

THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE:

November 6, 2013

REPORT NO. HO 13-094

ATTENTION:

Hearing Officer

SUBJECT:

COPLEY BUSINESS CENTER TENTATIVE MAP

PROJECT NUMBER: 321355

LOCATION:

5751 - 5771 Copley Drive

APPLICANT:

Eric Lazovich, Kimley-Horn & Assoc. on behalf of HB Copley Business

Center, LLC (Attachment 7).

SUMMARY

<u>Issue(s)</u>: Should the Hearing Officer approve a Tentative Map to subdivide one parcel into three lots within the Kearny Mesa Community Planning area?

Staff Recommendation - Approve Tentative Map No. 1124922.

<u>Community Planning Group Recommendation</u> – The Kearny Mesa Community Planning Group voted August 21, 2013 to recommend approval of the project with no conditions. Staff was unable to obtain written documentation of the vote and will provide at the Hearing Officer Hearing.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 (Minor alternations in land use limitations). This project is not pending an appeal of the environmental determination. This project was determined to be categorically exempt from the California Environmental Quality Act on July 2, 2013 and the opportunity to appeal that determination ended July 17, 2013.

BACKGROUND/DISCUSSION

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings located at 5751 – 5771 Copley Drive pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways, easements and infrastructure. The subdivision would result in one building on each lot. The property is zoned IL-2-1 and designated for Industrial uses within the Kearny Mesa Community Plan. No development is proposed with this application. The

subdivision would result in the following lot sizes and developments and contains 325 parking spaces:

Proposed Parcel 1	3.18 acres	40,789 square-foot building
Proposed Parcel 2	2.38 acres	37,364 square-foot building
Proposed Parcel 3	1.38 acres	27,105 square-foot building

The subdivision complies with all of the development regulations of the underlying zone with respect to lot sizes, and, all of the development regulations. No deviations are requested. Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the land Development Code. Staff has provided draft findings to support approval of the proposed development and draft conditions of approval. Staff recommends that the Hearing Officer approve the project as proposed.

ALTERNATIVES:

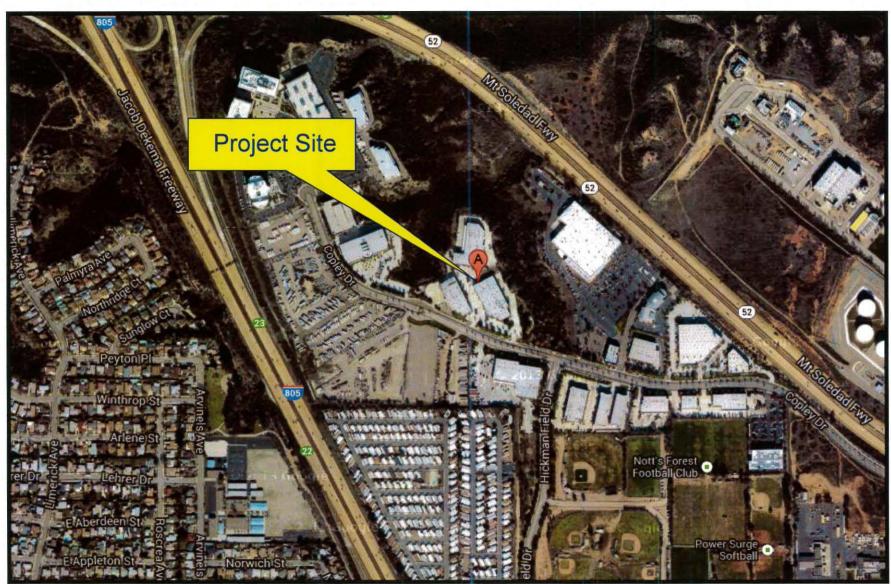
- 1. Approve Tentative Map No. 1124922 with modifications.
- 2. Deny Tentative Map No. 1124922, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Sandra Teasley, Development Project Manager

Attachments:

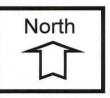
- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Draft Map Resolution
- 5. Draft Map Conditions
- 6. Environmental Exemption
- 7. Ownership Disclosure Statement
- 8. Tentative Map

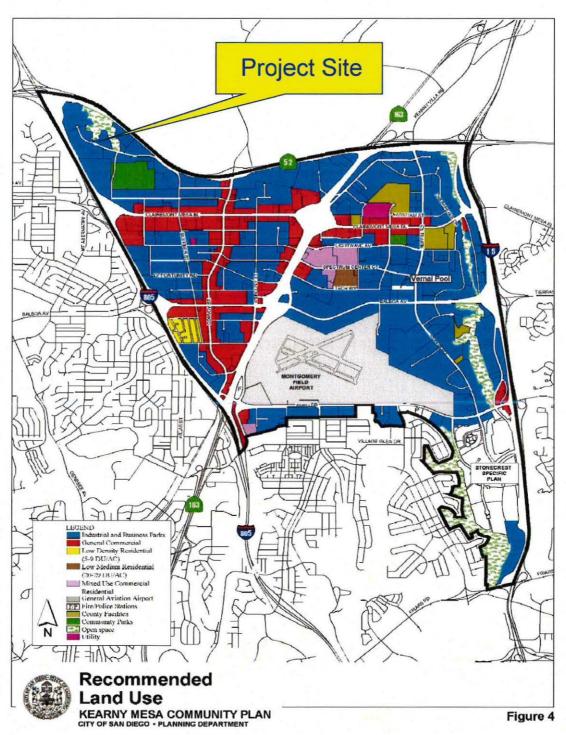




Location Aerial Photo

<u>COPLEY BUSINESS CENTER TM - 5751 COPLEY DRIVE</u> PROJECT NO. 321355



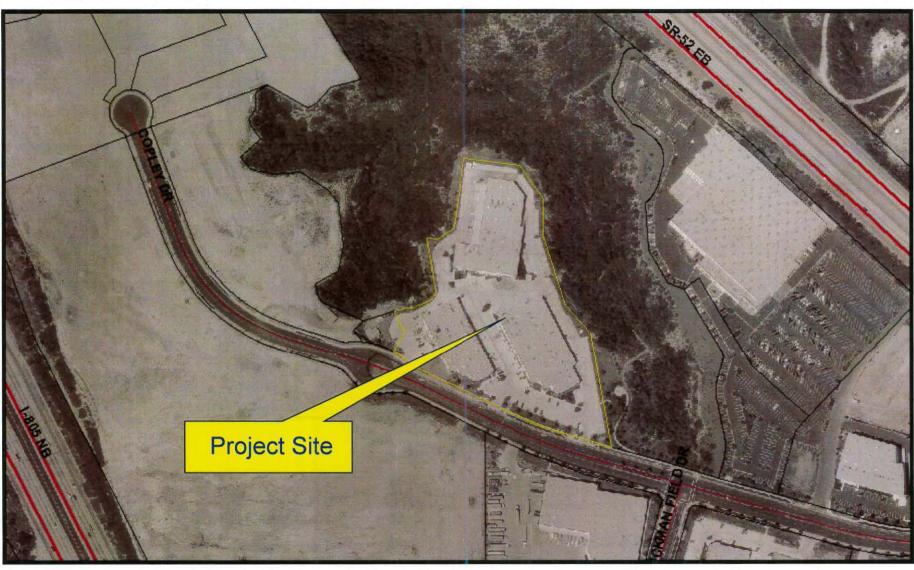




Land Use Map

<u>COPLEY BUSINESS CENTER TM - 5751 COPLEY DRIVE</u> PROJECT NO. 321355

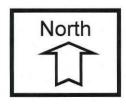






Project Location Map

COPLEY BUSINESS CENTER TM - 5751 COPLEY DRIVE PROJECT NO. 321355



HEARING OFFICER RESOLUTION NUMBER R-_____

TENTATIVE MAP NO. 1124922 COPLEY BUSINESS CENTER TENTATIVE MAP PROJECT NO. 321355.

WHEREAS, HB COPLEY BUSINESS CENTER, LLC, Subdivider, and KIMLEY-HORN AND ASSOCIATES, INC./Surveyor, submitted an application to the City of San Diego for a tentative map for the three-lot subdivision of one existing 7.68-acre parcel currently developed with three existing industrial buildings. The project site is located 5751-5771 Copley Drive in the IL-2-1 zone of the Kearny Mesa Community Planning area. The property is legally described as a portion of Parcel 5 of Parcel Map No. 16737; and

WHEREAS, the Map proposes the Subdivision of a 7.68-acre site into 3 lots; and

WHEREAS, on 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 Section 15305 (Minor alterations in land use limitations) of the State CEQA Guidelines and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on November 6, 2013, the Hearing Officer of the City of San Diego considered Tentative Parcel Map No. 112492 and pursuant to San Diego Municipal Code section(s) 125.0440, and Subdivision Map Act section 66428, received for its consideration

written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Hearing Officer having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Tentative Parcel Map No. 1124922:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways, easements and infrastructure. The subdivision would result in one building on each lot. The property is zoned IL-2-1 and designated for Industrial uses within the Kearny Mesa Community Plan. No development is proposed with this application. The subdivision will result in the following lots: Proposed Parcel 1 = 3.11 acres, proposed Parcel 2 = 2.45 acres and proposed Parcel 3 = 1.39 acres. The Kearny Mesa Community Plan's Industrial Element recommends a minimum of one acre lots for industrial uses. Therefore, the proposed subdivision and its design or improvement is consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways, easements and infrastructure. The subdivision would result in one building on each lot. The subdivision proposes no deviations. It complies with the lot dimensions and area requirements for newly created lots and, based on the location of the existing buildings, would not result in non-compliance of any development regulation. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code.

3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways,

easements and infrastructure. The subdivision would result in one building on each lot. No new development is proposed with this application. The property is an existing developed subdivision with all required public improvements, infrastructure and development in place pursuant to entitlements. The site is physically suitable for the type and density of development.

4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways, easements and infrastructure. The subdivision would result in one building on each lot. No new development is proposed with this application. The proposed subdivision occurs within city limits on a project site that is surrounded by existing developments. The site has no value as habitat for endangered, rare or threatened species. The site does not contain, nor is it adjacent to environmentally sensitive lands or other areas that would support fish or wildlife. The proposed activity is exempt from the California Environmental Quality Act pursuant to Section 15305 (Minor alterations in land use limitations). The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways, easements and infrastructure. The subdivision would result in one building on each lot. No new development is proposed with this application. The existing development complies with all of the conditions of Planned Industrial Development Permit No. 96-7585 which included the installation of landscaping, public improvements, as well as provisions for required screening of mechanical equipment and storage areas. As condition by this Tentative Map, prior to the recordation of the Parcel Map, existing driveways along Copley Drive are to be reconstructed pursuant to current standards. Therefore, the design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways,

easements and infrastructure. The subdivision would result in one building on each lot. No new development is proposed with this application. The Planned Industrial Permit was conditioned to dedicate for public right-of-way improvements including the construction of curb, gutter and sidewalk adjacent to the site. The area was dedicated on subdivision map Allred Collins Business Park West Map No. 12675. These improvements are existing. Therefore, the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways, easements and infrastructure. The subdivision would result in one building on each lot. No new development is proposed with this application however, the independent design of the proposed subdivision gives the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials, to provide to the extent feasible, for future passive or natural heating and cooling opportunities should the site be redeveloped or the existing buildings expanded in the future.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).

The project proposes the 3-lot subdivision of a one-lot, 7.68-acre parcel developed with 3 existing buildings pursuant to Planned Industrial Permit No. 96-7585 approved by the City Manager in 1998, which allowed the development of 10 lots, one open-space lot, roadways, easements and infrastructure. The subdivision would result in one building on each lot. No new development is proposed with this application. The proposed subdivision would not allow residential development therefore the decision maker does not need to consider the housing needs of the region and whether or not those needs are balanced against the needs of public services and the available fiscal and environmental resources with this proposed industrial subdivision.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Hearing Officer, Tentative Map No. 1124922 is hereby granted to HB COPLEY BUSINESS

CENTER, LLC, subject to the attached conditions which are made a part of this resolution by this reference.

By

Sandra Teasley
Development Project Manager
Development Services Department

ATTACHMENT:

Tentative Map Conditions

Internal Order No. 24003720

HEARING OFFICER CONDITIONS FOR TENTATIVE PARCEL MAP NO. 1124922 COPLEY BUSINESS CENTER TENTATIVE PARCEL MAP PROJECT NO. 321355

ADOPTED BY RE	ESOLUTION NO. R-	ON November 6, 2013
ADOLIED DI M	LSOLUTION NO. IX-	ON NOVEMBER 0, ZUIS

GENERAL

- 1. This Tentative Parcel Map will expire: November 6, 2016.
- 2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
- 3. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
- 4. The Tentative Parcel Map shall conform to the provisions of Planned Development Permit No. 96-0301 (Amendment to Planned Development Permit No. 92-0301).
- 5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

Project No. 321355 TM No. 24003720

ENGINEERING

- 6. Prior to the recordation of the Parcel Map, the Subdivider shall reconstruct the existing driveways along Copley Drive to the current City Standards SDG 163 and 164 satisfactory to the City Engineer.
- 7. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

- 8. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
- 9. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
- 10. The Tentative Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

Project No. 321355 TM No. 24003720

LANDSCAPE/BRUSH MANAGEMENT

- 11. Prior to the recordation of the Parcel Map, the Subdivider shall identify on a separate sheet titled "Non-title Sheet" the brush management areas in substantial conformance with Exhibit "A." These brush management areas shall be identified with a hatch symbol with no specific dimensions or zones called out. The following note shall be provided on the "Non-Title Sheet" to identify the hatched areas: "Indicates fire hazard zone(s) per Section 142.0412 of the Land Development Code
- 12. Prior to the recordation of the Tentative Map, the Subdivider shall provide and record a Shared Parking Agreement between the proposed new lots, satisfactory to the City Engineer.

INFORMATION:

- The approval of this Tentative Map by the Hearing Officer of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or

Project No. 321355 TM No. 24003720 replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607.

Internal Order No. 24003720



Project No. 321355 TM No. 24003720

-PAGE 4 OF 4-

(Check one or both) TO: X RECORDER/COUNTY CLERK P.O. BOX 1750, MS A-33 1600 PACIFIC HWY, ROOM 260 SAN DIEGO, CA 92101-2422 OFFICE OF PLANNING AND RESEARCH 1400 TENTH STREET, ROOM 121 SACRAMENTO, CA 95814	FROM: CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT 1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101
PROJECT No.: 321355	PROJECT TITLE: Copley Business Center Tentative Map
PROJECT LOCATION-SPECIFIC: 5751-71 Copley Drive, San Diego, San Diego, County of San Diego, State of California, field is January 9, 1992, as instrument No. 1992-012808; and certifica 1993-0433274).	n the office of the County recorder of San Diego County,
PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego	
DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: A Parentative Parcel Map to subdivide a 6.95-acre lot into three parent addition the project would request to deviate from setback responsible to the IL-2-1 Zone within the Airport Influence.	rcels (3.18, 1.38 & 2.38-acres) each with an existing structure equirements on two of the parcels. The site is located at 5751
NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San I	Diego
Name of Person or Agency Carrying Out Project: Eric San Diego, CA 92101 (619) 234-9411	Lazovich, Kimley-Horn & Associates, 401 B Street, Ste 600,
EXEMPT STATUS: (CHECK ONE) () MINISTERIAL (SEC. 21080(b)(1); 15268); () DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a) () EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b) (X) CATEGORICAL EXEMPTION: Section 15305 minor alto () STATUTORY EXEMPTIONS:	(c))
REASONS WHY PROJECT IS EXEMPT: The City of San Diego has criteria set forth in the CEQA State Guidelines, Sections 15305 use or density. The site presently has three existing structures changes in the land use or density, the exemption is appropria would not apply.	5 minor alterations which do not result in any changes in land on each proposed new parcel. Since there would be no
LEAD AGENCY CONTACT PERSON: de Freitas IF FILED BY APPLICANT: 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDIN 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUB () YES () NO IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DET	BLIC AGENCY APPROVING THE PROJECT?
ONE Some / SENIOR PLANNING	7/2/13

CHECK ONE:

(X) SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

() SIGNED BY APPLICANT

ATTACHMENT 7

Project Title: Copley Business Center	Project				
Part II - To be completed	when property is held by a co	rporation or partnership			
Legal Status (please chec	:k):				
Corporation X Limited	I Liability -or- General) Wha	at State? <u>DE</u> Corporate Iden	tification No.		
as identified above, will be the property. Please list be otherwise, and state the typin a partnership who own the property. Attach additional pownership during the time to Manager at least thirty days	filed with the City of San Diego of slow the names, titles and address of property interest (e.g., tenangle property). A signature is required pages if needed. Note: The apping he application is being processes of prior to any public hearing on the signature.	on the subject property with the in sses of all persons who have an ints who will benefit from the permuired of at least one of the corporalicant is responsible for notifying the dor considered. Changes in own	tent to record an encumbrance against nterest in the property, recorded or nit, all corporate officers, and all partners ate officers or partners who own the he Project Manager of any changes in nership are to be given to the Project ovide accurate and current ownership Yes No		
Corporate/Partnership Name (type or print): HB Copley Business Center, LLC		Corporate/Partnership N	Corporate/Partnership Name (type or print):		
▼ Owner	t/Lessee	☐ Owner ☐ Tenal	Owner Tenant/Lessee		
Street Address: 680 Fifth Avenue	. 19th Floor	Street Address:	Street Address:		
City/State/Zip: New York, NY 10019		City/State/Zip:	City/State/Zip:		
Phone No: 212-906-3452	Fax No:	Phone No:	Phone No: Fax No:		
Name of Corporate Officer/P Robert Giusti	artner (type or print):	Name of Corporate Officer/	Name of Corporate Officer/Partner (type or print):		
Title (type or print): Vice President		Title (type or print):	Title (type or print):		
Signature :	Date:	Signature :	Date:		
Corporate/Partnership Na	ime (type or print):	Corporate/Partnership N	lame (type or print):		
Owner Tenant	t/Lessee	Owner Tenal	Owner Tenant/Lessee		
Street Address:		Street Address:			
City/State/Zip:		City/State/Zip:			
Phone No:	Fax No:	Phone No:	Fax No:		
Name of Corporate Officer/P	artner (type or print):	Name of Corporate Officer/	Partner (type or print):		
Title (type or print):		Title (type or print):	Title (type or print):		
Signature :	Date:	Signature :	Date:		
Corporate/Partnership Na	me (type or print):	Corporate/Partnership N	lame (type or print):		
Owner Tenan	t/Lessee	Owner Tena	nt/Lessee		
Street Address:		Street Address:			
City/State/Zip:		City/State/Zip:			
Phone No:	Fax No:	Phone No:	Fax No:		
Name of Corporate Officer/Partner (type or print):		Name of Corporate Officer/	Name of Corporate Officer/Partner (type or print):		
Title (type or print):		Title (type or print):			
Signature :	Date:	Signature :	Date:		

OWNERSHIP DISCLOSURE STATEMENT

HB COPLEY BUSINESS CENTER, LLC

Principal: Brian Carr – 680 5th Avenue, New York NY 10019

