

DATE ISSUED: June 8, 2006 **REPORT NO. PC-06-165**

ATTENTION: **Planning Commission, Agenda of June 15, 2006**

SUBJECT: LA JOLLA COMMONS - PROJECT NO. 79804 PROCESS FOUR

**OWNER/
APPLICANT:** Sean Finnegan, Makar Properties, LLC.

SUMMARY

Issue(s): Should the Planning Commission approve Planned Development Permit No. 252591 to amend Planned Commercial Development/Resource Protection Ordinance Permit No. 99-0762 and Vesting Tentative Map to construct a mixed use, commercial, residential and office development on a vacant 16.85 acre property within the University Community Plan Area?

Staff Recommendations:

1. **CERTIFY** Addendum to Environmental Impact Report No. 99-0762;
2. **ADOPT** Statement of Overriding Considerations No. 79804;
3. **APPROVE** Vesting Tentative Map No. 340259; and
4. **APPROVE** Planned Development Permit No. 252591

Community Planning Group Recommendation: On April 11, 2006, the University Community Planning Group voted 11-2-0 to recommend approval of the project with four conditions as identified within Attachment 13.

Environmental Review: An Addendum to Environmental Impact Report No. 99-0762 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. Mitigation, Monitoring and Reporting Program No. 99-0762 was adopted with the prior approval and the mitigation measures that continue to apply to this project are: Transportation/Traffic Circulation and Noise. Statement of

Overriding Consideration No. 79804 has been included for adoption with the Addendum to Environmental Impact Report No. 99-0762.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None with this action

Housing Impact Statement: The proposed amendment would add 153 residential condominium units to the University Community resulting in a project total of 268 residential condominium units. The proposed project is subject to the Affordable Housing Requirements of the City’s Inclusionary Housing Ordinance. The applicant has elected to pay the in-lieu for the Inclusionary Affordable Housing Requirements and also to provide nine (9) affordable units at 100% AMI.

BACKGROUND

The proposed project is located at 470 La Jolla Village Drive in the CV-1-2 and IP-1-1 Zones within the University Community Plan Area, Airport Environs Overlay Zone, Community Plan Implementation Overlay Zone–A (CPIOZ-A) and Parking Impact Overlay Zones. The project is designated Residential, Commercial and Industrial by the University Community Plan (UCP). The site is currently vacant and has been graded with the prior approvals. There are also engineering improvements that have been made on site (Attachment 1). The site is approximately 16.85 acres and is bound by office complexes and office buildings to the north, south and west. Interstate 805 is located east of the project site (Attachment 2). The site is relatively level in topography since grading activities have already occurred pursuant to the prior approvals.

The La Jolla Commons development was originally approved by the City Council on November 14, 2000, under Planned Commercial Development (PCD)/Resource Protection Ordinance (RPO) Permit No. 99-0762 (Attachment 12). The PCD/RPO Permit No. 99-0762 allowed for the development as shown in Table 1 below:

Table 1 – Development Approved with PCD/RPO Permit No. 99-0762

Building Name	Square footage	Stories	Rooms/Units
Hotel		15-story	327 rooms
Condo Tower		32-story	115 units
Office Building	450,000 sq. ft.	20-story	
Scientific Research Building	30,000 sq. ft.	2-story	
Parking Structure		8 levels	

Since approval, the project site has been completely graded, improvement plans have been completed, final map recorded, all biological mitigation acquired and completed at Los Penasquitos Lagoon, biological mitigation monitoring at Los Penasquitos Lagoon, Judicial Drive under-crossing improvement nearly complete, existing 36” reclaimed water distribution main rerouted within new concrete tunnel, perimeter utilities have been constructed and perimeter roadways have been constructed.

DISCUSSION

Project Description:

The project proposes to process a Planned Development Permit to amend Planned Commercial Development/Resource Protection Ordinance Permit No. 99-0762 and Vesting Tentative Map to perform lot line adjustments within the 5 lots that were created with original approval, and to construct a 581,557 square foot, 32-story, 350-foot high, Hotel/Condo Tower containing 213 hotel rooms and 112 residential condominium units; a 287,771 square foot, 32-story, 348 foot high, Condo Tower containing 156 residential condominium units; a 340,405 square foot, 15-story, 220’-6” tall Office Building; and a 501,994 square foot, eight level detached parking structure as shown in Table 2 below. Visual simulations and elevations are provided within Attachment 6 to visually compare the prior approved design with the proposed project design.

Table 2 – Proposed Development

Lot	Building Name	Stories	Square Footage	Height	Rooms/Units
Lot 2	Hotel/Condo Tower	32-story	581,557 sq. ft.	350’-0”	213 hotel rooms and 112 condo units
Lot 3	Condo Tower	32-story	287,771 sq. ft.	348’-0”	156 condo units
Lot 1	Office Building	15-story	340,405 sq. ft.	220’-6”	
Lot 4	Parking Structure	8 levels	501,994 sq. ft.		

The scientific research building is included within this proposed project; however, there are no changes proposed from the prior approved PCD/RPO Permit No. 99-0762 for this building. The project proposes a total of 268 residential condominium units for the entire project. The prior Vesting Tentative Map No. 99-0762 allowed for the subdivision of the property into 5 lots and for 115 residential condominium units. The proposed Vesting Tentative Map will perform lot line adjustments for the existing 5 lots and will allow for the additional 153 residential condominium units for the project site. Table 3 shows the changes from the prior approved project to the current proposed project.

Table 3 – Summary of changes from approved PDC/RPO Permit No. 99-0762 and Proposed Development

Lot	Building Name	Square footage	Stories	Height	Rooms/Units	Changes
Lot 2	Hotel/Condo Tower	581,557	32-story	350 feet	213 hotel rooms 112 condo units	Addition of 17 stories Reduction of 114 hotel rooms Addition of 112 condo units
Lot 3	Condo Tower	287,771	32-story	348 feet	156 units	Addition of 41 condo units
Lot 1	Office Building	340,405	15-story	220'-6"		Reduction of 109,595 sq. ft Reduction in 5 stories
Lot 4	Parking Structure	501,994	8 levels			No change
	Scientific Research	30,000	2-story			No change

The maximum building height on the site would be 350 feet, and would be limited to the proposed Hotel/Condominium Tower building. The exterior of the Condominium Tower and Hotel/Condominium Tower buildings would consist of clear glass, limestone, exposed concrete grid with slab edge, clear glass guardrails along the balconies, aluminum canopies along main entrances of the hotel, limestone panels for signage and all buildings proposed would have a flat roof. The exterior of the Office Building would consist of metal and glass with a design relatively standard for office buildings within the surrounding area. The Parking Structure would be designed with concrete with a standard design for above ground parking structures in the area.

The project would provide 2,390 off street parking spaces (2,302 parking spaces are required by the SDMC) within the detached parking structure, surface parking and subterranean parking within the Hotel/Condominium Tower and Condominium Tower. Access for the project will be from Executive Drive within two proposed driveways. The project analyzed the amount of traffic the proposed project would generate. The traffic analysis determined that the proposed project would generate less traffic than the previously approved project. The proposed project would generate approximately 941 fewer average daily trips (ADTs).

The project site is near the United States Marine Corps Air Station Miramar (MCAS Miramar) and has a restricted use overlay zone and Accident Potential Zone (APZ) within its boundaries. The project is also located within the Airport Environs Overlay Zone (AEOZ) within the 60 CNEL noise contour. As part of the original project approval, MCAS Miramar restricted all proposed buildings on the project site not to exceed 703 feet above mean sea level (MSL). The proposed project would adhere to this restriction and not exceed 703 feet above MSL.

The end of the nearest runway to the nearest proposed structure is approximately 13,000 feet. This runway is positioned in an east-west alignment. The project site is located north-west of the runway and, therefore, does not have any angular or direct glare conflict with aircraft take-offs or landings. At various times, certain aircraft will take off heading west and turn north-west in a route that ultimately passes over Sorrento Valley but easterly of the project site. This route would place aircraft close to the project but, by the time the aircraft make this route, they are elevated hundreds of feet above any building within the project site and, thus not vulnerable to glare. In addition, all exterior wall systems would employ non-reflective glazing and would be constructed perpendicular to the ground plane. No angling of the glass would occur resulting in no glare conflicts to passing aircraft.

The proposed project will maintain pedestrian access throughout the site. The interior street layout is conducive to pedestrian activity. The non-contiguous sidewalks provided along the Executive Drive frontage will improve the primary pedestrian network in the community. The proposed project has been reviewed by City Landscape review staff and would comply with all applicable landscape regulations.

The UCP designates the site as Residential, Commercial and Industrial. The Community Plan and the Development Intensity Element further define each designation on site and the development intensity permitted on site. The existing residential density range on site is 45-75 du/ac. The commercial designation is Office and Visitor Commercial. The industrial designation is Scientific Research. The Development Intensity Element identifies 5 acres of Scientific Research, 11.85 acres - 327 room hotel (Visitor Commercial), 450,000 square feet of Office, and 115 dwelling units for the site located in Subarea 29 of the UCP. The project design is consistent with the Community Plan Implementation Overlay Zone – Area A (CPIOZ-A) guidelines within the UCP. The proposed project retains the mix of uses the community plan envisioned for the site and the surrounding area.

Community Plan Analysis:

The project site is designated for high density residential, visitor and office commercial and scientific research uses in the UCP. The project site is located in Subarea 29 and 31 of the Development Intensity Element. The goals of the Development Intensity Element include creating an Urban Node with high density mixed-use development in the UT C area, develop an equitable allocation of development intensity among properties based on the concept of the “urban node”, and providing a workable circulation system.

The original La Jolla Commons project (PCD/RPO 99-0762) was approved in association with a community plan amendment on November 14, 2000, by City Council. The community plan amendment revised the Land Use and Development Intensity Table in the community plan to identify a mix of visitor and office commercial, scientific research and residential uses. The specific intensity and density of the project included a 327 room hotel, 450,000 square feet of office, 5 acres of scientific research use and 115 residential units. The proposed amendment would retain the same overall mix of uses on-site; however, the density and intensity of specific uses would be shifted resulting in an increase in residential units and a decrease in total office square footage and hotel square footage/rooms. The amount of scientific research square footage would not change and all of the major landscaped elements of the approved project would remain

as part of the proposed amendment.

The total number of Average Daily Trips (ADT's) would be reduced by 941 and would be permanently "unused" as a condition of this amendment, not to be used, sold or transferred by owners/tenants of the project site or other properties within the community. The "unused" ADT's would reduce additional trip generation in the community and help alleviate additional traffic congestion.

The proposed amendment would improve several aspects of the approved project, better implementing several design recommendations included in the Central Subarea section of the UCP. The office building would be lowered in height to provide a smoother transition of building height from La Jolla Village Drive towards the taller components of the project and allow greater solar access to the center of the site and the landscaped garden elements. Non-contiguous sidewalks will be provided along the Executive Drive frontage improving the primary pedestrian network in the community. The Light Rail Transit right of way is no longer needed along Executive Drive as the alignment for this transit service has been changed by SANDAG; however, in order to promote transit use by residents, tenants and visitors of the project, the applicant has agreed to provide right-of-way and any needed improvements for the community "Super Loop" transit project whose alignment fronts the project along Judicial Drive.

Environmental Analysis:

The City of San Diego conducted an Initial Study and determined that the previously certified Environmental Impact Report (EIR) No. 99-0762 identified significant unmitigated impacts associated with Transportation/Circulation and Mitigation, Monitoring Reporting Program associated with Biological Resources, Transportation/Circulation, Noise, Hydrology/Water Quality and Paleontological Resources.

Review of the proposed project determined that: (1) there are no new significant environmental impacts not considered in the previous EIR; (2) no substantial changes have occurred with respect to circumstances under which the project is undertaken; and (3) there is no new information of substantial importance to the project. An Addendum to Environmental Impact Report (EIR) No. 99-0762, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines, Section 15164.

An updated traffic and parking report was prepared for the proposed project design. The report titled "Updated Traffic and Parking Analysis for La Jolla Commons in the City of San Diego", dated March 14, 2006, was prepared by Darnell & Associates, Inc. According to the traffic analysis, the proposed project design would generate less traffic than the previously approved project. The revised project would generate approximately 941 fewer average daily trips (ADTs), 103 fewer morning peak hour trips, and 112 fewer evening peak hour trips.

For the purposes of a comparative analysis, three key intersections were re-analyzed from the 1998 report and compared to the current proposed project design. The three intersections were selected because they are in the closest proximity to the project site and any change in traffic generation would impact those intersections the most. Further it can be stated that a reduction in traffic from the project would reduce any previously identified impacts. The three intersections

are Eastgate Mall and Genesee, Eastgate Mall and Towne Center, and La Jolla Village Drive and Towne Center.

The results of this comparison indicated that the reduction in project traffic under the proposed project design would lessen delay at the study intersections and would not create additional impacts. Analysis of selected roadway segments also resulted in lessened impacts and indicates that the proposed project design would not create the need for additional mitigation. The parking analysis concluded that a total of 2,302 parking spaces would be required as a result of the proposed project design.

Mitigation measures specified in the MMRP, and outlined in Environmental Impact Report (EIR) No. 99-0762, SCH No. 2000031097, have been met as part of the grading permit issued for the site. The mitigation measures for the following areas have been satisfied: Land Use, Biological Resources, Hydrology/Water Quality and Paleontological Resources. Mitigation, Monitoring and Reporting Program No. 99-0762 was adopted with the prior approval and the mitigation measures that continue to apply to this project are: Transportation/Traffic Circulation and Noise, as outlined within the Addendum to EIR No. 99-0762.

Project-Related Issues:

The University Community Planning Group (UCPG) voted 11-2-0 to recommend approval of the proposed project with four conditions at their meeting on April 11, 2006, as identified within Attachment 12. The four conditions are presented below:

1. All twenty-seven of the Inclusionary housing units built onsite, rather than just the nine proposed;
2. Design of the building elevations, particularly the tops, built in conformance with the existing PDP, which showed some uniqueness, rather than the current proposal, which indicates slab sides with flat roofs. This prime entry to University City off of the I-805/La Jolla Village Drive interchange deserves enhanced architecture;
3. An irrevocable commitment that the “excess” average daily trips, the difference between those entitled in the original PDP and the lesser number in the proposed PDP, are forever precluded from transfer to any other property; and
4. An agreement that the project will not oppose any assessments regarding the funding of future community-serving transit.

UCPG Condition No. 3 has been incorporated into the Planned Development Permit No. 252591 as Condition Number 55 regarding utilization, selling and/or transferring of 941 “unused” trips for the project site.

UCPG Condition No. 4 has been incorporated into the Planned Development Permit No. 252591 as Condition Number 47 regarding any future assessments for funding of future community serving transit.

UCPG Condition No. 1 has not been included as a condition in the draft permits because the applicant has elected to pay the in-lieu fee and provide nine affordable units at 100% AMI, which does satisfy the requirements of the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance. UCPG Condition No. 2 has not been included as a condition in the draft permits due to the fact that the project is requesting an amendment from the prior approved project. The current project proposes a specific design that meets the intent of the UCP and also meets the requirements of the underlying zones.

Critical Project Features to Consider During Substantial Conformance Review

- **SITE DESIGN:** The site design for future development should conform to the overall existing design established onsite.
- **PARKING/CIRCULATION:** At no time should the parking drop below the number of parking spaces required by the municipal code.
- **ARCHITECTURE:** The architecture for future development should conform to the overall existing design established onsite.
- **LANDSCAPING:** Onsite landscaping should conform to the conditions within the permit.

Conclusion:

The proposed project is requesting lot line adjustments within the existing 5 lots and to amend PCD/RPO Permit No. 99-0762 to construct a Mixed-Use development with Commercial, Residential and Office Buildings. The scientific research building and the parking structure are not changing from the prior approved development. The proposed changes are summarized within Table 3 on page 4 of this report. Overall, the project is increasing residential condominium units, to both the condominium tower and the hotel/condominium tower; reducing the amount of hotel rooms; and decreasing the amount of office space. The proposed project also reduces the amount of traffic generation from the prior approved project design. Draft permit Condition No. 55 requires the applicant to relinquish the right to utilize, sell and/or transfer the 941 ADT's that the approved traffic analysis states are reduced for the proposed project design compared to the prior approved development.

Staff recommends approval of the proposal as requested. The project is consistent with the UCP as well as the underlying zones. The University Community Planning Board voted 11-2-0 to approve the project as proposed.

ALTERNATIVES

1. **Approve Planned Development Permit No. 252591 and Vesting Tentative Map No. 340259 with modifications .**
2. **Deny Planned Development Permit No. 252591 and Vesting Tentative Map No. 340259 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

**Mike Westlake
Program Manager
Development Services Department**

**Laura C. Black
Project Manager
Development Services Department**

MW/LCB

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plans
6. Photo Simulations
7. Vesting Tentative Map
8. Project Plans
9. Draft Map Conditions and Subdivision Resolution
10. Draft Permit with Conditions
11. Draft Resolution with Findings
12. Copy of Prior Recorded Planned Commercial Development/Resource Protection Ordinance No. 99-0762 and adopted findings
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement
15. Project Chronology