

DATE ISSUED: July 31, 2008

REPORT NO. PC-08-062

ATTENTION: **Planning Commission, Agenda of August 7, 2008**

SUBJECT: **TORREY HILLS VTM - PROJECT NO. 106228. PROCESS 5.**

REFERENCE: Planning Commission Report No. P-97-015,
Planning Commission Report No. P-94-201.

OWNER/

APPLICANT: Westbrook Torrey Hills, L.P., AME Torrey View, LLC and Pacific Centre Carmel Valley, LLC, Owners/Coast Income Properties, Inc., Applicant (Attachment X).

SUMMARY

Issue(s) - Should the Planning Commission recommend to the City Council approval to construct 484 multi-family residential units and 4,000 square feet of neighborhood serving commercial space on a previously graded vacant 22 acre site within the Torrey Hills community planning area?

Staff Recommendation:

1. Recommend the City Council **Certify** Environmental Impact Report No. 106228 and **Adopt** the Findings and Statement of Overriding Considerations, and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. Recommend the City Council **Approve** Rezone No. 352706, Torrey Hills Community Plan Amendment No. 354697, Vesting Tentative Map No. 352708 and Planned Development Permit No. 352707.

Community Planning Group Recommendation - The Torrey Hills Community Planning Board voted several times on the proposed project. The final action by the Board was a vote of 9:3:0 on May 20, 2008, to not support the project. For a full discussion see the Discussion section of this report.

Environmental Review - Environmental Impact Report No. 106228 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and would be implemented which would reduce, to a level below significance, most potential impacts identified in the environmental review process. The applicant has also provided their project's Findings and Statement of Overriding Consideration for significant and unmitigable impacts.

Fiscal Impact Statement - None with this action. All of the costs associated with the processing of the project are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The request to designate approximately 13.26 acres from Industrial to Residential is being proposed to accommodate 484 residential units. The plan amendment would allow up to 484 market-rate multi-family residential units that are not anticipated by the adopted Torrey Hills Community Plan and would therefore result in an increase of the residential capacity for this community. No affordable dwelling units are proposed by the project. The applicant would satisfy the City's Inclusionary Affordable Housing Regulations through payment of the in-lieu fee option.

BACKGROUND

The project site is currently designated on the Torrey Hills Community Plan Land Use Map for Industrial uses (Attachment 1). The site is composed of four lots and is located between Vista Sorrento Parkway and West Ocean Air Drive south of Calle Mar de Mariposa (Attachment 2). The existing surrounding land uses are Interstate 5 west of Vista Sorrento Parkway, multi-tenant commercial office uses to the north, single family residential uses to the east and a manufactured slope with a building restricted easement to the south. The manufactured slope is designated in the community plan as open space.

The site was mass graded with the construction of the original Torrey Hills project in late 1999, and is composed of four undeveloped parcels (Attachment 3). These four sites were approved for industrial use and could develop under the terms of previously approved Planned Industrial/Planned Residential Development/Hillside Review/Coastal Development Permit No. 95-0554. Allowed uses consistent with the community plan and approved permits include a broad category of industrial, office commercial and scientific research uses consistent with the present zoning of IP-2-1.

Consistent with the development process outlined by the Torrey Hills permit, the owners of these lots submitted Substantial Conformance Review (SCR) requests to the City prior to the application of a building permit. All four properties received approvals from the City for the submitted SCR reviews. Residents of the Torrey Hills community and the Del Mar Union School District, concerned with the development proposals for these lots and the legality of the SCR approval, brought suit against the developers and the City in civil court. After several years

of legal arguments in five lawsuits and appeals, the plaintiff prevailed and the SCR approvals were declared invalid and overturned by the court.

Seeking to develop the four properties, the current applicant met with members of the Torrey Hills community planning group on several occasions prior to their application to the City to discuss land use proposals for the site. The current application submitted to the City is the culmination of those discussions with the community planning group. The present application was deemed complete on July 14, 2006.

DISCUSSION

Project Description

The Torrey Hills Vtm project proposes to develop a vacant graded 22 acre site with 484 dwelling units and one commercial unit in eleven buildings across five lots and two lots for open space. The proposal requires the rezoning of 22 acres located between West Ocean Air Drive and Vista Sorrento Parkway, south of Calle de Mar Mariposa from the IP-2-1 and RM-2-5 Zones to the RM-3-8 and OR-1-1 Zones, a Progress Guide and General Plan and Community Plan Amendment to redesignate an industrial site for residential development and to transfer 950 Average Daily Trips (ADT) from Traffic Analysis Zone (TAZ) 731 to TAZ 737. A Vesting Tentative Map and Planned Development Permit are also required.

Torrey Hills is a relatively new community in San Diego in close proximity to the I-5 and I-805 interchange, south of Carmel Valley, east of Los Peñasquitos Lagoon, and north of Mira Mesa. The project site is situated between West Ocean Air Drive and Vista Sorrento Parkway, south of Calle Mar De Mariposa. The proposed design offers for-sale opportunities in a multi-family residential design, various community amenities, and visual connectivity to open space.

The proposed development of 13.26 net acres would include the construction of 484 multi-family residential condominium units within 11 buildings (Attachment 4). The development would be a combination of podium condominiums to the north (Product A) and courtyard townhomes to the south (Product B). A total of 384 condominium units would be located within six buildings on the northern portion of the project site in Buildings 1 through 6 (Product A). Each building would be four stories and approximately 48 feet tall. The condominium units would each be one level and range from one to three bedrooms. There would be 144 one-bedroom units, 146 two-bedroom units, and 94 three-bedroom units. The 100 townhomes would be located within five buildings on the southern portion of the site in Buildings 7 through 11 (Product B). Each building would be three stories and approximately 36 feet tall. The courtyard units would be either one or three stories and would range from one to three bedrooms. There would be 20 one-bedroom townhomes, 30 two-bedroom townhomes and 50 three-bedroom townhomes.

The project includes a number of recreational opportunities for residents. A 50-foot swimming pool and spa would be provided on the northern portion of the site between Buildings 2 and 5. Adjacent to the pool area would be a recreation building with a community room, two offices, and restroom facilities. Several barbeque areas would be located throughout the site; including a

barbeque patio between Buildings 1 and 3, Buildings 5 and 6, and at the southern portion of the site adjacent to Building 11 (Attachment 5).

The design proposes approximately 4,000 square feet of neighborhood serving commercial space that would be located within Building 1 at the ground level (Attachment 6). The retail component would be visible from both Calle Mar de Mariposa and West Ocean Air Drive, and would be accessible to pedestrians from both streets at this intersection. Multiple businesses could use this space to provide the community with service establishments such as a coffee shop, juice bar, dry cleaners, deli market or other commercial businesses as allowed by the development regulations of the RM Zone. Outdoor seating with tables would be provided to further activate the corner of Calle Mar de Mariposa and West Ocean Air Drive and introduce the concept of mixed-use to the proposed design. The commercial component would have its own building entrance and dedicated parking spaces.

Vehicular access to the project would be from three locations, one entrance would be from Calle Mar de Mariposa at the existing traffic signal between West Ocean Air Drive and Vista Sorrento Parkway. The Calle Mar de Mariposa entrance would provide access to the parking garage for the condominium buildings and the surface parking for the commercial uses. The second and third entrances would be from driveways off West Ocean Air Drive. Each entrance would enjoy full access and allow all turning movements. The northern driveway on West Ocean Air Drive would provide access to the parking garage for the condominiums and the southern driveway would provide access only to the courtyard units. Pedestrian entries and access would be provided throughout the site in various locations and are clearly marked by landscape and architectural elements. Two pedestrian entries would be provided along West Ocean Air Drive, one would be provided on Calle Mar de Mariposa, and two would be provided along the fire access road on the south and east side of the project. Pedestrian access to the publicly accessible recreation area and the privately owned park area central in the design, would be directly from West Ocean Air Drive and from a flight of stairs adjacent to the northerly driveway from West Ocean Air Drive serving the garage of Product A.

Grading

The site was previously mass graded into four pads at various elevations through approvals obtained in association with the Torrey Hills project approved by the City Council in 1997. A large 2:1 slope exists on the western portion of the site adjacent to and above Vista Sorrento Parkway. Of the 22.3 acres, fifty-six percent, or 12.5 acres, would be graded to facilitate construction of the proposed project (Attachment 7). The remaining forty-four percent of the site includes manufactured slopes designated in the Torrey Hills Community Plan as open space and would remain as open space. These slopes are included in the community Landscape Maintenance Assessment District. These slopes also presently have a building restricted easement recorded over them which further serves to preserve the manufactured slopes as open space.

The proposed grading of the site would involve 231,500 cubic yards of total earthwork. The proposed design would create 14,000 cubic yards of embankment, 61,500 cubic yards of excavation and 217,500 cubic yards of export. Of the 217,500 cubic yards, 170,000 cubic yards

are excavation necessary to construct the subterranean parking garage. The maximum height of the highest fill slope would be forty feet and the height of the cut slope would be ten feet. All slopes would be constructed at a slope ratio of 2:1. The design includes twelve retaining walls. The maximum height of any wall along any point would be twelve feet. The maximum length of all walls combined would be 1,200 feet.

Public Improvements

Public storm drain, sewer, and water systems required to serve the project are within the surrounding existing public streets. The majority of the utilities on the site are private. There is one twelve inch public water main which would traverse lots 1 and 2. This main would provide domestic water and fire service for the proposed structures on lots one and two. The public water main would be located within an easement to provide access to City forces for maintenance. Existing unused driveways along West Ocean Air Drive would be removed and replaced with standard curb and gutter and sidewalks. A small portion of an existing concrete median on Calle Mar de Mariposa would be removed to facilitate circulation at one entrance to the project.

Building Design

The architectural style of the proposed project is intended to compliment the adjacent community. The project proposes three architectural styles (Attachments 8, 9 and 10). Three of the six condominium buildings would reflect a Spanish style (Attachment 8). The buildings would have “S” shape concrete tile roofs, stucco finish, awnings, gable end details, and decorative shutters. The buildings would also include wrought iron railings and decorative planter shelves. The remaining three condominium buildings would reflect a French style (Attachment 9). The buildings would have flat concrete roof tiles, stucco finish, gable end details, and decorative shutters. The buildings would also include decorative planter shelves, wood railing and tube steel railing. All five courtyard buildings would reflect an Italianate style (Attachment 10). The buildings would have “S” shaped concrete tile roofs, stucco finish, decorative corbels and decorative shutters. The buildings would also include wrought iron railing and wood trellises. Appropriate color schemes would be selected to further compliment the architectural style and details and would vary in application between the different buildings.

Parking facilities

With the exception of twenty-one surface parking spaces, all the parking for buildings one through six would be entirely below grade in a subterranean garage beneath the podium supporting the six buildings. The twenty-one spaces would be at grade and adjacent to the commercial use near the intersection of Calle Mar de Mariposa and West Ocean Air Drive. Parking for buildings seven through eleven would be almost entirely within private garages for the residential units. The exception would be eight parking spaces between buildings nine and eleven, nine spaces between buildings ten and eleven, and seventeen spaces adjacent to the private park central to the project. Other than these few exceptions, all parking for the project would be either within a private garage assigned to each dwelling unit or assigned spaces within a subterranean parking garage.

Landscape Concept Plan

The proposed landscape plan is designed to provide an aesthetically pleasing living environment while maintaining consistency with the surrounding community (Attachment 5). In order to give the site its own project identity within the larger community, specific accent plant material was selected based on form, texture and color. The site may be described as having three different types of physical spatial types: streetscape; the project interior and manufactured slopes.

The streetscape is the interface between the public space, which includes the street, sidewalk and landscape parkway, and the semi-public semi-private landscape space adjacent to the buildings fronting the streets. The project interior is composed of semi-private and private spaces. The manufactured slopes, which include new and existing slopes on and adjacent to the site, would also be semi-public open spaces. The streetscape currently is composed of the vehicular and pedestrian travel way and plantings in the parkway including street trees and ground cover shrubs. Additional trees, shrubs, ground covers would be planted in the space between the proposed buildings and existing public sidewalk. In several locations from the project site to the public sidewalk additional pedestrian connections would occur to facilitate pedestrian circulation. The project interior is designed to contain and provide circulation, courtyards, a pool complex, social gathering areas with seating, overhead structures, barbeques, fire pit, picnic tables with benches and landscaping (Attachment 11). Additional amenities and uses would include a one acre park. The one acre park would be owned and maintained by the homeowners association yet be open and available to the public.

All slopes would be stabilized in conformance with the current adopted City standards for stability and erosion control. The interface between the existing slopes and the new development would be carefully designed to achieve a visual harmony between the two areas by the planting of regionally native local plant species. All interior slopes would be planted with native and ornamental species to control erosion, assist in achieving slope stability and provide a visually pleasing appearance.

Community Plan Analysis

The approximately 22 acre site is designated for industrial development and open space by the Torrey Hills Community Plan (Attachment 1). The Torrey Hills Community Plan (Plan) is the City's adopted land use plan for the 784-acre community east of the Interstate 5 freeway, south of the SR-56 freeway and north of Los Peñasquitos Canyon. A Community Plan Amendment (CPA) is proposed to designate an approximately 13.26 acre portion of the site from Industrial to Residential (Attachment 12). Approximately 8.98 acres within an existing non-building easement onsite would remain designated as Open Space. The non-building easement contains the existing manufactured slopes within the site fronting Vista Sorrento Parkway and southward toward Los Peñasquitos Canyon. The development project also includes 4,000 square feet of retail commercial space and a 1.05 acre park site.

Planning Context

The earliest community plan in 1983 designated the majority of the planning area for industrial use comprising 41 percent of the land areas with an equal amount as open space. The primary goal of the 1983 plan was to complement adjacent industrial land uses in Sorrento Valley and serve as an employment center, including office uses, for the residential communities of north San Diego.

A significant amendment to the Plan was approved in 1994. The amendment traded city-owned land within the community for privately owned land within Los Peñasquitos Canyon Preserve. Land uses were shifted and residentially designated land increased by 19 percent and industrial land decreased by 20 percent. The industrial land use was also revised to diminish the focus on professional office and Vista Sorrento Parkway was added to the community circulation system to accommodate additional traffic.

In 1997, the Plan went through another major amendment which further changed the land use composition from an employment center towards a primarily residential community and is the basis for the current plan. Subsequent project-specific amendments made additional land use changes. The most significant and just north of the project, Torrey Reserve Gateway, now known as Torrey Villas, converted an industrial site to Medium-Low Density Residential to allow development of a 581 unit apartment complex on a 26 acre site, exclusive of public right-of-way and community open space. An amendment in 2002 designated an 8 acre portion of the Torrey Reserve Gateway site back to Industrial for development of an office project, the Campus at Torrey View project.

The Plan designates a variety of land uses for this portion of the community. The specific land uses in the community plan surrounding the site include Industrial/Business Park and Medium-Low Density Residential (15-29 dwelling units per acre) to the north, 'School Site' to the northeast, Low-Density Residential (5-15 dwelling units per acre) to the east, Industrial/Business Park to the south and Open Space within the freeway right-of-way to the west. Surrounding development includes multi-tenant office, apartments, single-family residences and the Torrey Hills Elementary School.

Development intensity is managed by the Plan by allocating buildable intensity, average daily trips (ADT) and land uses within 18 Traffic Analysis Zones (TAZ). The project site is within TAZ 737 and is currently allocated a maximum 220,000 square feet of office use and 4,400 ADT as indicated in the Plan's Table C-1. Approximately, 75,000 square feet of office is built within TAZ 737. The CPA would revise the land uses on the site to include multi-family and commercial and would increase the ADT from 4,400 trips to 5,350 trips by transfer of 950 trips from the adjacent zone, TAZ 731. The project proposes 3,264 ADT for a total of 4,989 ADT within TAZ 737.

Land Use Change

Currently, the Plan limits density within the community to 29 dwelling units per acre allowed by the Medium-Low Density Residential designation. The CPA would add a new land use

designation to the Plan, Medium Density Residential, to permit the project's density. Medium Density is a General Plan land use designation that permits a density range between 30 and 44 dwelling units per acre. The CPA proposes to limit dwelling units within the residentially designated portion of the site to no more than 484 units, which equals 37 dwelling units per acre. Density is proposed to be distributed between the two product types and includes the 1.05 acre park area as useable open space for a total of 13 developable acres. Density in the Plan is not allocated to the 9 acre portion of the site designated as Open Space by the Plan.

The land use change from industrial to residential is consistent with many objectives of the Plan. The Plan allows light industrial, manufacturing and professional office uses within the Industrial/Business Park designation while specifically identifying these sites as requiring sensitive transitions when located adjacent to residential uses. The change from industrial to residential use eliminates potential land use conflicts with the adjacent residential neighborhood and school.

The project, including the CPA, was submitted and deemed complete prior to the updated 2008 General Plan and was therefore reviewed for consistency with the previous Progress Guide and General Plan, including the 2002 Strategic Framework Element (SFE). The SFE places limitations on the redesignation of employment land, which were further developed with an early draft of the Economic Prosperity Element of the 2008 General Plan update. This draft included a map of Prime Industrial Land. Therefore, staff recommended the conversion of industrial land be evaluated for consistency with these policies as a condition of the CPA initiation.

The proposed CPA achieves the important General Plan Housing Element objective to make land available for additional housing. The project would provide 484 dwelling units and have no unmitigated impact to public facilities within the Torrey Hills Community. The proposed density (37du/acre) is somewhat higher than the 29 du/acre currently allowed by the Community Plan for multi-family housing and may be considered an additional increase to the citywide housing supply from this community.

The conversion of the industrial site to residential use is not considered significant. The site is not a candidate for Prime Industrial Land and is therefore not considered a key site for business development and retention. Prime Industrial Land refers to areas attractive to manufacturing, research and development, wholesale distribution, and warehousing. While these uses may be permitted by existing land use and zone designations, the most recent projects in this area are multi-tenant office buildings largely due to the high land prices and lease rates. Land choices and space requirements for multi-tenant office tenants are not as constrained as those for industrial tenants; therefore, the conversion of the project site to residential use would not significantly impact the current office market.

Design Review Process

City staff worked with the applicant on a redesign of the initial project in order to meet the urban design objectives of the Plan and respond to several of the Planning Board's concerns. The original site plan separated the public park from the West Ocean Air Drive (Attachment 13). Driveway access, including a gated entry and turn-around, for the courtyard product was placed

between the park and the street, placing the park away from the street. As a result of staff input, the project was redesigned to provide direct access to the courtyard product from West Ocean Air Drive (Attachment 14), and allowing the park to have direct access from the street (Attachment 4). Other changes as a result of staff review included replacing the louver covering for the parking deck with a landscaped berm, creating prominent entry features at three sides of the building, dividing building mass by using three different architectural styles, enhanced landscaping and increasing the number of direct pedestrian connections. The applicant also provided more outdoor space for the retail component and better pedestrian access from the street corner (Attachment 6).

Public Review and Comment

The CPA was reviewed by the Torrey Hills Community Planning Board (Planning Board) at several meetings between 2006 and 2008. The final draft CPA was distributed April 4, 2008 to City staff in other departments, affected government agencies, Native American tribes and the Planning Board. The draft was also available online at the department's website. City staff received no comments from other government agencies, although agencies often comment only on the EIR. All written comments received as a result of review of the CPA are included as Attachment 15 and are summarized below.

The Planning Board provided comments on the CPA at their April 15, 2008 meeting and again at their meeting May 20, 2008. At the April meeting, the Planning Board deferred specific comment on the CPA until they had the opportunity to review the draft EIR, and provided a previous letter submitted at their June 26, 2007 meeting detailing their issues, including exceeding the 4,400 ADT allocated to the traffic zone, excessive density and building size, inadequate building separation within the podium product, grading into HOA landscape easements, inadequate setbacks from both West Ocean Air and top of the rear slope, the request for a development impact fee and the desire for traffic calming improvements along West Ocean Air Drive.

At their subsequent meeting May 20, 2008, the Planning Board voted to not support the proposed CPA and recommended a reduction in density. The Planning Board recommended that the CPA be reconfigured to propose the Medium-Low Density designation which allows no more than 29 dwelling units per acre (380 dwelling units) because this designation is consistent with other multi-family residential development in the community. They recommended a rezone to RM 2-5 rather than the proposed RM-3-8 zone. The Planning Board's motion also included changes they directed to the development project in a separate letter. The Planning Board's letters and position is discussed later in this report.

Comment letters were also received from the Torrey Hills Community Coalition (Coalition) and 14 residents. The Coalition's letter also included a petition from 330 residents. The Coalitions' issue areas are: land use density, building square footage, developable acreage, concentration of ADT's, community character, and CPA scope. The EIR discussion, analysis and response to comments contain a further evaluation of many of the issues raised during public comment on the CPA.

Planning Commission Initiation Issues

The CPA was initiated by the Planning Commission at the June 8, 2006 meeting and seventeen issues were identified for future analysis.

Issue: Comparison of current land use and zoning designations with proposed land use and zoning designations

The project site is currently designated for industrial use with open space use designated on the slopes along the western edge of the property. The CPA would implement the open space designation by proposing to rezone the western slope area to OR-1-1 (Open Space Residential). The amendment also proposes to designate and rezone the Industrially designated portion of the property to multi-family residential. Currently, industrial land use is constrained by the relatively small buildings that could be built consistent with remaining buildable intensity within TAZ 737 (Community Plan Table C-1). The CPA process allows the site to be designated for residential development at higher or lower densities.

Issue: Impacts to housing availability and affordability

The proposed amendment would achieve General Plan objectives to make land available for higher density housing. The dwelling unit allocation for the community would increase from 2,596 units to 3,060 units, a nineteen percent increase. City-wide policy also recommends each community plan contain a balanced mix of land uses and housing types. The project proposes two attached product types with several different floor plans and unit sizes. These product types would be unique within the community and increase the housing diversity.

The proposed amendment would also increase the number of multiple family dwellings in Torrey Hills above the City-wide average. The ratio between multiple family and single-family dwellings would increase from forty-eight percent to fifty-six percent multiple family. The City-wide average is currently forty-four percent multiple family dwellings.

Issue: Feasibility of increasing the number of units to provide affordable units;

The City's density bonus regulations would allow an additional twenty-five percent or 96 additional dwelling units. While it may be feasible to increase the dwelling units, doing so may result in additional environmental impacts not analyzed by the EIR. The Environmental Impact Report has not evaluated a density bonus alternative. Further, the magnitude of the proposed density and its impact on community character was raised during the public review period for the community plan amendment. Staff does not recommend any increase in development intensity over what is currently proposed. Provision of any affordable units onsite should be within the development intensity evaluated in the EIR.

Issue: Feasibility of developing a mixture of market rate for-sale and affordable units on site

City staff is not in possession of an economic feasibility analysis to address this issue. Any feasibility analysis would by necessity have to include economic factors with risk assessments.

City staff does not require applicants to provide project Performa information. Onsite affordable units may be feasible as they have been offered with other multi-unit projects in nearby communities, although most developers opt for the in-lieu fee option in the City's affordable housing regulations. The regulations allow either the provision of dwelling units, land equivalents, or payment of an in-lieu fee to meet citywide affordability requirements. The applicant has chosen payment of the in-lieu fee. Any provision of onsite affordable units as a percentage of the projects' total unit count would improve the housing balance for Torrey Hills as there are currently no units specifically reserved for low or moderate income households in the community.

Issue: Feasibility of increasing the commercial/retail component on site

The 4,000 square foot retail space incorporated into the Site Plan can accommodate three or four small retail establishments such as a coffee house with outside seating, sundry store, restaurant, or community serving service providers. The size of the commercial space should be adequate to serve the number of residents within the proposed project as well as the residents and office tenants in the immediate area. Additional retail establishments are available nearby within the hotel approximately 1500 feet north of the project site. A neighborhood shopping center is within one mile northeast of the project site.

The size of the retail space is constrained by the ability to provide required parking in the vicinity of the retail space. Only resident parking would be provided in the subterranean parking garage under the podium, all commercial retail parking would be provide in the surface lot. All increases in commercial space would have a correlation to traffic circulation, level of service and any mitigation required to accommodate the increase in commercial space. An increase of commercial space has not been evaluated by City staff or analyzed in the EIR.

Issue: Implementation of the Torrey Hills Community Plan design recommendations to provide enhanced pedestrian circulation between the street, park, commercial and residential elements.

The applicant and City staff worked closely to identify and provide prominent pedestrian points of access from public rights of ways into the project, along with an onsite pedestrian circulation system. The project incorporates a retail component and a park area fronting West Ocean Air Drive, thereby significantly enhancing the ability of pedestrians to access these community serving uses, and no less than five pedestrian connections from the public right-of-way. For additional information, please refer to the discussion in the Design Review section above.

Issue: Identifying the necessary ADT's for granting entitlements on this site

The existing Torrey Hills Community Plan, in Table C-1 on Page 145, shows a total of 64, 588 ADT's for the build out of the community. The proposed Plan amendment includes a revised Table C-1 that upon implementation of this project with 484 units, the same number of ADT's, 64,588, would result in the community. The footnotes to the table show that of the 5,350 ADT's allowed in TAZ 737, only 4,989 ADT's would be utilized, leaving 361 ADT's within TAZ 737, and therefore the community, left unused. The amendment also proposes a shift of 950 ADT's from TAZ 731 to TAZ 737 to accommodate the 3,264 ADT's generated by this project.

Issue: Impacts to park and open space resources

A separate park development agreement between the City and the original Torrey Hills developer, Westbrook, contains population-based park requirements for total residents anticipated within this community, which have been satisfied. A 1.05 acre public park site would be provided to meet the population-based park requirements of the project. With the satisfaction of the park development agreement and the provision of the 1.05 acre park site, there is no additional park acreage required for this community. The project would rezone the existing manufactured landscaped slope areas that are designated Open Space by the Community Plan to the Residential Open Space (OR-1-1) zone. This would implement community plan land use and increase open space resource protection.

Issue: Any impact of the land use change on public services and facilities

There are no significant impacts resulting from the project on schools, parks, water supply or infrastructure, wastewater, energy conservation, fire or police services as discussed in the Environmental Impact Report. Direct impacts to solid waste would be reduced through the implementation of a Waste Management Plan. The project would be in compliance with the Municipal Code requirements through the implementation of the Waste Management Plan, the payment of the appropriate fee in accordance with the Code, and by providing design features such as interior and exterior storage areas for recyclables and green waste, and by providing education and publicity about the need for reducing waste and the availability of recycling services.

Issue: Feasibility of rezoning the designated open space slopes to an open space zone

Designated open space would be rezoned to OR-1-1 (Open Space Residential). The purpose of the OR zones is to preserve privately owned property that is designated as open space in a land use plan for such purposes as preservation of public health and safety, visual quality, sensitive biological resources, steep hillsides, and control of urban form.

Issue: Compatibility with the remaining industrially developed site to the south;

The community plan locates industrially designated areas adjacent to residential areas. The plan specifically requires sensitive transitions when industrial development is located adjacent to residential uses. The project is designed to include a minimum fifty foot wide landscape buffer within the existing 20 foot high slope adjacent to the industrial site. Trees would be added to the existing buffer plantings.

Issue: Feasibility of including office and/or bio-tech uses on site.

A project that includes residential uses and office/scientific research uses within the four existing lots could be viable. However, the Torrey Hills Community Coalition and Del Mar Union School District brought legal action to prevent office/scientific research uses on the four existing lots. The applicant and the Torrey Hills Community Planning Board and other community

interest groups concluded that residential use would be better for the community than these employment uses.

Issue: Impacts to school capacity

The project is located within the jurisdiction of two school districts, Del Mar Union Elementary and San Dieguito High School. The nearest public school facilities are: Torrey Hills Elementary, Ocean Air Elementary, Carmel Valley Middle School and Torrey Pines High School. Senate Bill (SB) 50 authorizes collection of developer fees for school facilities construction. Developer fees collected pursuant to SB 50 are “deemed to be full and complete mitigation” for impacts related to the provision of adequate school facilities. The project would not impact the school district's ability to comply with SB 50.

Issue: Feasibility of maintaining the existing grading pattern

The project would maintain the existing grading pattern of stepped lots through the implementation of a two-tiered podium product on the northern end of the site and the courtyard product on the south end of the site with a park between the two product types. The podium product would also be setback from Calle Mar de Mariposa on the north to accommodate the retail plaza and commercial parking. An approximately eleven foot high landscaped slope would be located between the south façade of the podium and the park. The location and width of the park also allows for views through the site. The courtyard product would be separated from the park by an approximately fifteen foot high landscaped slope.

Issue: Feasibility of including the industrial site to the south in the land use change

The industrial site to the south is developed with a relatively new 75,000 square foot office/scientific research building at full occupancy. A land use change on this property would be premature as the site is not underutilized and the building is not nearing the end of its useful life.

Environmental Analysis

The City determined the proposed project would best be evaluated within the context of an Environmental Impact Report (EIR). The EIR contains an environmental analysis of the potential impacts associated with implementing the proposed project. The issues addressed in detail in the EIR include: land use; traffic and circulation; neighborhood character/visual quality; hydrology/water quality; air quality; noise; paleontological resources; and public services/utilities. The analysis contained in the EIR concluded that significant, direct impacts would occur with respect to traffic and circulation; noise; paleontological resources and solid waste. Significant, cumulative impacts would occur to traffic and circulation and solid waste. With the exception of the cumulative impact to solid waste, all significant impacts would be reduced to below a level of significance by the proposed mitigation monitoring and reporting program measures.

Torrey Hills Community Planning Board Actions

On November 15, 2005 the Torrey Hills Community Planning Board (Board) considered the project and plan amendment proposal at their regularly scheduled board meeting. Minutes from the meeting indicate the Board took several actions (Attachment 16). The first action, by vote of 5:2:0, moved the item from an informational item to an action item. As an action item the Board voted 6:1:0 to support the project as proposed for the purposes of pursuing the zoning. Subsequent action included a motion to require the project have two means of vehicular access to the property, include retail and commercial elements, limit three bedroom units to no more than twenty-five percent of the project total, any unused ADT's should be eliminated from the Torrey Hills Community Plan, and the properties would be deed restricted to prevent development and biomedical use on site. The final motion passed by a unanimous vote.

On June 19, 2007 the Board voted unanimously to inform City staff of their concerns. The Board input is memorialized in their letter dated June 29, 2007 (Attachment 17). On April 15, 2008 the Board approved a motion, by a vote of 7:0:1 to withhold comment on the Plan amendment for want of additional information relating to the amendment, its impact to the community, and the EIR. Further, the Board expressed opposition to the proposed residential density.

On May 20, 2008 the Board once again reviewed the Torrey Hills Vtm project. The Board could not support the project as proposed primarily due to the increase in density above that which already exists in the community. The Board motion was approved by a vote of 9:3:0 (Attachment 18). That Board motion was a tentative position reserving their opportunity to comment after reviewing the final EIR. Additional public comment was provided by the Torrey Hills Community Coalition in their letter dated May 24, 2007 (Attachment 19).

CONCLUSION

Staff has reviewed the application for the Torrey Hills project and determined the proposal complies with the applicable sections of the Municipal Code. An Environmental Impact Report has been prepared for the project, including Findings and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. 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 project (Attachments 20 and 21) and draft conditions of approval (Attachments 20 and 22). Staff is recommending the Planning Commission recommend to the City Council approval of the project as proposed.

ALTERNATIVES

1. **Approve** Rezone No. 352706, Torrey Hills Community Plan Amendment No. 354697, Vesting Tentative Map No. 352708 and Planned Development Permit No. 352707, **with modifications.**

2. **Deny** Rezone No. 352706, Torrey Hills Community Plan Amendment No. 354697, Vesting Tentative Map No. 352708 and Planned Development Permit No. 352707, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

John S. Fisher
Development Project Manager
Development Services Department

Mary Wright
Deputy Director
City Planning and Community Investment Department

BROUGHTON/JSF

Attachments:

1. Community Plan Land Use Map
2. Project Vicinity Map
3. Aerial Photograph
4. Architectural Site Plan, Sht. 3
5. Landscape Development Plan, Shts. 12 & 13
6. At-grade neighborhood serving commercial, Level 1, Sht. 31
7. Conceptual Grading Plan, Shts. 8 & 9
8. Spanish style Podium Elevations, Shts. 35, 36, 44, 45, 52 & 53
9. French style Podium Elevations, Shts. 39, 40, 48, 49, 57 & 58
10. Italianate style Courtyard Elevations, Sht. 69
11. Landscape Development Plan, Enlargements, Shts. 15 & 16
12. Draft Torrey Hills Community Plan Amendment, text and graphics
13. Initial Architectural Site Plan and Elevations (Old plans)
14. Podium Pedestrian Entry, Shts. 23-26
15. Letters of public comment addressing the proposed Community Plan amendment
16. Torrey Hills Community Planning Board minutes, November 15, 2005
17. Torrey Hills Community Planning Board letter, dated June 29, 2007
18. Torrey Hills Community Planning Board letter, dated June 8, 2008
19. Torrey Hills Community Coalition letter, dated May 24, 2007

20. Draft Vesting Tentative Map Conditions and Subdivision Resolution
21. Draft Planned Development Permit Resolution with Findings
22. Draft Planned Development Permit with Conditions
23. Draft Rezone Ordinance
24. Rezone Drawing
25. Project Cross Sections, Shts. 17-21
26. Project sheet index and development summary
27. Vesting Tentative Map, Shts. 4-7
28. Parking garage and floor plans
29. Roof plans
30. Site circulation and utility plans, landscape notes and legends
31. Ownership Disclosure Statement (under separate cover)
32. Project Chronology