

DATE ISSUED: February 12, 2003 REPORT NO. 03-020

ATTENTION: Honorable Mayor and City Council
Docket of February 18, 2003

SUBJECT: TORREY HILLS CENTER. REZONE/PLANNED DEVELOPMENT
PERMIT NO. 2118, PTS#1119. COUNCIL DISTRICT 1, PROCESS 5.

REFERENCE: REPORT NO. P-02-177

OWNER/
APPLICANT: Vons Companies, Inc.

SUMMARY

Issues - Should the City Council approve, conditionally approve, modify or deny a rezone from CC-1-3 to the proposed CN-1-2 and OP-2-1 and a planned development permit no. 2118? Should the City Council direct the City Manager to accept dedication of a 2,000 square foot building and property for public purposes and allocate funds in the City's fiscal budget for the maintenance of the property?

Staff's Recommendation -

1. City Council CERTIFY the Mitigated Negative Declaration No. 41-0648 and ADOPT the Mitigation Monitoring and Reporting Program; and
2. City Council ADOPT the Rezone and APPROVE the Planned Development Permit No. 2118.
3. City Council NOT ACCEPT the dedication.

Planning Commission Recommendation - The Planning Commission voted on consent 7:0:0 on November 14, 2002 to recommend approval of the staff's recommendation of items 1 and 2. As the project was moved forward on consent, item 3 was not discussed.

Community Planning Group Recommendation - The Sorrento Hills Community Planning Board, voted on March 19, 2002, unanimously eight to zero to approve the revised Torrey Hills Center with conditions. See the attached letter, dated March 25, 2002.

Environmental Impact - A Mitigated Negative Declaration, LDR No. 41-0648 has been prepared for the project in accordance with State 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 by the environmental review process.

Fiscal Impact - 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 - None with this action.

Traffic Impact Statement - The Sorrento Hills Community Plan recommended 120,000 square feet of Neighborhood Commercial use with an average daily trip allocation of 8,640. Currently the proposed 138,250 square feet of Neighborhood Commercial and Family Medical Center would generate 8,151 average daily trips. This represents a reduction of 489 average daily trips from the original community plan allocation. No negative transportation impacts are anticipated as a result of the projects development and operation.

Water Quality Impact Statement - The project is required to comply with the State Water Resources Control Board Order No. 99-08-DWQ (NPDES General Permit No. CAS0000002). Conditions included in the draft permit require the developer to implement construction and post-construction Best Management Practices.

BACKGROUND

The proposed project site is located within the Sorrento Hills Community Plan in the Torrey Hills Unit 13 Planning Area and is designated for Neighborhood Commercial development by the CC-1-3 zone (Attachment 1). The project site is bounded by Carmel Mountain Road to the north, East Ocean Air Drive to the West, a 150-foot SDG&E easement to the south, and vacant undeveloped land to the east (Attachment 2). The surrounding land uses include residential uses to the north and south, a commercial use is approved and not yet developed to the west, a SDG&E Substation exists to the west, and vacant undeveloped land to the east. The site is not inside or adjacent to the Multi-Habitat Planning Area (MHPA). Carmel Mountain Road, designated as a four lane major road, fronts the site to the north and East Ocean Air Drive, a four- lane collector road at the intersection, bounds the site to the west. The nearest MHPA area is within the Los Penasquitos Canyon Preserve approximately 600 to 1,000 feet to the south. The site has been rough graded and contains little vegetation. There is minor erosion control on small slopes to the west, north and southern project boundaries with some remaining native habitat and ruderal vegetation on the eastern third of the site. The site is relatively flat and rises slightly to the from the west to the east. Elevations range from approximately 290 feet to 370 feet above the average mean sea level.

The site was zoned to Commercial (CA) upon the adoption of the rezone in 1997 associated with the approval of the Torrey Hills project. The zone changed again in January 1, 2001 to Community Commercial (CC-1-3) with the adoption of the City's Land Development Code. The applicants are proposing a zone change to Neighborhood Commercial (CN-1-2) to be consistent with the land use designation in the Sorrento Hills Community Plan.

The site was previously graded in accordance with the Torrey Hills Vesting Tentative

Map 95-0554. The CEQA impacts associated with the tentative map were analyzed by the Torrey Hills Subsequent Environmental Impact Report (SEIR) LDR No. 95-0554. In the SEIR, this site was designated for use as a Neighborhood Commercial center. Impacts from the rough grading of the site were analyzed and mitigated. It was intended at the time of processing the SEIR that specific plans for this site would be developed and analyzed at a later date. This site was therefore not part of the Torrey Hills Planned Residential Development/Planned Industrial Development Permit, yet because of the zoning change, the site was part of the rezone, community plan amendment and tentative map processed with the Torrey Hills project.

DISCUSSION

Community Planning Group Concerns

The Sorrento Hills Community Planning Board, in their letter dated March 25, 2002, submitted with their recommendation of approval several concerns (Attachment 3). City staff has reviewed this letter and has determined the majority of their concerns have been addressed by the applicants final revisions of the plans and/or by draft permit conditions proposed for the project. Please see attachment 4 for a discussion of the concerns raised by their letter.

Item number six on page two of Attachment 3 is of particular concern for the City Council. The Sorrento Hills Community Planning Board is requesting the developer construct and dedicate for public use a 2,000 square foot retail building shown as a community room and immediately surrounding property on Attachment five. The developer has agreed to construct and dedicate this building and property to the City for public purposes and is not willing to retain ownership of a community facility. Should the City Council direct the City Manager to accept dedication of a 2,000 square foot building and property for public purposes? Should the City Council direct the City Manager to allocate funds in the City budget for the maintenance of the property and building?

Should the City Council wish to accept the dedication of this facility and land, City staff have investigated alternatives available to assign maintenance responsibility to a City department and identify possible funding sources for property maintenance. Development Services and Planning Departments staff inquired with the Police Department Community Storefront Program, Community Service Center Program, Parks and Recreation Department, Real Estate Assets Department and General Services Building Division to identify who, if any, would be able to accept the resource into an existing program.

The Police Department is scheduled to build a new Northwestern Division facility in Carmel Valley in the very near term. This new police division will also include a Community Service Center in the building. The Sorrento Hills site is less than four miles from the soon-to-be-constructed new police division/community service center facility. Since the new facility is so close to Sorrento Hills community, the Police Department and Community Service Center Program could not justify committing resources to a satellite office so near a new major facility.

The Northern Parks Division of the Parks and Recreation Department was consulted to evaluate the possibility of accepting the facility into their inventory. Two avenues were evaluated. Could

the facility be added to the existing parks inventory maintained by the General Fund or, could the facility be included into the existing Sorrento Hills Maintenance Assessment District (MAD)? The Sorrento Hills community is currently meeting its population-based park requirements for park facilities. Allocating General Fund money in a community which is not park deficient would be a disproportionate assignment of funds when there are other communities City-wide which are park deficient. At this time City staff would not recommend using General Fund monies to maintain a new facility in this community. The new facility could be added to the MAD after a general election of the property owners within the boundaries of the MAD. If the property owners within the MAD boundary voted approving a ballot to include the facility, an additional tax assessment would be levied within the MAD to fund the maintenance of the new public facility. The cost of a MAD general election is estimated at between 35,000 and 45,000 dollars. This expense would be borne by the property owners within the MAD and not by the City through the General Fund taxes supported by City-wide tax dollars. However, assigning to a relatively few number of property owners the financial responsibility for maintenance of a public facility open to all citizens may be as equally unfair as asking the General Fund to accept the burden.

Either Real Estate Assets Department or General Services could be assigned responsibility to administer a maintenance program at the facility should the City accept dedication of the property and funding be allocated to their budgets. General Services Buildings Division would be the most familiar with the needs of maintenance and operational issues. From their experience the General Services Buildings Division estimates annual maintenance costs would be \$15,000 per year for energy and facility maintenance. This cost would not include staffing at the facility. The use of general fund money in a community not currently park deficient may raise similar fairness concerns as above.

Community Plan Consistency

The project site is designated for neighborhood commercial and open space in the Sorrento Hills community plan. The community plan describes the neighborhood commercial center as strategically located to serve residences and workers in the community as well as “passers-by” traveling to adjacent communities in order to reduce the amount of trips to commercial services outside of the area. The neighborhood commercial center designated in the community plan includes both the southwest and southeast corners at the intersection of Carmel Mountain Road and East Ocean Air Drive. The development is proposed for the 12.62-acre portion of the designated neighborhood commercial center on the southeast corner of the intersection. The remaining 4.48-acres of the project site is proposed to be conserved as open space and rezoned to OP-2-1 for a future possible dog park.

The community plan describes the types of commercial uses that may occur in the designated neighborhood commercial center. These include a neighborhood market, drug store, smaller retail shops, restaurants and a gas station. The plan further recommends the zone for the neighborhood commercial center to be CN and developed as a Planned Commercial Development. The proposed Torrey Hills Center project will rezone the site to CN-1-2 and provide a supermarket and opportunities for smaller retail shops, medical offices, restaurants and other commercial uses. The proposed community room and land proposed to be dedicated for a possible future dog park/open space use will provide additional civic uses for the community and complement the commercial uses within the center. The proposed rezone to CN-1-2 will provide standards for the intended intensity and types of commercial uses as envisioned in the community plan.

The plan’s policies recommend commercial development to be compatible in bulk and scale and similar in architectural design with the surrounding developments. The selected colors, stonework, stucco, weathered shake roofing tile and other materials of the project will complement the surrounding residential design styles. The project also features tower elements, stonework on the structures and a sign program to reinforce a unified design theme for the commercial center.

In addition, the plan recommends pedestrian connections to be well defined and an integral part of the commercial center to encourage pedestrian accessibility. The plan recommends the use of enhanced paving material, landscape treatments, lighting and location of small-scale retail uses to help define the pedestrian connections. The project is consistent with these goals as discussed in the project description below. The plan further recommends buildings be placed to define the street edge, maximize pedestrian connections and primary uses “anchor” the corners at street intersections. The medical office building and other “secondary” uses are located along the streets, at the main driveway entrance, and at the corner street intersection. The proposed site layout does not conflict with the concepts of the commercial element in the community plan.

The proposed development is also guided by the general community design standards intended to enhance the site characteristics including recommendations for building placement and landscaping. The policies recommend articulation of building form, cohesive site design and

roof forms complementary with natural features and with the overall site design. The project provides a number of design elements such as trellises, cohesive facade treatment and tower elements consistent with these design objectives. The plan also encourages a native and naturalized plant palette in natural arrangements within the streetscape to provide a unifying theme throughout the community. The project proposes a variety of landscape materials similar to the established community streetscape theme.

Project Description

The project would develop a retail/office center including; a supermarket, family medical office building and other retail buildings including a structured parking garage. The project proposes a total of approximately 138,250 square feet on a 17.1 acre site (Attachment 5). The 138,250 square feet of commercial space would be spread throughout eight buildings and three kiosks; one single story supermarket measuring approximately 55,000 square feet; three single story retail buildings approximately 24,500 square feet, 10,500 square feet, 8,500 square feet, and 5,500 square feet respectively; three single story outlying retail pads for 5,000, 3,500, and 2,500 square feet respectively; one single story 2,000 square foot community building; one approximately 45,000 square feet two story medical center; and three 250 square foot retail kiosks. The community building would be constructed by the developer and deeded to the City for public uses. An open space easement adjacent to the community building would rezoned to allow park uses and be deeded to the City for a potential future dog park. Details of funding, permitting, and construction of the dog park have not been identified at this time. The developer of the Torrey Hills Center would not participate in developing the potential dog park.

Access into the site would be from five points, three exclusively for pedestrians and two for pedestrians and vehicles. The project's main entrance would be from Carmel Mountain Road at a signalized intersection, while the secondary entrance would be from East Ocean Air Drive. The three other pedestrian points of ingress would be from each public right-of-way. The main vehicular and pedestrian entrance would terminate at a plaza complimented by enhanced paving, tables, benches, a water feature, landscape materials, a turf area and one of the three kiosks in front of the smaller retail Buildings One and Two. Off-street parking facilities would include fields of parking in convenient proximity to the retail and medical buildings, a two level parking garage and an employee parking and a loading dock at the rear of the center under the SDG&E utility easement.

Retaining walls needed to alter the existing site to allow the commercial development would be keystone retaining walls capable of being planted and irrigated. The proposed plans indicate vines would be planted at the base and top of all walls and in cells within the walls. Trees, shrubs and ground covers would also be planted in front of the walls to screen them from view. The Landscape Development Plan for the project includes several species of deciduous and evergreen trees, flowering shrubs, and ground covers (Attachment 6). The top deck of the parking garage would be constructed with a series of trellises and provided with large raised planting areas to accept vines. Vines growing onto these trellises would provide an alternative to meet the shading requirement necessary in parking lots. The slopes along the street frontage are proposed to be landscaped with a combination of vines, groundcover, shrubs and trees to soften the development and provide an enhanced streetscape along Carmel Mountain Road and East

Ocean Air Drive. The proposed landscape plan exceeds the minimum requirements of the City's landscape regulations.

The Torrey Hills Center Sign Program establishes the location of all entry monuments and the maximum area of copy for each monument (Attachment 7). The design, materials of construction, colors and textures for the entry monuments and ground signs are specified in the sign program to be consistent with those materials used in the construction of the buildings to contribute to the design harmony of the center. The sign program also allocates the sign copy area, method of fabrication and type of sign illumination to be used for all signs in the center. The proposed comprehensive sign plan, if approved, would allow less sign copy area than the sign regulations of the Land Development Code for the CN zone.

Traffic Impacts and Average Daily Trip Generation

The Sorrento Hills Community Plan recommended 120,000 square feet of Neighborhood Commercial use with an average daily trip allocation of 8,640. Currently the proposed 138,250 square feet of Neighborhood Commercial and Family Medical Center would generate 8,151 average daily trips. This represents a reduction of 489 average daily trips from the original community plan allocation. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of State Route 56 to be completed from 2004-2007. The Sorrento Hills community is required to contribute 10.68 million dollars for the construction of the planned I-5/Carmel Mountain Road interchange. The proposed project is consistent with the community plan average daily trips allocation. The proposed project will be constructed and available for occupancy by the last quarter of 2003. No negative transportation impacts are anticipated as a result of the project development and operation.

Water Quality

During the initial grading a private 36-inch pipe which accepts all runoff from the site was installed and extended into the public storm drain located in East Ocean Air Drive. This system ultimately flows into Los Penasquitos Lagoon and onward to the Pacific Ocean. Los Penasquitos Lagoon is considered to be an impaired water body with non-attainment standards for sedimentation according to the Clean Water Act Section 303(b) list, dated May 19, 1999.

Currently the unpaved site retains much of its pervious surface yet is subject to some soil erosion. During construction the risk of erosion and sedimentation from the site would increase slightly due to soil disturbance. Following development, impervious surfaces on-site would be greatly increased and would have the potential to discharge pollutants associated with vehicles and common landscaping products such as fertilizers and pesticides. To reduce impacts during construction and long-term use of the site, implementation of a Storm Water Pollution Prevention Plan (SWPPP) and a permanent water quality management plan would be required for development of the site. The SWPPP and permanent water quality features would be designed in accordance with the City's engineering standards to the satisfaction of the City Engineer. The approved SWPPP and permanent maintenance plan would include Best Management Practices (BMPs) and Best Available Technologies (BATs) available for pollution control and erosion/siltation control. Post-construction BMPs proposed for the project include

storm water treatment units incorporated in drainage areas.

A Storm Water Pollution Report (June 13, 2002) and a Preliminary Drainage Study (September 27, 2001) were submitted to the City by Stuart Engineering. These reports indicate after development of the site, runoff would be directed by curbs into planting areas with french drains underneath. The infiltrated water would then be collected in a subterranean system which would connect to a storm drain inlet with a treatment insert before flowing into the public system. Two drainage basins would serve the site before conjoining at the existing 36-inch public drain. A northern drainage system would serve the north side of the site, an off-site area east of the medical building, and the majority of the parking lot area. A southern system would cover the Von's store and off-site area to the south, as well as the south parking lot and would divert water to a system running parallel with East Ocean Air Drive. Both systems would converge at a thirty-six inch stub at the northwest corner of the site before entering the public system. The reports listed above would be updated throughout the life of the project to ensure that Regional Water Quality Control Board requirements are met. These project elements have been incorporated into the MMRP and are conditions of the permit. Compliance with these measures would preclude and/or reduce hydrology/water quality impacts to below a level of significance.

CONCLUSION

The proposed Torrey Hills Center project conforms to the land use designation and design recommendations of the Sorrento Hills Community Plan. The project provides the recommended pedestrian scale improvements and connections throughout the development and architectural features described by the community plan, and is compatible with surrounding planned and existing developments. Draft conditions of approval have been prepared for the project (Attachment 8). Findings required to approve the project are included in the draft resolution (Attachment 9).

ALTERNATIVE(S)

1. City Council approve the project with modifications to the site development and/or draft permit.

2. City Council deny the proposed project if it is determined the required findings of fact cannot be affirmed.
3. City Council direct the City Manager to accept dedication of a new public facility and identify funding for maintenance in the future budget.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: P. Lamont Ewell
Assistant City Manager

CHRISTIANSEN/JSF

Note: The attachments are not available in electronic format. Copies of the attachments are available for review in the Office of the City Clerk.

- Attachments:
1. Sorrento Hills Community Plan Land Use Map
 2. Project Vicinity Map
 3. Sorrento Hills Community Planning Board letters
 4. Staff Discussion of Sorrento Hills Community Planning Board concerns
 5. Site Plan
 6. Landscape Development Plan
 7. Torrey Hills Center Sign Program, under separate cover
 8. Draft Permit
 9. Draft Resolution
 10. Draft Rezone Ordinance
 11. Architectural Elevations; Vons, Medical & Retail Inline Buildings
 12. Architectural Floor Plans
 13. Community Room, Pads A, B & C; Elevations and Plans
 14. Garage Elevations and Plans
 15. Preliminary Grading Plan
 16. Existing Topography
 17. Site Sections & Elevations
 18. Existing & Proposed Parcels
 19. Site Lighting Plan
 20. Cover Sheet

21. Plaza Enlargement
22. Project Chronology
23. Ownership Disclosure
24. Project Data Sheet