

Citizens Against Flower Hill's Expansion

Stakeholders opposed to the excessive commercialization and urbanization of our neighborhood.

April 15, 2009

Frisco White
Carmel Valley Community Planning Board

RE: Flower Hill Expansion Plan

Dear Frisco,

We appreciated the opportunity to hear the latest version of the Flower Hill Expansion Plan, although we saw little change from the plan presented last May, to the Regional Issues Sub Committee. It was clear, by the attendance at last night's meeting, that there is significant community concern and outrage over this proposed development.

As there was little time provided for community comment, we would like to take this opportunity to provide the Carmel Valley Community Planning Board what appears to be the consensus of the comments at this stage.

Building Bulk & Mass

1. The proposed new structures at 44-foot building heights (4 ½ stories), will create an imposing, over-scaled structure that is too large, with too much bulk and mass for this area. The custom in this valley, the coastal zone, and the greater Del Mar area is just 30 feet.
2. We believe these structures will dramatically change the character of this area, as it will be "in the face" of all vehicles exiting and entering the northbound exits of Interstate 5, as well as looming over Via de la Valle. Not only is this structure taller than all others within the San Dieguito River Valley area (other than the racetrack structures), but placing it this close to the roadways, enhances its dominance, and the perspective of over-scaled bulk and mass.
3. The 4-story parking structure, as designed, will be an architectural eyesore from every point of view.
4. The building density is far too aggressive for this site.
5. The building heights will negatively impact the views of most neighbors surrounding the site.
6. The façade of the new structures are effectively flat, with the office level flush with the lower retail level. We believe any second level space should be terraced and layered back away from the lower level to follow the contour of the hillside and lessen the vertical visual impact.

7. The developer has never provided adequate materials for the general public to truly evaluate the bulk and mass of these improvements. The developer should be required to create a 3-Dimensional model of the entire center and display it in a common (public) area that interested parties can visit to view and grasp the true bulk and scale of this expansion. Most neighbors are not able to read and understand a site plan, nor the vague drawings that were presented last night. These drawings were all shown from a “bird’s eye view”, which does not appropriately portray the buildings perspective and towering mass from the street level. It is customary for a development of this scale, with this much controversy, to provide a scale model depicting all of the features, buildings, finishes, landscaping, grading, etc. It very difficult for the community to accurately and meaningfully provide comments to the plan without a 3-D model.

Parking Structure

1. Why is the developer proposing to build a 4 level parking garage above ground, versus making the entire structure subterranean? It would appear this structure could be placed entirely within one underground level below the existing parking lot, while still remaining above the water table. Instead, the developer is promoting that the proposed parking structure will not be visible to the public, while it is clearly evident in review of the developer’s plans, that the parking structure will be visible to all neighbors on the northern hillside above the shopping center, including the Spindrift condominium complex; from the west by hundreds of thousands of vehicles per day on Interstate 5, and from the south by motorists on Via de la Valle. It seems that it will not be entirely hidden by the larger, Whole Foods building in front of it, not to mention that this forces the Whole Foods building toward the front of the site. No other shopping center within this trade area has an above ground parking structure.
2. The top deck of the parking structure lacks sufficient screening to the view of the neighborhood, Flower Hill Drive and Interstate 5 traffic.
3. There is no direct access from the Whole Foods supermarket to the parking structure, without navigating shopping carriages through an “alley” walkway between the two primary retail buildings.
4. There is no provision for loading of groceries into vehicles parked on the sloped parking levels.

Via de la Valle Traffic & Access

1. Via de la Valle is currently operating at a Level F for traffic volume. The city has put the proposed widening project on indefinite hold. Under the November 21, 2005 Preliminary Review Report for the proposed expansion of this center, the City of San Diego traffic engineer, Labib Qasem, LDR Transportation, advised on Page 8, Issue Number 5 of that report: “Based upon our preliminary review of the traffic study, the project will have significant impact on Via de la Valle east of San Andres Drive. The widening of Via de la Valle will be required prior to any increase in this project’s trip generation”.

2. Via de la Valle has not been widened and may never be widened, therefore based on this fundamental statement by Mr. Qasem, no expansion should not be allowed at this time.
3. The developer has not offered any proposals to mitigate the certain increased traffic volume, congestion, access, etc. on Via de la Valle.
4. The stacking left turn pockets at the main entrance signal and San Andres do not appear to be adequate for the stacking of the increased volume of traffic.
5. There are a number of other projects already proposed, or pending that will cause additional burdens on Via de la Valle and area surface streets. We don't believe approval for this development should be granted without a comprehensive study of the impact from all projected projects. Piecemeal entitlement should not be allowed.

San Andres Realignment & Access

1. The developer is proposing restriping San Andres to a 4 lane roadway, however it appears this configuration does not meet the City of San Diego standards for road width, apron, bike lane, curbing and sidewalk setbacks.
2. San Andres has a significant drop off, adjacent the Chase Bank, at the intersection with Via de la Valle. Restriping this area into a dedicated lane will be unsafe as it causes vehicles to suddenly shift their balance when navigating northbound.
3. The proposed widening will eliminate the following public parking spaces along San Andres:
 - a. 6 spaces on the west side between the Mobil Station and the new proposed Flower Hill Drive entrance.
 - b. 4 spaces on the east side between the Mobil Station and the new proposed Flower Hill Drive entrance.
 - c. 6 to 10 spaces on the west side north of the proposed Flower Hill Drive entrance.
 - d. 6 to 10 space on the east side of the proposed Flower Hill Drive entrance.
4. Item 3.c above will be needed to eliminate the blind spot to southbound traffic that will be created with the realignment. The embankment to the north of the realignment intersection and the slope of San Andres will create a certain blind spot.
5. Item 3.d above will be needed to allow for an adequate distance for northbound traffic to merge back into one lane north of the realignment intersection.
6. The combined loss of public curbside parking spaces should be provided on the Flower Hill site, without restriction on public parking use, or time, in addition to the total required number of parking stalls under the current City of San Diego municipal code.

7. It does not appear that the bike lane can be adequately and safely maintained through this segment of San Andres.
8. Southbound San Andres traffic will be restricted from turning left into the Wamu/Chase shopping center. Without a left turn into the Wamu/Chase center, there will be NO alternative way for those vehicles to access that center. Those vehicles would need to travel through the Via de la Valle intersection, into the Albertson's center and make a U-Turn to return north on San Andres for a right turn into the center. There is no left hand turn from Via de la Valle eastbound into the Wamu/Chase center.
9. The increased volume of traffic on San Andres will create new congestion in this segment that may very well stack up into the main Via de la Valle intersection. When that occurs, traffic jams which have previously been an extreme annoyance (delays of as much as 20 minutes from San Andres to the I-5 on ramp have been common when traffic is gridlocked due to an event at the fair grounds) will become nightmarish, with more gridlock and impatient motorists performing unsafe maneuvers to get out of the traffic to find an alternate route, creating even more mayhem.
10. The developer has admitted that they will remove a number of old growth trees along the north side of Flower Hill Drive, adjacent the Lomas Santa Fe subdivision. These majestic trees provide both an aesthetic and environmental shading to the area, and should not be removed.
11. The developer has also advised that this realignment will require cutting into the steep sloped hillside onto the north, installing a significant retaining wall of nearly 100' in length, and re-contouring the slope above the wall to the peak of the embankments. This raises a number of safety concerns to the integrity of these fragile slopes, and the 69KV utility pole and power line that sits atop this embankment. We would recommend that any such disturbance of these slopes require the undergrounding of the electrical wires above, that transition the entire length of the Flower Hill property along its northern boundary. Doing so will provide an enhancement to the area and a mitigation to offset the increased carbon footprint being imposed on the community by this developer.
12. The realignment of Flower Hill Drive will position this road and all of its impacts immediately under the bedroom windows of a number of homes that have previously enjoyed privacy.

Flower Hill Drive

1. The proposed roadway appears to be substandard by city regulations and could be difficult for navigation by commercial and emergency vehicles. There would be a very tight squeeze between the existing restaurant building and the property line, along with an immediate "S" turn in the roadway.
2. Flower Hill Drive is not a public deeded roadway, but rather a private driveway with an easement for the benefit of ingress and egress to the Spindrift complex. This driveway was not designed for the volume of traffic that the development will create. While the developer is

suggesting it will only be a secondary means of access for visitors to the “boutique office building” (28,927 square feet is hardly boutique), their proposed realignment of Flower Hill Drive and the new left turn pocket lane, acknowledge otherwise. This roadway will be a primary means of access for all employees and visitors to that area of the center, and those trying to avoid the congestion that will occur at the main Via de la Valle entrance.

3. There are currently a series of speed humps along Flower Hill Drive. These are apparently necessary to slow traffic through the narrow gauntlet created between the perpendicular parking spaces along both the north and south sides of the roadway and to provide for pedestrian safety. Added traffic through this area will undoubtedly create a more dangerous situation for pedestrians and vehicles accessing these parking spaces.
4. There are no sidewalks along Flower Hill Drive. The increased vehicular traffic will bring increased pedestrians. With no sidewalks this creates a very dangerous situation and an accident waiting to happen.
5. Traffic exiting the proposed parking structure will mistakenly drive into the Spindrift complex believing they can navigate to northbound Interstate 5. Even with signage, a certain amount of traffic will invade this private complex with no exit point. The Spindrift complex was not designed to, and should not be forced to accommodate drive-through public traffic for the benefit of the developer.
6. To prevent wandering customers from Flower Hill, one might suggest that a gate should be installed into the Spindrift complex, however it is believed there is not adequate space for a turn-around, with ample radius for vehicles that do not gain clearance to proceed through the gate.

Removal of Trees

1. As mentioned above a number of old growth trees will be removed along the north side of Flower Hill Drive. The positioning of the parking structure, embedded into the hillside slope will also cause the removal of a number of tall shade trees that provide significant ambiance to the area.
2. The realignment of Flower Hill Drive will cause the removal of a number of mature native trees and shrubs along the base of the slope, behind the Taste of Thai. Those trees have already been marked with a red dot of spray paint identifying their need for removal. The developer has made no proposal for the mitigation of this loss.

Rooftop Esthetics

1. The rooftops of both the new buildings and the parking structure offer no mitigation of the mechanical equipment viewed by the residents along the hillside.

Noise of Deliveries

1. Whole Foods is known to have round the clock deliveries. These large trucks will create a disturbance to the entire neighborhood with their late night deliveries. The developer has made no proposal for the mitigation of this noise, with a rooftop cover or screening.

Crime

1. There are already a significant number of new vagrants, homeless and criminals residing in along the freeway and river valley bushes. This center and the proposed parking structure will create an excellent venue for increased mischief and or violent crimes, due to its proximity along the freeway, and its isolation behind the primary building and the embankment to the rear.

Parking

1. The developer is currently proposing just 1,032 parking stalls at the completion of the project under consideration. This amount is not in compliance with current City of San Diego parking code requirements for the proposed new square footage and the current designated uses of this shopping center. We believe there will be a shortfall at least 195 parking spaces, before the replacement of the loss of the off-site public parking spaces mentioned above. The municipal code specifies parking requirements for all uses of property. As currently proposed, this project will not meet those requirements, and should not be considered until it does.
2. This development should be required to self-park, based upon the current code requirements for the current and proposed uses.
3. A certification of the existing parking stalls should be provided by an independent source, with accurate measurement of the size of each stall to verify their compliance with current code requirements.

Main Entrance

1. The main entrance proposes an expansion from 4 to 6 lanes. We don't believe that this is in conformance with the municipal code that limits how wide an entrance can be. 6 lanes of traffic, with only 90 feet of transition, will undoubtedly create massive chaos and traffic congestion, both within the center and on Via de la Valle, as vehicles attempt to cross over as many as 3 lanes when they realize they are on the wrong side. Alternately, should they not line up in the correct lane for either a eastbound or westbound turn, they will then be forced to turn in the wrong direction than they intended and will need to then make a u-turn. Westbound traffic on Via de la Valle would need to travel all the way to Jimmy Durante Boulevard to make a legal u-turn. It is easy to envision how many will not be that patient and will attempt an illegal u-turn and one of the prior traffic lights. Additional confusion and backups will certainly occur with traffic onto Via de la Valle attempting to enter the center, when someone that has entered the driveway decides to stop and change lanes.

Phase 2/Center Aesthetics

1. The developer has made no mention of any revamping or restoration of the existing buildings at the east end of the site. There is noticeable evidence of dry rot and deterioration of those structures. Recently, a primary second story walkway suffered structural failure requiring temporary secondary support that has now been repaired with permanent supports. Given the age of the buildings in the center, failures of this type might be reasonably expected to continue.
2. There is reason to believe the obvious neglect to either revamp, or renovate these buildings so that their architectural characteristics would match with the style of the new construction is due to the developer's intent to also redevelop all remaining existing improvements at a later date, under a Phase 2 project. Doing so would constitute piecemeal development and entitlement for this project. We believe that either permanent restriction should be placed on any expansion of these buildings or that matching their architectural style and characteristics to the new construction should be required as a part of any new project approval. Furthermore, any EIR should account for this future expansion probability in its findings and required mitigation.
3. We believe restrictions should be placed upon this center to curtail any further "piecemeal" development. Due to the cost and energy expended by the city and the community, findings should be made that would cap this shopping center's entitlements, and in light of the concerns expressed above, any attempt at returning for a second shot at the development process should be viewed with extreme concern and skepticism.

Level 3 or 4

1. The CVCPB voted to recommend to the City of San Diego that this development should require a Process Level 3 or 4 review. The community appreciates that, as it is apparent that sufficient public comment time has not been heretofore provided for this project.
2. The developer has indicated that he has "reached out to the community for their comment over the past 2 years"; however, he has clearly stifled any opportunity for that feedback in any public forum. In fact, at last night's meeting, his consultant, Scott Tillson, one of your board members, opposed the chair's recommendation for a Process Level 3 or 4 "public hearing" review. This is further evidence of the developer's disingenuousness in receiving, or allowing any meaningful public comment to this project.
3. It should be pointed out that Mr. Tillson and any other board member, providing professional services to Flower Hill, Protea or Mr. Essakow, should voluntarily recuse themselves before consideration of any matters by the CVCPB relating to this project.

Storage Space

1. The developer is proposing a significant area (2,300 square feet) to be designated as storage area for “holiday displays”. We are concerned that this is one more attempt by the developer to bootleg in new construction, characterized as storage space, requiring a lower parking ratio for that use, with the intention to later convert this space into rentable office, retail or restaurant (habitable and rentable) space, without providing further parking, or going through any future planning or entitlement process.
2. This area should be designed to prohibit any future habitable occupation or leasing, as it will not have provided the commensurate parking required for a change of use. A deed restriction should also be placed on this space to prohibit a change of use, or conversion.

Signage

1. We recommend that all signage at Flower Hill be required to conform to the current sign code, including all recent signage installed, since Protea’s acquisition. A new, comprehensive signage plan should be provided for the entire center.

Completion Bond/Financial Wherewithal of the Developer

1. Given the current trying economic times and our understanding that the developer currently owes (at least \$36.5MM) more money on the center than was paid (\$31MM) for it, we recommend that the developer be required to obtain a completion bond or demonstrate adequate financial wherewithal to insure that the project is completed if it is approved, so that the people of this community are not left with a half-completed eyesore due to “unforeseen circumstances.”

We respectfully request that the Carmel Valley Planning Board – Regional Issues Sub-Committee thoroughly evaluate this project, its representations, and the facts, questions, and comments presented above, prior to the board taking any action on this project. There are too many questions, inaccuracies, and misrepresentations circling this project for anyone or any governing body to take it at face value. This controversial project deserves a very thorough public examination and evaluation.

Thank you, once again for your consideration.

Citizens Against Flower Hill's Excessive Expansion

A group of over 250 neighbors registered with StopFlowerHill.com

Robert Vicino

Spokesperson

Cc: Tim Daly, Planner, City of San Diego
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