



THE CITY OF SAN DIEGO

## Report to the Planning Commission

DATE ISSUED: November 10, 2016 REPORT NO. PC-16-094

HEARING DATE: November 17, 2016

SUBJECT: 9775 TOWNE CENTRE DRIVE COMMUNITY PLAN AMENDMENT INITIATION.

PROJECT NUMBER: [509150](#)

OWNER/APPLICANT: BMR-APEX LP / Latitude 33 Planning & Engineering

### SUMMARY:

Issue: Should the Planning Commission INITIATE an amendment to the University Community Plan to increase allowable development intensity of Scientific Research Use on a 5.4 acre site owned by BMR-APEX LP? The project site is located at 9775 Towne Centre Drive.

Staff Recommendation: **INITIATE the plan amendment process**

Community Planning Group Recommendation: On September 13, 2016, the University Community Planning Group voted 15-1-2 in favor of initiating an amendment to the University Community Plan (Attachment 1).

Environmental Review: This activity is not a "project" under the definition set forth in CEQA Guidelines Section 15378. Should initiation of the community plan amendment be approved, environmental review would take place at the appropriate time in accordance with CEQA Guidelines Section 15004.

Fiscal Impact Statement: Processing costs would be paid by the applicant.

Code Enforcement Impact: None

Housing Impact: None

### BACKGROUND

The site is located at 9755 Towne Centre Drive within the University Community Planning Area (Attachment 2). The site is designated Scientific Research by the University Community Plan (UCP) (Attachment 3), is located within the Community Plan Implementation Zone (CPIOZ) Type A, is

identified as Prime Industrial Lands and is regulated by the Eastgate Technology Park PID (PID 90-0892). The site is currently improved with 103,800 square feet of Research & Development/Flex Office space.

The uses contemplated by the UCP within areas designated for Scientific Research are research laboratories, supporting facilities, headquarters or administrative offices and personnel accommodations, and related manufacturing activities.

The UCP's goals for industrial development are to:

- A) Ensure that industrial land needs as required for a balanced economy and balanced land use are met consistent with environmental considerations.
- B) Protect a reserve of manufacturing land from encroachment by non-manufacturing uses.
- C) Develop and maintain procedures to allow employment growth in the manufacturing sector.
- D) Encourage the development of industrial land uses that are compatible with adjacent non-industrial uses and match the skills of the local labor force.
- E) Emphasize the citywide importance of and encourage the location of scientific research uses in the North University area because of its proximity to the University of California at San Diego (UCSD).

The main purpose of CPIOZ A within the UCP is to ensure implementation of the Development Intensity Element and to limit uses and development intensity to the levels specified in the Land use and Development Intensity Table (Table 3). The subject property is located in Subarea 12 as depicted in Figure 26 of the Development Intensity Element. Subarea 12 is allocated a total of 2,356,990 square feet of Scientific Research use by Table 3. The Land Use and Development Intensity Table is meant to ensure a balance of land uses in the community while helping to also ensure a workable circulation system. Projects that would differ significantly from the land uses or development intensities in Table 3 would be found to be inconsistent with the community plan. Such projects would require a community plan amendment.

The site is identified as Prime Industrial Land in the General Plan's Economic Prosperity Element on Figure EP-1. Prime Industrial Land are areas that support export-oriented base sector activities such as warehouse distribution, heavy or light manufacturing, research and development uses. These areas are part of even larger areas that provide a significant benefit to the regional economy and meet General Plan goals and objectives to encourage a strong economic base. The General Plan provides several policies which are intended to protect base sector industrial uses and those areas identified as Prime Industrial Lands. These include Policies EP-A.1 through A.5 and EP-A.12 through A.15.

PID 90-0892 permitted development of 2,543,655 square feet of Scientific Research use on 32 industrial lots on approximately 233 acres. Each lot was assigned a specific square footage for development of Scientific Research use. The PID area is near build out and there is limited availability to transfer development rights to the subject site. In addition to transferring intensity from other lots within the PID, the applicant is requesting an amendment to the UCP to increase the total square footage allowed within Subarea 12 to allow an increase in allowable development

intensity on the subject property. If initiated, the Eastgate Technology Park PID would be amended to identify an increase in square footage on the subject property.

## DISCUSSION

The City is unique among jurisdictions in that the process to amend the General Plan and/or a community plan requires either Planning Commission or City Council initiation before the plan amendment process and accompanying project may actually proceed. Community plans are components of the City's General Plan. The proposed amendment is anticipated to result in revisions to the community plan, but would not necessitate text or mapping changes to the General Plan. The staff recommendation of approval or denial of the initiation is based upon compliance with all three of the initiation criteria contained in the General Plan. The Planning Department believes that all of the following initiation criteria can be met:

(1) **The amendment request appears to be consistent with the goals and policies of the General Plan and University Community Plan:**

The site is designated Scientific Research by the University Community Plan. The proposed amendment would increase the allowable development intensity of Scientific Research use on-site and would not result in inconsistencies with the existing land use designation. The Industrial Element of the UCP emphasizes the City-wide importance and encourages the retention and growth of Scientific Research use in the community because of its proximity to UCSD. Increased intensity would be consistent with this emphasis and the community plan policies regarding retention and growth of Scientific Research in areas designated for industrial development.

The General Plan's Economic Prosperity Element also encourages the growth and retention of base sector industrial uses such as Scientific Research, in areas that are identified as Prime Industrial Lands. Policies EP-A.1 through EP-A.5 and EP-A.12 aim to protect base sector uses that provide quality job opportunities, encourage expansion of existing industrial uses to facilitate retention in the area in which they are located, mitigate any environmental impacts to adjacent land and be adequately served by existing and planned infrastructure.

The proposed amendment would allow companies to locate or expand their business activities at a location close to the UCSD campus and related research facilities that contribute significantly to the City's overall economy as export-oriented business activities. The increase of square footage would make better use of the site's designation as Prime Industrial Land, particularly considering the reduction in availability of such land both in the City and the University Community Planning area.

The proposed amendment would also allow opportunities to implement many sustainable design features and practices discussed in the General Plan that are not otherwise included in the existing building.

(2) **The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design; and**

The proposed community plan amendment to increase allowable development intensity of Scientific Research use would help provide additional quality job opportunities including middle-income jobs and provide secondary employment and supporting uses. Retention and growth of scientific research use in this area would also provide greater opportunities for collaboration with other scientific research uses in the immediate vicinity, in the Torrey Pines Mesa area of the community as well as with UCSD.

(3) **Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process.**

The University Community planning area is an urbanized community and all necessary public services appear to be available. If the plan amendment is initiated, an analysis of public services and facilities would be conducted with the review of the amendment.

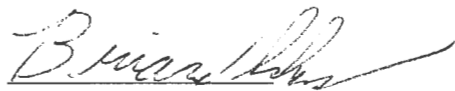
As outlined above, the proposed plan amendment meets all of the above criteria as described; therefore, staff recommends that the amendment to the University Community Plan be initiated.

The following land use issues have been identified by City Staff. If initiated, these issues, as well as others that may be identified, would be analyzed and evaluated through the community plan amendment review process:

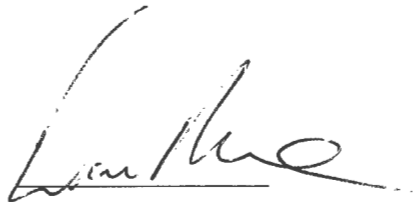
- Evaluate traffic generation and circulation
- Evaluate the accessibility of transit and implementation of Transportation Demand Management measures
- Evaluate the potential for transferring trips from other sites to the project site
- Evaluate the ability of the project to incorporate sustainable design features

Although staff believes that the proposed amendment meets the necessary criteria for initiation, staff has not fully reviewed the applicant's proposal. Therefore, by initiating this community plan amendment, neither the staff nor the Planning Commission is committed to recommend in favor or denial of the proposed amendment.

Respectfully submitted,



Brian Schoenfisch  
Program Manager  
Planning Department



Dan Monroe  
Senior Planner  
Planning Department

Attachments:

1. University Community Planning Group Recommendation
2. Vicinity Map
3. University Community Plan Land Use Map
4. Draft Planning Commission Resolution
5. Ownership Disclosure Statement

UNIVERSITY COMMUNITY PLANNING GROUP

10010 Campus Pointe Dr., 1<sup>st</sup> floor  
6 P.M . September 13, 2016

Directors present: Janay Kruger (JK) (Chair), Meagan Beale (MB) (Vice Chair), Nancy Groves (NG), Andrew Wiese (AW), John Bassler (JB), Nan Madden (NM), Alison Barton (AB), Isabelle Kay (IK), Ash Nasser (AN), Kristopher Kopensky (KK), Donna Andonian (DA), Roger Cavanaugh (RC), Alice Buck (AB), Ryan Perry (RP), Ross Caulum (RCu), Jason Moorhead (JM), Rebecca Robinson (RR), Kristin Camper (KC), Petr Krysl (PK), Caryl Lees Witte (CW), Dan Monroe (DM), and Anu Delouri (AD).

Directors absent: Lesly Figueroa (LF).

1. Call the Meeting to Order-Janay Kruger, Chair  
Time: 6:04
2. Pledge of Allegiance followed by Moment of Silence
3. Agenda: Call for additions/deletions:
  - a. no change
  - b. **Motion:** Motion to approve by DA and seconded by PK.  
**Vote: Unanimous**
4. Approval of Minutes: July, 2016
  - a. no change**Motion:** Motion to approve by KK and seconded by DA.  
**Vote: 17 in favor, 2 abstentions**
5. Announcements Chair Letters/meetings
  - a. Chair Announcement - JK
    - i. Westfiled Sub-Committee Meeting, September 20, 2016
    - ii. EIR response delivered. Review at City Planning Commission – 10/27/16, Final EIR will be out around 10/13
    - iii. Challenge Walk – Nov. 4-6.
  - b. SDPD Update
    - i. Review of reorganization at the department and new phone numbers/procedures
    - ii. Reviewed “get it done” app
    - iii. Introduced new Lieutenant, Erwin Mansala
  - c. UCSD - Anu Delouri
    - i. Added over 1,000 stalls on campus
    - ii. Review of Mesa Nuevo housing complex now under construction
  - d. SANDAG - John Haggerty - none
  - e. Membership Report- John Bassler
    - i. Reviewed membership requirements
  - f. Councilperson Sherri Lightner - Kyle Heiskala

- i. Traffic loop repair along Governor drive ongoing
  - ii. Thank you to Alexandria and Illumina on painting of red curbs
  - iii. Update on vegetation fire near Nobel and Towne Center Drive
  - iv. 5807 Regents Road, questions about this property can be emailed to Kyle
  - v. Complaints about litter and dumping have increased. You can email Kyle or notify the City on City website
  - vi. Community: Question on Swanson pool closure. A: Explain down time and expects the pool to be operational by next week
  - vii. Community: Thank you for the enhanced "continental style" crosswalks as they are more visible
  - viii. Community: Discussion on SANDAG connection project in Rose Canyon
- g. Supervisor Dave Roberts - Janie Hoover - Absent
- h. Senator Marty Block - Sarah Fields - Absent
- i. Assemblywoman Toni Atkins - Deanna Spain - Absent
- j. 52<sup>nd</sup> Congressman Scott Peters - Brian Elliott
  - i. New representative, Brian Elliott
  - ii. Reached \$2M mark on funds returned to constituents through partnership with community and their office
- k. MCAS Miramar - K. Camper
  - i. Miramar Air Show next weekend with practice on Thursday
- l. Planning Department - Dan Monroe
  - i. Provided updates on projects and public hearings 10/27, 11/16, 12/6
- m. Public Comment:
  - i. Community: Comment on ReWild Mission Bay
  - ii. Candidate spoke regarding candidacy for City Council
- 6. Action Item: BioMed Realty Initiation of a CPA Lot 6A, Eastgate Tech. Park, 9775 Town Center Drive.
 

Presenters: Brad Sonnenburg, Lattitude 33, Federico Mina, BioMed Realty

  - a. Asking to initiate a CPA that would allow the transfer of trips to 9775 Dr and add density at the project
  - b. Transfer trips from or outside the area
  - c. Plan to work with community and planning on identifying available trips
  - d. Not doing a plan amendment and do not plan on adding net trips
  - e. Review of design
  - f. 4 - story building, L shaped and set back from the bluff
  - g. Below grade parking
  - h. SR use
  - i. Similar in design to i3 campus

- j. PK: What is the current square footage and the future? A: 103k now and looking at 160k at completion. Dependent on number of trips they can transfer, not intending to add trips to the community plan
- k. PK: Do you have some ideas where the trips would be coming from? A: First look at BioMed trips available, not sure beyond that
- l. IK: Are you using TDM's for the site? A: We would explore that as part of the process
- m. Community: Trying to understand how trips get moved around. Are you going to transfer trips from another property and not based on TDM? A: Yes, we will look at surplus and then explore other options.
- n. Community: I would recommend that the motion include limitation on using existing trips
- o. The only thing we are looking for tonight is an initiation so would appreciate if that is kept separate

**Motion:** Motion to approve initiation of studying project and transfer of trips by MB seconded by AB

**Vote: 15 in favor, 1 abstention, 2 recusals, 1 opposition, motion passed.**

7. Information: PURE WATER, Pump Station & Lines, City of San Diego upgrades

Presenters: Jeff Soriano and Brent Eidson, City of San Diego

- a. Review of projects and timing of Pure Water system
- b. Review of piping plans in the streets in UC
- c. Board and Community asked questions on safety and timing

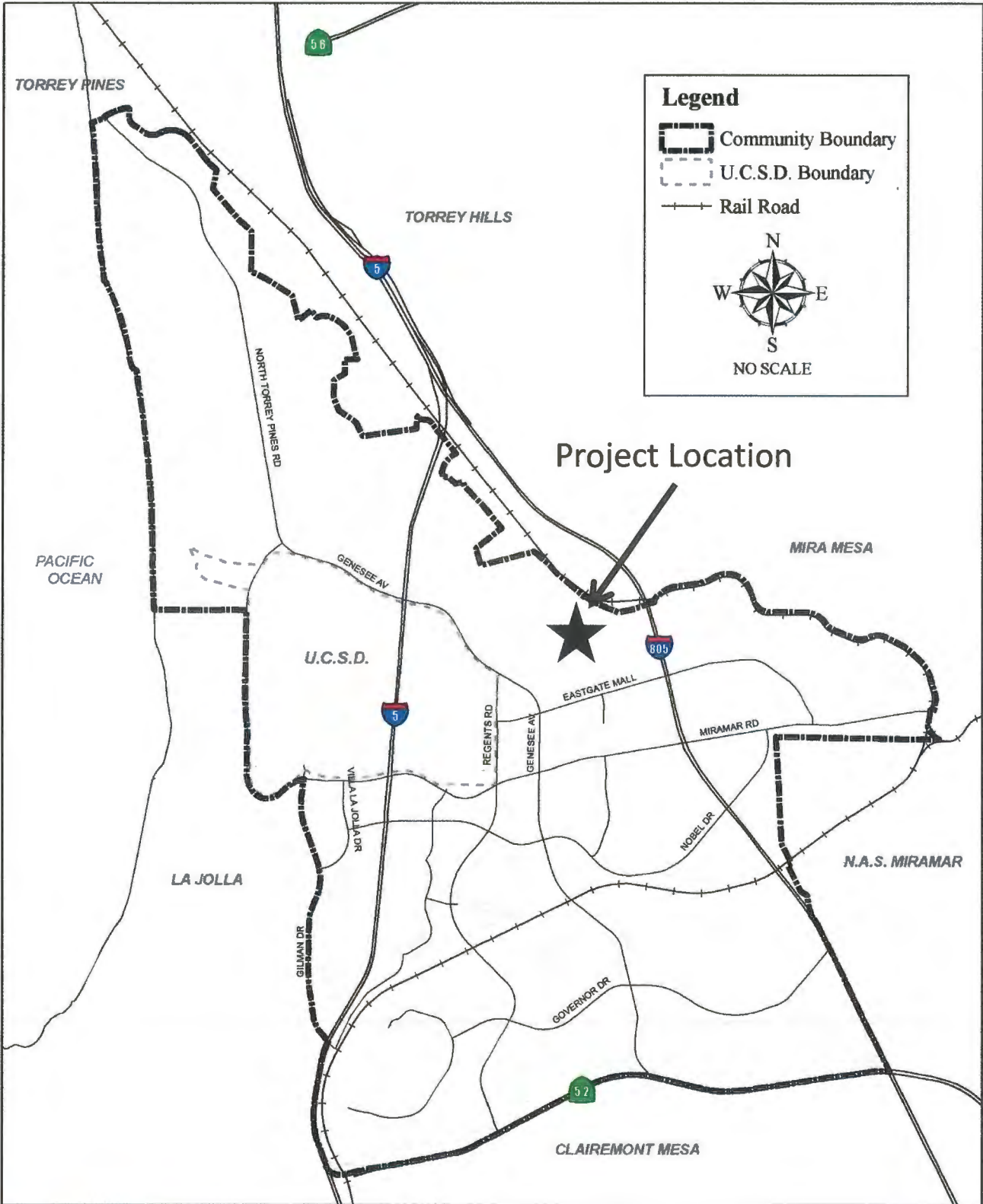
8. Information: LJ Village II, 31.06 acres (Along Gilman Dr.) Discussion regarding Open Space/Zoning/Design

Presenter: Rebecca Robinson, Trustee/Owner

- a. Review of land being discussed
- b. JK: Rebecca is looking for your thoughts on the project. BA committee considered purchasing the land to dedicate as open space
- c. Rebecca is looking to sell the project and believes the best use is SR and residential
- d. IK: This area was dedicated as open space for the area? If so, I do not see how you are going to build on the land
- e. JK: How do we feel about uses?
- f. IK: No, this is an open space and is used by animals for travel
- g. MB: Agree I would oppose any changes to the use of open space
- h. JB: Would not support change due to perceptions in the neighborhood that this space would be open space
- i. AB: Agree, we are often trying to create open space in this group not remove it. If it is intended to be open space, it should stay that way

- j. RC: Would not support changing the use of open space as he was voted in to preserve space
  - k. NM: It would set a precedent that she is not comfortable with
  - l. RP: What is the history of the property? How did it get to this point? A: It was purchased in 2005, acquired through a 1031 exchange. MB: So it was bought when it was designated open space? A: Yes
  - m. AW: Agrees
  - n. JK: Suggests purchasing it through FBA to leave as dedicated space
  - o. AB: Agrees with previous comments on keeping this open space
9. Ad Hoc Committees
- a. Bicycle Safety - Peter Krysl/Andy Wiese
    - i. No updates
  - b. Costa Verde - Janay Kruger
    - i. Waiting for first round of comments
  - c. High Speed Rail
    - i. No updates
10. Old Business/New Business
11. Adjournment 8:20 PM

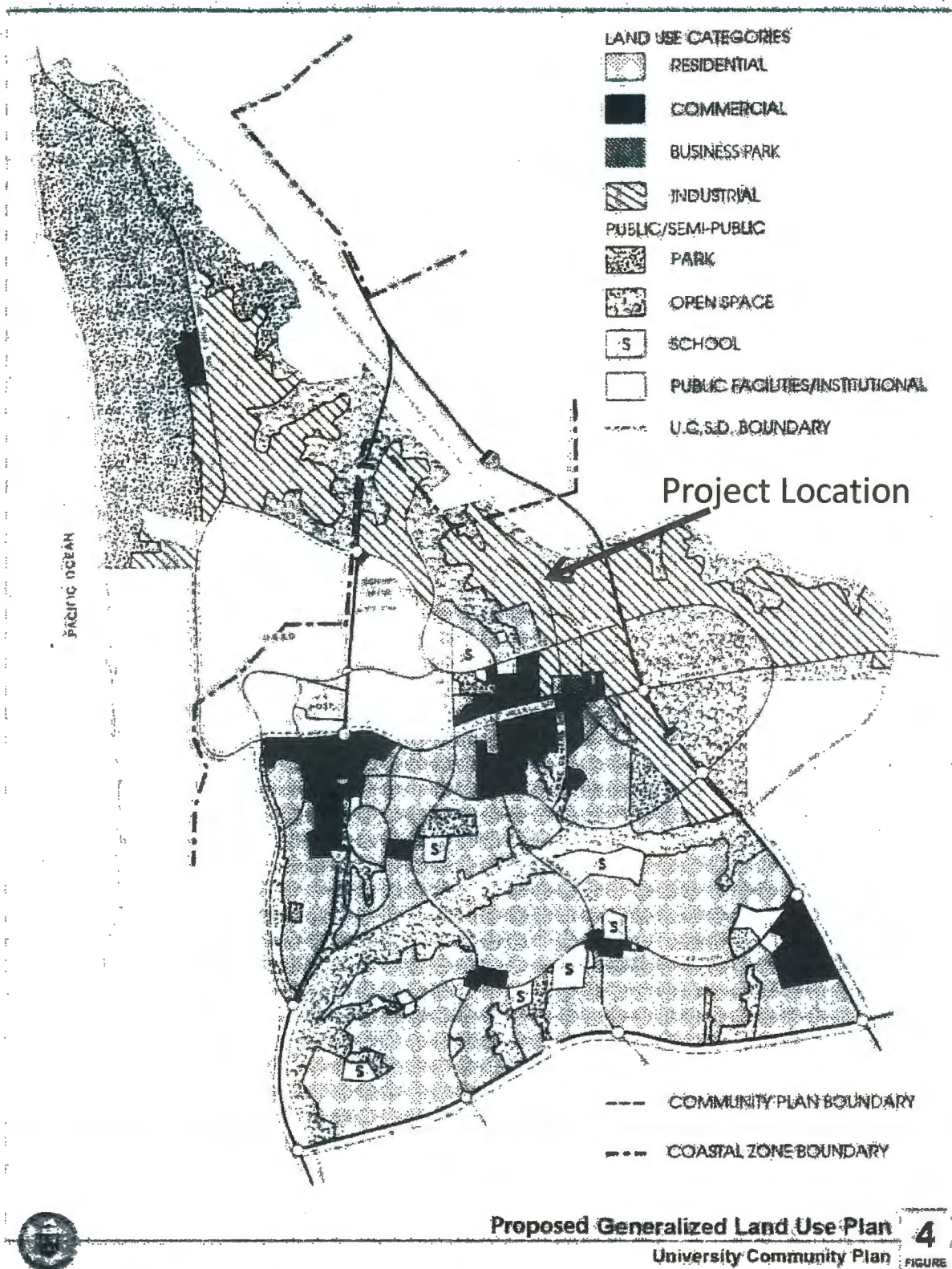




# VICINITY MAP

CITY OF SAN DIEGO • PLANNING DEPARTMENT

**SAGIS**  
THE MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND.  
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ACCURACY OR COMPLETENESS OF THE INFORMATION SHOWN.  
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Map produced by SAGIS/4000 University Ave., Suite 100, San Diego, CA 92161  
10/00/00 - 10/00/00



PLANNING COMMISSION RESOLUTION NO. XXXX-PC

INITIATING AN AMENDMENT TO THE  
UNIVERSITY COMMUNITY PLAN

WHEREAS, on November 17, 2016, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering a request to initiate an amendment to the University Community Plan; and

WHEREAS, the proposed amendment would increase the allowable development intensity of Scientific Research land use on a site located at 9775 Towne Centre Drive; and

WHEREAS, the Planning Commission of the City of San Diego considered all maps, exhibits, and written documents presented for this project; NOW, THEREFORE:

BE IT RESOLVED by the Planning Commission of the City of San Diego, that the initiation of a plan amendment in no way confers adoption of a plan amendment, that neither staff nor the Planning Commission is committed to recommend in favor or denial of the proposed amendment, and the City Council is not committed to adopt or deny the proposed amendment; and

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Diego determines that the proposed plan amendment meets the three criteria for initiation as described in section LU-D.10 of the Land Use Element of the General Plan:

- a) The amendment request appears to be consistent with the goals and policies of the General Plan and community plan and any community plan specific amendment criteria**
- b) The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design**
- c) Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process**

The following land use issues have been identified with the initiation request. These plan amendment issues, as well as others that have been and/or may be identified, will be analyzed and evaluated through the community plan amendment review process:

- Evaluate traffic generation and circulation
- Evaluate the accessibility of transit and implementation of Transportation Demand Management measures
- Evaluate the potential for transferring trips from other sites to the project site
- Evaluate the ability of the project to incorporate sustainable design features

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Dan Monroe  
Senior Planner  
Planning Department

Approved on November 17, 2016  
Vote: x-x-x

PTS No. 509150

cc. Legislative Recorder, Development Services Department



THE CITY OF SAN DIEGO

City of San Diego  
**Development Services**  
 1222 First Ave., MS-302  
 San Diego, CA 92101  
 (619) 446-5000

# Ownership Disclosure Statement

**Approval Type:** Check appropriate box for type of approval (s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit  
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit  
☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☒ Land Use Plan Amendment • ☐ Other \_\_\_\_\_

**Project Title**

9775 Towne Centre Community Plan Amendment Initiation

**Project No. For City Use Only**

509150

**Project Address:**

9775 Towne Centre Drive, San Diego, CA 92121

**Part I - To be completed when property is held by Individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached** ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

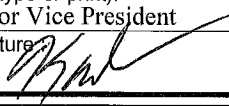
<b>Project Title:</b> 9775 Towne Centre Community Plan Amendment Initiation	<b>Project No. (For City Use Only)</b> 509150
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**Part II - To be completed when property is held by a corporation or partnership**

**Legal Status (please check):**


☐ Corporation    ☐ Limited Liability -or- ☐ General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
☒ Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of **all** persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached**    ☐ Yes    ☐ No

Corporate/Partnership Name (type or print): BMR-APEX LP <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: 17190 Bernardo Center Drive City/State/Zip: San Diego, CA 92128 Phone No: (858) 485-9840    Fax No: (858) 485-9843 Name of Corporate Officer/Partner (type or print): Kevin Simonsen Title (type or print): Senior Vice President Signature:  Date: August 26, 2016	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:
Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:
Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:	Corporate/Partnership Name (type or print):  <input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address:  City/State/Zip:  Phone No:    Fax No:  Name of Corporate Officer/Partner (type or print):  Title (type or print):  Signature :    Date:

**BMR-APEX LP****OFFICER'S CERTIFICATE**

The undersigned, Jonathan P. Klassen, hereby certifies that he is the duly elected and acting Executive Vice President of BMR-APEX LP, a Delaware limited partnership (the "Company"), and further certifies that (1) each of the persons named below presently holds the office in the Company set forth next to such person's name, (2) next to the specification of the office held by each such person is a genuine specimen of such person's signature, and (3) each such person has such signing authority and responsibility as is generally attributable to an officer of a corporation under the laws of the state of Delaware.

<b><u>Name</u></b>	<b><u>Office</u></b>	<b><u>Signature</u></b>
Kevin M. Simonsen	Senior Vice President, Senior Counsel and Secretary	

IN WITNESS WHEREOF, the undersigned has executed this Certificate as of the 29th day of August, 2016.

  
Jonathan P. Klassen  
Executive Vice President