feet in height) with a GFA of approximately 51,858 square feet. In addition to the development’s surface parking, each building would include subterranean parking.

The project would also include the extension of Executive Drive eastward from its existing terminus to a new cul-de-sac within the project site. Executive Drive would also include a thirty-five-foot wide right-of-way extension for future transit use. The Right-of-Way (ROW) reservation would continue east of the cul-de-sac bulb, at a 17.5-foot-wide width in the area where only the south half of the ROW reservation would be on the project site. Access to the proposed buildings would be from three driveways off the extension of Executive Drive.

Approximately 9.5 acres of the 9.6-acre site would be graded for development. The project includes approximately 129,600 cubic yards of soil cut at a maximum depth of 20 feet; and 110,200 cubic yards of fill at a maximum fill height of 18 feet. Several retaining walls would be proposed around the eastern perimeter of the development, and south of Lot 1, adjacent to Executive Drive. The longest retaining wall would be approximately 1,900 feet in length and the tallest retaining wall would be approximately 12 feet in height. Walls that are 6 feet or greater in height would be plantable walls. All proposed landscaping would comply with the City's Landscape Standards.

The project site is neither located within nor adjacent to any Multi-Habitat Planning Areas (MHPA), but would result in impacts to sensitive biological habitats requiring mitigation. Therefore, impacts to environmentally sensitive lands (ESL) and developments within CPIOZ require the processing of a Site Development Permit for the proposed project.

Community Plan Analysis

The proposed project is located within the Central Subarea of the University Community Plan (UCP) and is designated for “Scientific Research” use. The site is subject to the Community Plan Implementation Overlay Zone (CPIOZ) Type “A” and the Accident Potential Zone (APZ)

“1” and the Noise Impact/Land Use Compatibility Matrix of the Comprehensive Land Use Plan (CLUP) for Miramar. Within the UCP, the CPIOZ Type “A” is the major implementation tool for the Development Intensity Element. The purpose of the overlay zone is to limit uses and development intensity to the levels specified in the Land Use and Development Intensity Table. Accident Potential Zones and Land Use Compatibility Matrix are used to achieve the greatest degree of safety through implementation of compatible land use and density. The Noise Impact/Land Use Compatibility Matrix is used to determine appropriate land use and, if applicable, mitigation required for development within noise impacted areas.

Figure 26 of the Development Intensity Element of the UCP identifies the site within Subarea 31. Table 3 of the Development Intensity Element further identifies that the development intensity within the Subarea not exceed 20,000 square feet per acre of “Scientific Research” use. The project proposes a total of 191,456 square feet on a 9.5728 acre site, (9.5728ac x 20,000sf = 191,456 sf) consistent with the identified development intensity. The CLUP suggests that lot coverage for properties within APZ 1 should be less than 25%. The following table outlines the project’s compatibility with the suggested lot coverage for APZ 1:

Lot #	Lot Acreage x 25%	Allowable Ground Floor Coverage	Actual Ground Floor Coverage
Lot 1	2.496 ac x 25%	.624 ac / 27,181 sf	16,628 sf
Lot 2	4.484 ac x 25%	1.121 ac / 48,830 sf	44,439 sf
Lot 2	2.592 ac x 25%	.648 ac / 28,226 sf	25,732 sf

The proposed project implements the design recommendations found in the Central Subarea section of the UCP Urban Design Element which seek to improve the central community’s urban form and cohesiveness. These include articulation of buildings, utilizing building elements, colors and materials that are not disturbing to the eye, concealing rooftop equipment and providing eating and seating areas for employees. The project also implements Urban Design Element guidelines for properties adjacent to La Jolla Village Drive which seek to maintain minimum 100 foot setbacks from the I-805 freeway ramps, provide landscaped buffers to maintain open views into the community and reduce potential noise effects, and complement the freeway ramp alignment with building alignment.

Environmental Analysis

The environmental review process for the proposed project included an evaluation of several areas of interest; Transportation/Circulation, Paleontological Resources, Biological Resources, Water Quality, Hydrology and Geology. These areas of interest were evaluated by City staff and have been documented in the Mitigated Negative Declaration (MND) No. 5906.

Of the aforementioned environmental issues, Transportation/Circulation, Paleontological Resources, Historical (Archaeological) Resources and Biological Resources were determined to

be significant, but could be mitigated to a level below significance. Mitigation will be required as described below and within Section V, Mitigation, Monitoring, and Reporting Program (MMRP) of the MND No. 5906.

Transportation/Circulation

The proposed project is estimated to generate approximately 1,915 average daily vehicle trips for the proposed use, with approximately 306 trips during the morning peak hour and 263 trips during the evening peak hour. The project would provide 656 parking spaces. The surrounding local streets that would provide access to the project site include Executive Drive, Judicial Drive, Towne Centre Drive, and La Jolla Village Drive. Access to the site would be from Executive Drive which terminates at the project site.

In order to assess the potential traffic impacts associated with the project, a Traffic Study for Nexus Properties R&D was prepared by Darnell & Associates (March 10, 2005). The traffic report analyzed: 1) existing conditions; 2) two near term time frames (Near Term Without Judicial Drive Extension, with and without the proposed project and Near Term With Judicial Drive Extension, with and without the proposed project); and 3) Horizon Year with and without project conditions.

Near Term Plus Project Conditions, Without Judicial Drive Extension

The traffic analysis concluded that for the near term condition without the Judicial Drive extension from Executive Drive to Nobel Drive, the project does not have significant impacts at study intersections. However, the project would have an impact on roadway segment operation along Towne Center Drive from Executive Drive to La Jolla Village Drive, which would operate at Level of Service (LOS) E with the addition of the project. In order to reduce this impact to below a level of significance, the installation of a raised median to four-lane major standards would be required. If the project precedes other development, it would be required to install the median, with potential reimbursement by others. This mitigation measure is included in the MMRP of the MND. With the Judicial Drive extension to Nobel Drive, the project traffic would not impact this segment of Towne Centre Drive.

Under the near term plus project conditions without the Judicial Drive extension, the peak hour traffic on La Jolla Village Drive demonstrates a deficiency. However, the project does not result in a significant impact to La Jolla Village Drive because the project does not meet the City's Significant Threshold of 1.0 mile per hour or more reduction in speed on the arterial analysis. Therefore, no mitigation is required.

With the near term plus project conditions without Judicial Drive, all segments of the Interstate 805 freeway that were studied operate at a deficient LOS of E or F. However, the project does not meet the significance criteria and is not required to mitigate freeway deficiencies.

At the ramp meter of I-805 southbound and Nobel Drive, the project would result in an increase in delay of more than 2.0 minutes, assuming no alterations of the ramp meter rates. This ramp does not exceed the 15-minute delay criteria, and is therefore not considered to have a significant impact, and no mitigation is required.

Near Term Plus Project Conditions, With Judicial Drive Extension

The traffic analysis determined that for the near term condition with the Judicial Drive extension and the Interstate 805/La Jolla Village Drive interchange improvements, the project would result in direct impacts at the intersections of La Jolla Village/Towne Centre Drive and Executive Drive/Judicial Drive. The La Jolla Village Drive/Towne Centre Drive intersection operates at LOS E and F with the project, and the project meets the City of San Diego Significance Thresholds for direct impacts. This intersection would require improvements, including an additional westbound right turn lane, a northbound through lane, and an exclusive southbound right turn lane. Part of these improvements (the northbound through lane) at this intersection is conditioned to the Towne Center Corporate Plaza project (Project No. 1591). If however, the proposed Nexus University Science Center project precedes other development, it would be required to construct these improvements with potential reimbursement by others, as described in Section V of the MND.

The Executive Drive/Judicial Drive intersection would require a traffic signal to accommodate the additional travel leg and traffic volumes. The project is responsible for installing this signal if it precedes other development conditioned to construct it, with potential reimbursement by others, as described in the MMRP, Section V of the MND.

For this near term scenario, the roadway segment of La Jolla Village Drive from Towne Centre Drive to I-805 would operate at LOS F. However, the proposed project's impact does not meet the current significance criteria and, therefore, no mitigation is required.

Freeway segment analysis for this near term scenario demonstrates that all freeway segments operate at LOS E or F, both with and without the project. The project would not meet the significance criteria for direct project impacts, and is therefore, not required to mitigate freeway deficiencies.

The proposed project also demonstrates a significant impact on the ramp meter operations at Nobel Drive to southbound I-805. Mitigation measures that would reduce the impact to below a level of significance include requiring the project to extend the eastbound to southbound right turn lane by approximately 1,000 feet or pay the equivalent value of this improvement to the City toward the I-805/HOV managed lanes project. This is included in the MMRP, Section V of the MND as a required mitigation measure.

Horizon Year Conditions

The horizon year analysis assumes all improvements in place conditioned to other projects or otherwise identified in the near term analyses. At the horizon year, the proposed project would not be expected to result in significant impacts at area intersections. In addition, the project's impact would not meet the significance criteria on either roadway segments or freeway segment levels of service, and therefore no additional mitigation would be required for this scenario.

Paleontological Resources

According to the Geology of San Diego Metropolitan Area, California (1975), published by the California Division of Mines and Geology, the project is underlain by the Lindavista and Scripps formations. The Lindavista formation is assigned a moderate paleontological resource sensitivity rating and impacts would be considered significant if a project proposes more than 2,000 cubic yards of soil cut at a maximum depth of 10 feet or more. The Scripps formation is assigned a high paleontological resources sensitivity rating and impacts would be considered significant if a project proposes more than 1,000 cubic yards of soil cut at maximum depth of 10 feet or more.

Therefore, the project's proposed grading (approximately 129,000 cubic yards of soil cut at a maximum depth of 20 feet) could result in significant impacts to buried fossil resources within the Lindavista Formation. The Permittee has agreed to implement the paleontological MMRP during site grading, as described in Section V of the MND to mitigate impacts to a level below significance.

Historical (Archaeological) Resources

Based on preliminary research conducted by staff, the project site is located in a highly sensitive area to discover cultural resources and has been identified to be located within close proximity to several known archaeological sites. Therefore, the Permittee has agreed to the archaeological monitoring program detailed in the MMRP, Section V of the MND.

Biological Resources

A Biological Technical Report for Nexus-La Jolla Village Drive Property (Helix Environmental Planning, December 19, 2002, Revised April 13, 2005) was prepared to identify any potential direct, indirect, and/or cumulative biological impacts from the proposed project. The report concluded that the proposed development for the Nexus University Science Center site would directly impact approximately 0.2 acres of scrub oak chaparral, 0.5 acres of native grassland, 2.7 acres of Diegan coastal sage scrub, 0.9 acres of coastal (baccharis) scrub, 1.6 acres of southern mixed chaparral, 0.6 acres of non-native grassland, and 2.6 acres of disturbed habitat. An additional 0.5 acres of the 9.6-acre site contains urban/developed land.

Impacts totaling more than 0.1 acre of upland habitat (scrub oak chaparral, native grassland, Diegan coastal sage scrub, coastal (baccharis) scrub, southern mixed chaparral, and non-native

grassland,) would be considered significant and mitigation would be required. Therefore, the Permittee would be required to mitigate, at the appropriate mitigation ratios, for potentially significant impacts to upland habitat.

On-site project impacts would be mitigated through the purchase of lands within the MHPA from a mitigation bank or payment into the City of San Diego's Habitat Acquisition Fund (HAF). If mitigation occurs outside of the MHPA, the required mitigation ratios would be higher, requiring the purchase of more mitigation lands.

Impacts to scrub oak chaparral and native grassland would require a minimum acquisition, through land purchase or payment into the HAF, of 0.7 acres of Tier I habitat within the MHPA. Impacts to Diegan coastal sage scrub (including disturbed), coastal (baccharis) scrub, southern mixed chaparral, and non-native grassland would require at least 4.7 acres of Tier I to Tier III habitats within the MHPA. Impacts to Tier IV habitats do not require mitigation. These conditions are outlined and described in Section V, MMRP of MND No. 5906 and implementation would mitigate potential impacts to a level below significance.

Critical Project Features to Consider During Substantial Conformance Review

The project and conditions of approval have several requirements to address the research and development use for the project which should not be altered through any substantial conformance review process. These are important and necessary to conclude the proposed project would; not adversely impact the University Community Plan; not create unmitigated transportation/circulation impacts; and be consistent with the requirements of the Land Development Code.

The project site is within the Accident Potential Zone (APZ) 1 of MCAS Miramar, which restricts the allowable lot coverage to 25% maximum lot coverage. Any proposed additions shall not exceed the 25% maximum lot coverage.

CONCLUSION

The proposed Nexus University Science Center project with the rezone will conform to the land use density, land use designation and design guidelines specified of the UCP. The project will provide the required pedestrian scale improvements and design features established in the community plan for industrial development. The project as proposed is compatible with the existing surrounding developments and implements the design recommendations found in the Central Subarea section of the UCP Urban Design Element which seek to improve the central community's urban form and cohesiveness. Findings required to approve the project are included in draft resolution (Attachment 8). Draft conditions of approval have been prepared for the project (Attachments 7). Draft rezone ordinance and map are provided (Attachments 9 and 10). The University Community Planning Group, on February 8, 2005, voted 13:0:0 to recommend approval of the proposed project.

ALTERNATIVES

1. Recommend approval Rezone No 9755 and Site Development Permit No. 9754, with modifications.
2. Recommend denial Rezone No 9755 and Site Development Permit No. 9754, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

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Attachments:

1. Community Plan Land Use Map
2. Project Vicinity Map
3. Aerial Photograph
4. Project Site Plan
5. Project Plans
6. University Community Planning Group recommendation
7. Draft Permit with conditions
8. Draft Permit Resolution with Findings
9. Draft Rezone Ordinance
10. Draft Rezone Map
11. Project Data Sheet
12. Ownership Disclosure Statement
13. San Diego County Regional Airport Authority Consistency Determination
14. Project Chronology

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