



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 16, 2013 **REPORT NO. PC-13-066**

ATTENTION: Planning Commission, Agenda of May 23, 2013

SUBJECT: 7/ELEVEN UNIVERSITY & 39TH STREET- PROJECT NO. 263525
PROCESS 4; CEQA EXEMPT

**OWNER/
APPLICANT:** Ahmed A. Awad and Ali A. Awad
William Adams for 7/Seven, Inc.

SUMMARY

Issue: Should the Planning Commission deny an application for a new 7/Seven store with unresolved planning and environmental issues, or direct staff to conclude the review process for the project as proposed?

Staff Recommendation: Deny Planned Development Permit No. 1122228.

Community Planning Group Recommendation: The City Heights Area Planning Committee voted 9-7-0 on June 4, 2012 to support the Planned Development Permit conditioned upon the applicant not selling alcohol as was originally proposed, and agreeing to further refinements in the site plan (Attachment 7). In August 2012, the applicant again met with the design review subcommittee on an information basis and agreed to further improve the plans to articulate the building, enhance the landscaping and provide security lighting. Because the project is going forward with a staff recommendation to deny the application, the final design has not been reviewed by the Committee. Should the Planning Commission find merit with the proposed design, the applicant would return to the City Heights Area Planning Committee to reaffirm the earlier recommendation.

Environmental Review: The project has been determined to be exempt from CEQA pursuant to Section 15270. Section 15270 is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on April 18, 2013 and the opportunity to appeal that determination ended May 2, 2013 (Attachment 6).

Fiscal Impact Statement: None with this action. The cost of processing this application is paid for through a deposit account maintained by the project applicant.

Code Enforcement Impact: None with this action. There are no neighborhood code violation cases on this property.

Housing Impact Statement: None with this action. This application is requesting a commercial retail establishment within a commercial zone. No residential development is proposed with this application.

BACKGROUND

The subject property is located at 3845 University Avenue (Attachment 1) in the City Heights Element of the Mid-City Communities Planning Area (Attachment 2) and within the City Heights Redevelopment Project Area. The Plan identifies the specific neighborhood as Cherokee Point and designates the project site and surrounding properties for heavy commercial and light industrial land uses. The 0.17-acre parcel is regulated by the Central Urbanized Planned District Ordinance and the citywide CC-5-4 Zone (Attachment 4).

The property is currently developed with an automotive repair shop. City photographs and building records indicate the repair shop has operated on the corner of University Avenue and 39th Street prior to 1992 and expanded with a small structure in 1998. Automotive Repair and maintenance facilities are a permitted use in the CC-5-4 zone. Surrounding land uses include the Metro Career Center on the opposite corner as well as a variety of small commercial services and retail establishments east and west along the University Avenue corridor. Older multi-family residential neighborhoods of medium to high density dominate the blocks north and south of the project site. Interstate 15 is one block east with access and exit ramps at University Avenue (Attachment 3).

The original project was submitted to the Development Services Department and deemed complete on January 20, 2012. That application requested a Conditional Use Permit for the sale of beer and wine in a new 7/Eleven store. The convenience store with retail sales is a permitted use in the zone and the sale of alcohol could be allowed with an approved Conditional Use Permit. Staff reviewed the application and made issue of the fact that the site plan was inconsistent with the land use plan and did not conform to several requirements of the underlying zone regulations. The initial review noted that a Planned Development Permit would be required to entitle the project as it was currently proposed due to the deviations from the zoning requirements. The deviations include placing the structure at the rear of the site rather than the front within ten feet of the property line, building articulation, as well as transparency and pedestrian path requirements. Also identified in the first review cycle was a requirement to close an existing curb cut and drive way on 39th Street that was one of two access points to the property (the other drive way being on University Avenue). City staff noted that the curb cut is too close to the intersection of University Avenue and 39th Street and would likely interfere with vehicular circulation on the adjacent streets.

In October, 2012 the application was amended to drop the Conditional Use Permit and add the Planned Development Permit to pursue the deviations. At a subsequent meeting with the City

Heights Area Planning Committee (CHAPC) the group voted to support the Planned Development Permit for the deviations because the applicant agreed to forego the sale of alcohol at this site and further refine the plans to satisfy the building design requirements.

DISCUSSION

Project Description:

The project proposes the demolition of the existing automotive repair shop and construction of the site with a new 7/Eleven store. The project design and site layout locates the 2,187-square-foot convenience store in the southeast corner of the lot with zero setbacks at the rear yard and side yard along 39th Street (Attachment 5). Seven off-street parking spaces would be located in the front of the building between the store and University Avenue. Access to the property is provided by two existing driveway curb cuts; one on University Avenue and one on 39th Street. An enclosed dumpster is located adjacent to the building and landscape areas are provided along portions of the perimeter of the site. Five existing street trees are located within the public right-of-way and are designated to remain. The architectural style is the familiar one-story standard 7/Eleven design with glass entry doors in the center of the building flanked by windows and signage above.

Community Plan Analysis:

The project site is located within the Cherokee Point neighborhood of the City Heights Community Element of the Mid-City Communities Plan area. The CC-5-4 zone, with the Central Urbanized Planned District Ordinance as an overlay zone, is intended to provide for a pedestrian oriented mix of heavy commercial and limited industrial uses and residential uses located along collector streets, major streets, and public transportation lines. The standards are designed to create small to medium scale development that is pedestrian-friendly. The zone was placed over this area to implement the Mid-City Communities Plan recommendations for the Cherokee Point neighborhood of the City Heights Community. The Plan stresses the need for commercial revitalization and the opportunities for new businesses development surrounding the University Avenue and Interstate -15 interchange. Specific language regarding University Avenue recommends enhancing building facades consistent with the historic and ethnic character of the area and locating parking to the rear of buildings off the side streets to reduce curb cuts and traffic conflicts in order to create a pedestrian-oriented urban village accommodating commerce. The current design of the project, with the proposed deviations to the zone, does not fully implement the Plans recommendations of creating a pedestrian oriented project.

Environmental Analysis:

The project has been determined to be exempt from CEQA pursuant to Section 15270. Section 15270 allows an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project should not be approved as proposed. The environmental preliminary review identified a number of potential impacts that would need to be resolved should the Planning Commission direct the applicant to continue processing the application as proposed. The outstanding issues that require clarification or additional technical information include Greenhouse Gas Emissions, Water Quality and

Traffic. A subsequent environmental determination regarding the appropriate environmental document may be provided if the application proceeds with further review.

Project-Related Issues:

The purpose of the CC zones is to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of development patterns from pedestrian-friendly commercial streets to shopping centers and auto-oriented strip commercial streets. Some of the CC zones may include residential development. Property within the CC zones will be primarily located along collector streets, major streets, and public transportation lines. The CC-5-4 Zone is intended to accommodate development with a pedestrian orientation.

The project as proposed fails to implement the pedestrian orientation expressly prescribed in the Community Plan and intended to be implemented through application of the CC-5-4 zone. Specifically, the project proposes to locate the building at the rear of the lot with parking spaces and drive aisles dominating the front of the property along the street. The proposed design is virtually the opposite site layout recommended by the community plan and required by development regulations of the Land Development Code. As noted in the Community Plan Analysis, one of the goals intended for this neighborhood is to recreate the historic character of the area and develop a pedestrian friendly environment. That would normally be achieved by placing buildings at or near the street so storefronts dominate the right-of-way with parking located at the rear of the lot. Likewise, the CC-5-4 zone requires structures to be located close to the street and includes a maximum street yard setback of 10-feet. Development regulations also include requirements for pedestrian paths from abutting streets, transparency, building articulation and minimum lot coverage the proposed design does not meet.

In addition to the site design issues, Transportation Engineering review determined there is an existing curb cut and driveway located on 39th Street that should be closed due to its proximity to the intersection. Staff believes the continued use of the driveway would interfere with the safe and efficient flow of traffic on the surrounding streets. It is presumed that vehicles attempting to leave or enter the site through this curb cut would compete with vehicles turning off of University Avenue trying to access 39th Street. This existing situation, while not ideal for the current automotive repair use, would be exacerbated with the increased short term trips generated by the convenience store. Ironically, closing the existing curb cut would compel the store to be located at the street in order to maintain vehicle circulation on to and through the site as was demonstrated in a traffic study supplied by the applicant.

It should be noted that staff supports the idea of locating a 7/Eleven on the property and considers the site an ideal location for the proposed use. Staff recognizes that the land use designation for this property (heavy commercial and light industrial) could be viewed as at odds with the goal of a pedestrian orientated community. Staff is willing to support some deviations to the CC-5-4 zone regulations to accommodate the development. One such deviation is the 35-percent minimum lot coverage which the proposed 2,187-square-foot building would fall just short of at approximately 32%. Placing the structure near the street would eliminate the need to deviate from setback requirements and pedestrian paths. Staff also concedes that commercial revitalization is one of the goals of the community plan and the proposed 7/Eleven would be an

improvement over the existing automotive repair shop. However, the location of the existing driveway on 39th Street is a health and safety concern and it has been demonstrated that closing and moving the curb cut would preclude locating the store at the rear of the lot as proposed.

Conclusion:

Staff is recommending denial of an application for a Planned Development Permit requesting deviations to the underlying zoning regulations in order to construct a 7/Eleven store. The Mid-City Communities Plan, the Central Urbanized Planned District Ordinance and the underlying CC-5-4 Zone all permit the commercial use but the project site layout and building design are not consistent with the intended pedestrian-orientated goals of the land use plan or the development regulations for the site. The overarching intent of the land use plan and the implementing zone is to locate structures close to the street, articulate the building facades and provide parking at the rear of the site in order to create an active, pedestrian friendly environment. Therefore, staff believes the findings required to approve the project as currently proposed cannot be affirmed.

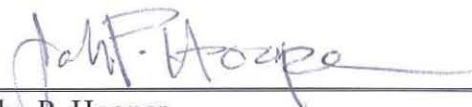
ALTERNATIVE :

1. **CONTINUE** Planned Development Permit No. 1122228, and direct the Development Services Department to process the application as proposed or modified pursuant to your discretion.

Respectfully submitted,



Mike Westlake
Assistant Deputy Director
Development Services Department

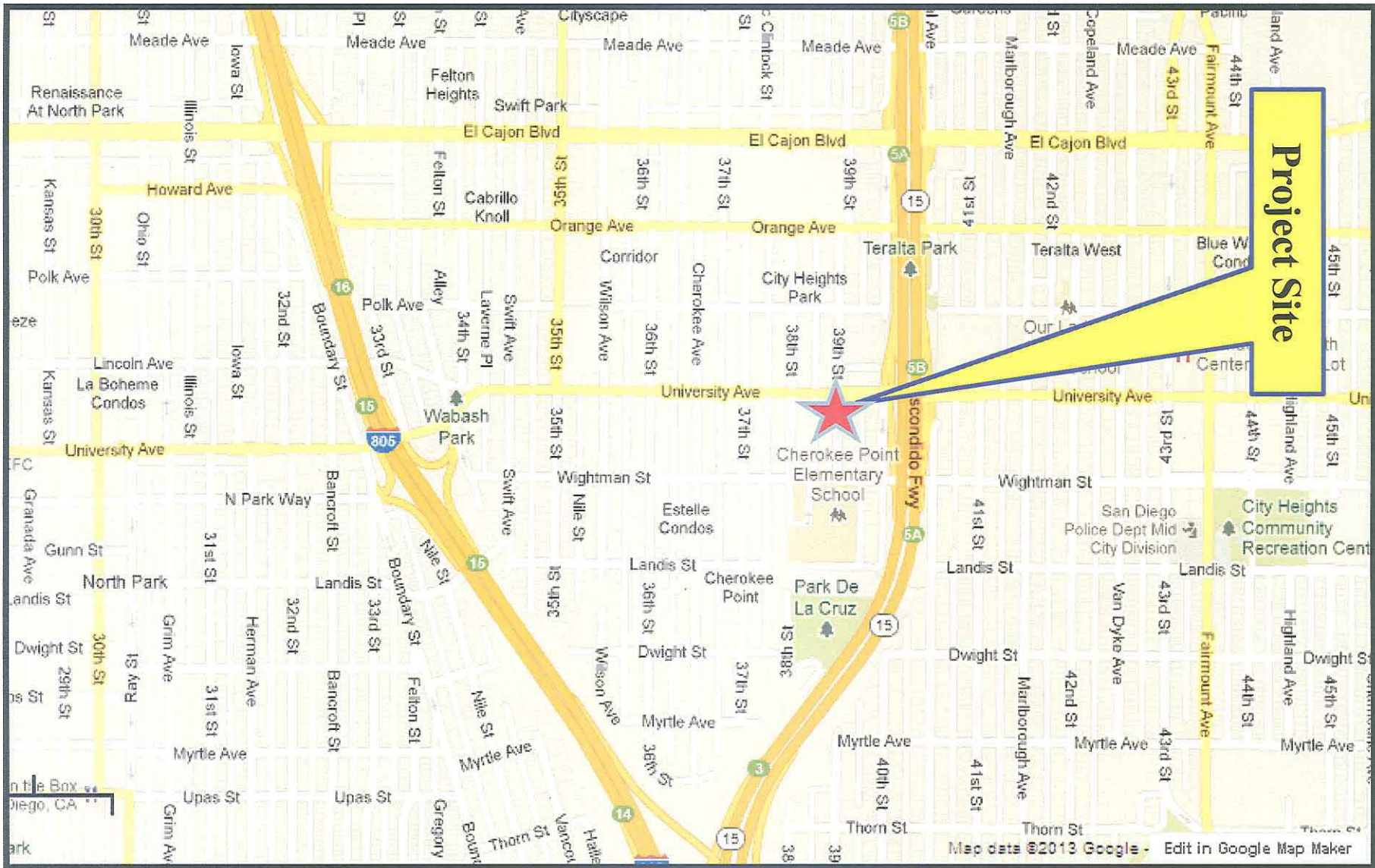


John P. Hooper
Project Manager
Development Services Department

KGB/JPH

Attachments:

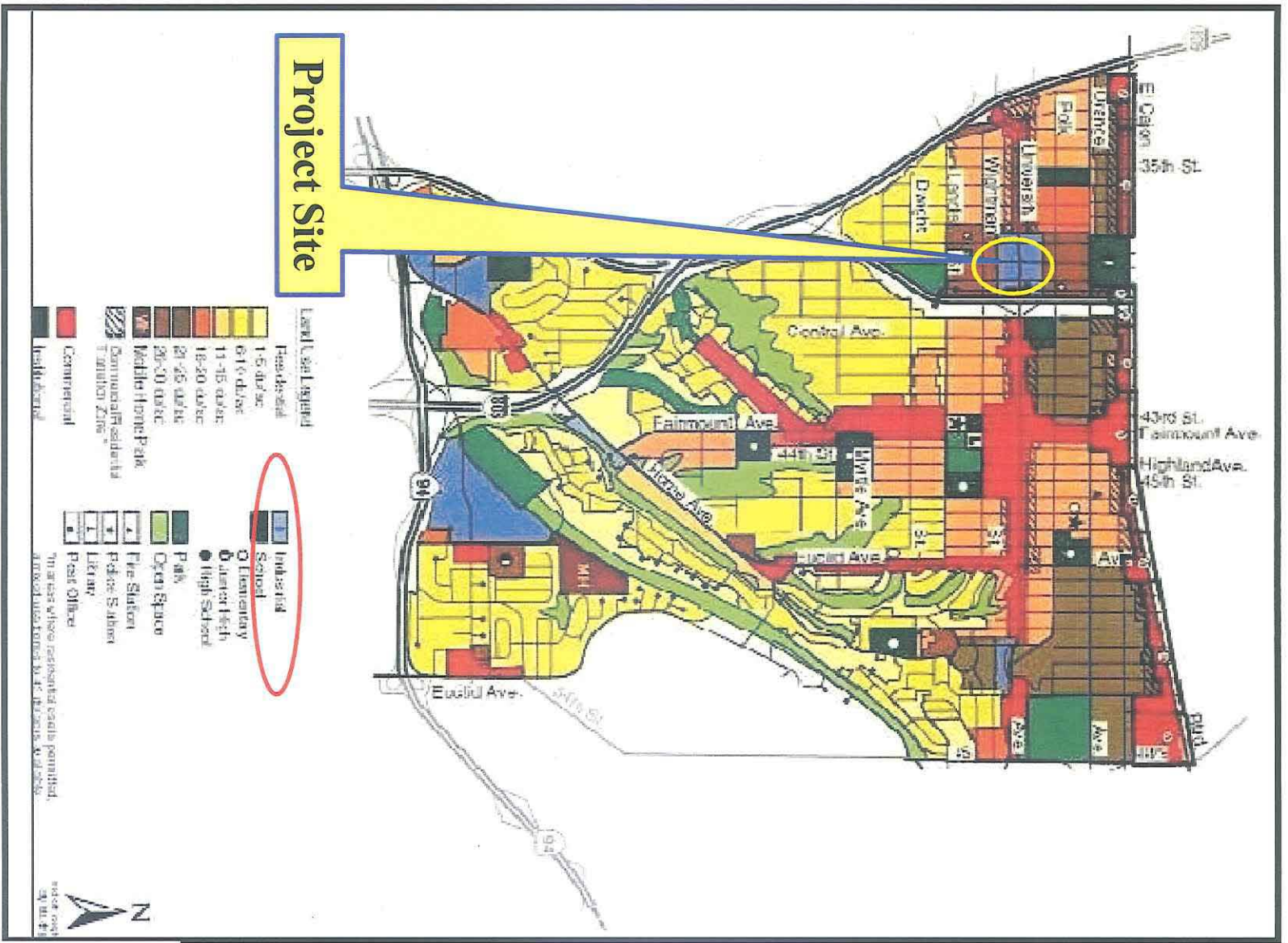
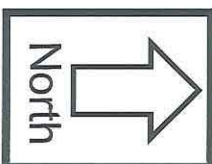
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Project Data Sheet
5. Project Site Plan(s)
6. Resolution with Findings to Deny the Project
7. Environmental Exemption
8. City Heights Area Planning Committee Recommendation (subcommittee)
9. Ownership Disclosure Form



Project Location Map

7/ELEVEN STORE – 3845 UNIVERSITY AVENUE
PROJECT NUMBER 263525





Land Use Map – City Heights Neighborhood

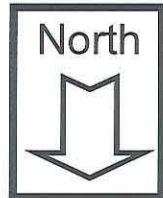
7/ELEVEN STORE – 3845 UNIVERSITY AVENUE
PROJECT NUMBER 263525





Aerial Photo

7/ELEVEN STORE – 3845 UNIVERSITY AVENUE
PROJECT NUMBER 263525



PROJECT DATA SHEET

7/ELEVEN UNIVERSITY & 39TH STREET

PROJECT NAME:	7/Eleven	
PROJECT DESCRIPTION:	Construction of a 2,187-sqaure-foot convenience store.	
COMMUNITY PLAN AREA:	Mid-City Communities (City Heights)	
DISCRETIONARY ACTIONS:	Planned Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Heavy Commercial/Light Industrial	
<u>CURRENT ZONING INFORMATION:</u>	<u>PROPOSED:</u>	
ZONE: CC-5-4	No Change	
Minimum Lot Coverage: 35%	31%	
HEIGHT LIMIT: 24/30 Feet	18 feet-6 inches	
LOT SIZE: 2,500 sq.ft. minimum	0.17 acre (7,405 square-feet)	
FRONT SETBACK: zero or max 10-feet	62-feet	
SIDE SETBACK: Zero or minimum 10-feet	14-feet	
STREETSIDE SETBACK: Zero or max 10-feet	0	
REAR SETBACK: Zero or minimum 10-feet	0	
PARKING: 5 (minimum)	7	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial/CC-5-4	Commercial/MF Res
SOUTH:	Commercial/Residential transition CT-5-4	Multi-Family Res.
EAST:	Commercial CU-2-3	Commercial
WEST:	Commercial/CC-5-4	Commercial
DEVIATIONS OR VARIANCES REQUESTED:	Street Yard Setback/ Minimum Lot Coverage/Pedestrian Path/Transparency and Building Articulation.	
COMMUNITY PLANNING GROUP RECOMMENDATION:	Tentative Support by Design Review Subcommittee Full group recommendation is pending. Support based on no alcohol sales.	



HARRISON FRENCH & ASSOCIATES, L.P.C.
809 S.W. A Street, Suite 201
Bentonville, Arkansas 72712
1-479-273-7780
1-479-273-9436
www.hfa-ae.com

STIPULATION FOR REUSE
THIS DOCUMENT IS PREPARED FOR USE ON A SPECIFIC SITE AND IS NOT TO BE REUSED ON ANY OTHER SITE WITHOUT THE WRITTEN CONSENT OF THE ORIGINAL DESIGNER.
AND IT IS NOT SUITABLE FOR USE ON A LATER DATE WITHOUT THE WRITTEN CONSENT OF THE ORIGINAL DESIGNER.
THE ORIGINAL DESIGNER SHALL BE RESPONSIBLE FOR THE PROTECTION, MAINTENANCE AND REPAIR OF THE ORIGINAL DESIGNER'S WORK AND SHALL BE RESPONSIBLE FOR THE PROTECTION, MAINTENANCE AND REPAIR OF THE ORIGINAL DESIGNER'S WORK.



7-ELEVEN
3845 UNIVERSITY AVENUE
SAN DIEGO, CALIFORNIA 92105
PROJ. NUMBER: 19-11-00514

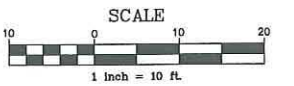
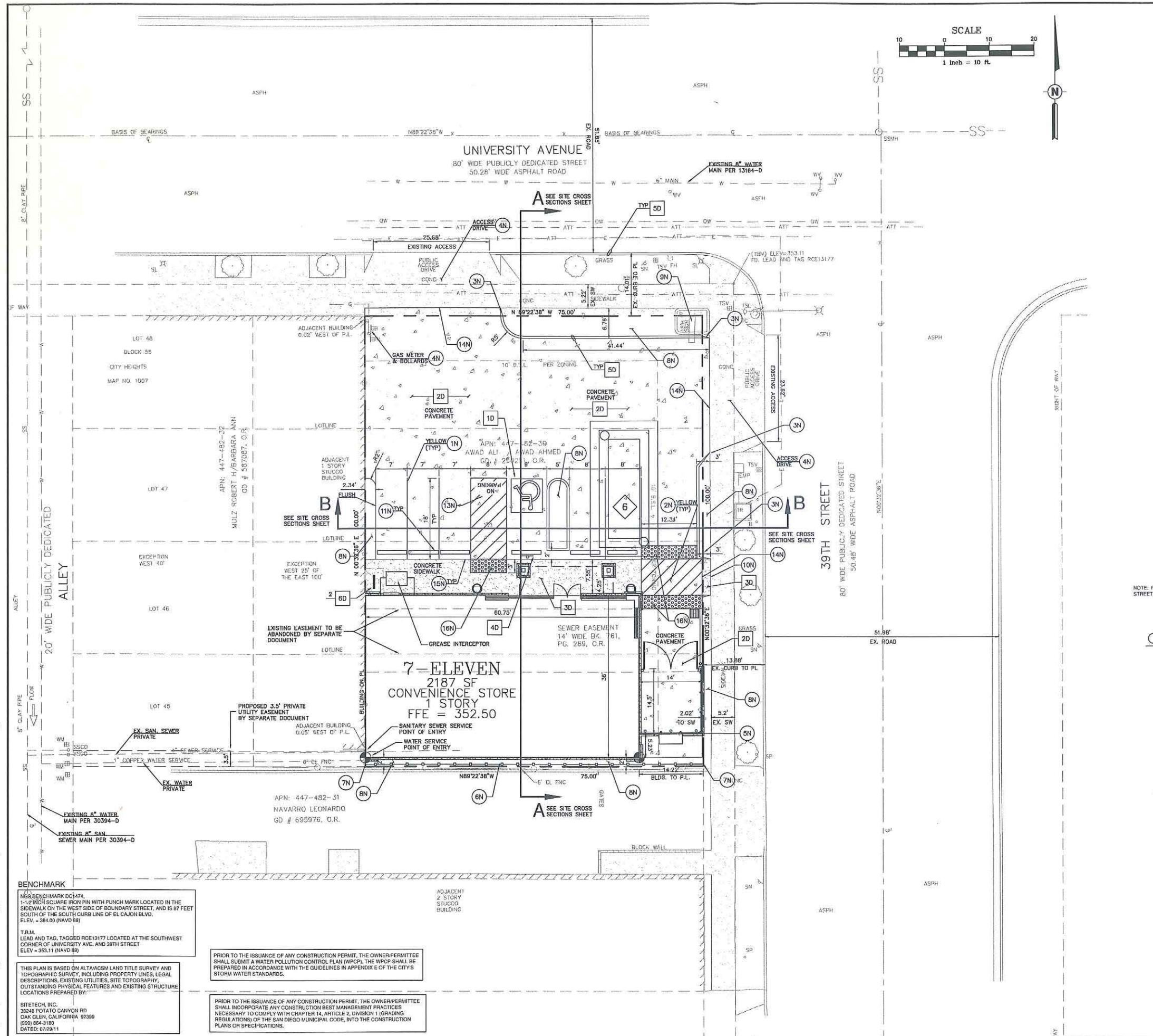
ISSUE BLOCK table with columns for issue number, description, and status.

STORE NO.: 35306
DOCUMENT DATE: 1/25/2013
CHECKED BY: JMK
DRAWN BY: ADS

CIVIL ENGINEER:
GreenbergFarrow
10000 MacArthur Blvd, Suite 250
Irvine, CA 92612
1-949-266-0450 | 1-949-266-0479

SITE PLAN
REV-02

SHEET: C1.0



EXISTING LEGEND table listing symbols for ASPH, CONCRE, SIGN, TSV, ISL, BOLLARD, TELEPHONE, ELECTRIC, WATER, SANITARY SEWER, GAS, NORTH RIM, FINISH SURFACE, WATER VALVE, BOLLARD RAILING, OVERHANG, WHEEL STOP, CENTERLINE, FENCE, WATER METER, SEWER CLEANOUT, SEWER MANHOLE, SIGN POST, TRANSFORMER, ELECTRIC METER PEDESTAL, TREE, PAINTED ARROW, PROPERTY LINE, LIGHT STANDARD, ELECTRIC METER.

PROPOSED table listing symbols for PROPERTY LINE, CURBING, BUILDING CONTROL POINT, ELECTRIC METER, PARKING COUNT, WATER METER.

- GENERAL SITE NOTES: 1. UNLESS OTHERWISE SHOWN, ALL CURB RADII SHALL BE 2' OR 10'. 2. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED. 3. ALL CURBING SHALL BE TYPE A PER DETAIL TYPE A CURB, UNLESS OTHERWISE NOTED. 4. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL LOCAL REGULATIONS AND O.S.H.A. STANDARDS. 5. CONTRACTOR SHALL REFER TO ARCHITECT PLANS FOR EXACT BUILDING LOCATION AND DIMENSIONS AND UTILITY ENTRANCE LOCATIONS. 6. CONTRACTOR SHALL REFER TO SPECIFICATIONS AND GEOTECHNICAL REPORT DETAILS FOR PAVING DESIGN AND PROPER MATERIALS. 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE SITE UNTIL WORK IS ACCEPTED BY THE OWNER. 8. ALL SIGNS SHALL BE PER MUTCD. 9. CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND MAINTAINING ADEQUATE TRAFFIC CONTROL THROUGHOUT THE PROJECT, INCLUDING PROPER TRAFFIC CONTROL DEVICES AND/OR PERSONNEL AS REQUIRED. THIS INCLUDES BOTH VEHICULAR AND PEDESTRIAN TRAFFIC CONTROL. TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH MUTCD.

NOTE: PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY PER FHPS POLICY P-00-6 (UFC 901.4.4)

- NOTES: 1N. 4" WIDE LANE STRIPING (SEE PLAN FOR COLOR) 2N. 4" WIDE PAINTED STRIPES @ 45° 2 FT ON CENTER (SEE PLAN FOR COLOR) 3N. TRANSITION CURB FROM 6 INCHES TO 0 INCHES OVER 2 FEET 4N. EXISTING TO REMAIN 5N. DUMPSTER ENCLOSURE 6N. 6" WOOD FENCE 7N. END WOOD FENCE 8N. LANDSCAPE / GRASS AREA 9N. Pylon SIGN TO REMAIN 10N. CONNECT TO EXISTING SIDEWALK. MATCH EXISTING GRADES 11N. CONCRETE WHEEL STOP, PINNED TO PAVEMENT, LOCATE 2'-6" FROM FACE OF CURB OR EDGE OF SIDEWALK 13N. "NO PARKING" 8'-HIGH PAINTED YELLOW LETTERS 14N. LIMITS OF PAVEMENT, MATCH EXISTING ELEVATIONS 15N. SIDEWALK FLUSH WITH PAVEMENT 16N. 38" WIDE DETECTABLE WARNING ALONG ACCESS PATH. MUST COMPLY WITH CALIFORNIA BUILDING CODE 11338.3.1, ITEM 81A).

DETAILS table listing 1D. STRIPING, 2D. CONCRETE PAVING, 3D. SIDEWALK, 4D. SIGN BASE SUPPORTS, 5D. CURB AND GUTTER, 6D. BICYCLE RACK.

SITE SUMMARY table with columns for ZONING, BUILDING HEIGHT, LOT AREA, STANDARD PARKING (TOTAL PROVIDED, BUILDING, RATIO PROVIDED, TOTAL REQUIRED), and ACCESSIBLE PARKING (TOTAL PROVIDED, VAN, TOTAL REQUIRED).

Jan25,2013 3:56:44pm - User: hcam - User: hcam - Drawing: CUP_Submittal_11-00514_Gr_CAD2010_01-25-13.dwg

BENCHMARK
NEIS BENCHMARK DC1474,
1-1/2 INCH SQUARE IRON PIN WITH PUNCH MARK LOCATED IN THE
SIDEWALK ON THE WEST SIDE OF BOUNDARY STREET, AND IS 67 FEET
SOUTH OF THE SOUTH CURB LINE OF EL CAJON BLVD.
ELEV. = 384.00 (NAVD 88)
T.B.M.
LEAD AND TAG, TAGGED RCE13177 LOCATED AT THE SOUTHWEST
CORNER OF UNIVERSITY AVE. AND 39TH STREET
ELEV. = 393.11 (NAVD 88)
THIS PLAN IS BASED ON ALTA/CMS LMD TITLE SURVEY AND
TOPOGRAPHIC SURVEY, INCLUDING PROPERTY LINES, LEGAL
DESCRIPTIONS, EXISTING UTILITIES, SITE TOPOGRAPHY,
CUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE
LOCATIONS PREPARED BY:
SITE TECH, INC.
38248 POTATO CANYON RD
OAK GLEN, CALIFORNIA 92389
(800) 804-3190
DATED: 07/29/11

PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL SUBMIT A WATER POLLUTION CONTROL PLAN (WPCP). THE WPCP SHALL BE PREPARED IN ACCORDANCE WITH THE GUIDELINES IN APPENDIX E OF THE CITY'S STORM WATER STANDARDS.

PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT, THE OWNER/PERMITTEE SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, DIVISION 1 (GRADING REGULATIONS) OF THE SAN DIEGO MUNICIPAL CODE, INTO THE CONSTRUCTION PLANS OR SPECIFICATIONS.

PLANNING COMMISSION RESOLUTION NO. **(DRAFT)**
PLANNED DEVELOPMENT PERMIT NO. 1122228
7/ELEVEN UNIVERSITY & 39TH STREET - PROJECT NO. 263525

WHEREAS, AHMED AWAD & ALI AWAD, Owners and 7/ELEVEN CORPORATION, Permittee, filed an application with the City of San Diego for a permit to construct a new 2,187 square-foot convenience store (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Planned Development Permit No. 1122228), on portions of a 0.17-acre site;

WHEREAS, the project site is located at 3845 University Avenue in the CC-5-4 Zone within the Mid-City Communities Planning Area;

WHEREAS, the project site is legally described as Lots 45 through 48, Block 55, City Heights Subdivision, Map No 1007, dated October 30, 1906;

WHEREAS, on May 23, 2013,, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1122228, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on April 18, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15270 and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 23, 2013:

Findings for Planned Development Permit - Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

The proposed development is for the construction of a new 2,187 square-foot convenience store located at 3845 University Avenue in the CC-5-4 Zone within the Mid-City Communities Planning Area. The community plan stresses the need for commercial revitalization and the opportunities for new businesses development surrounding the University Avenue and Interstate -15 interchange where the project is located. Specific language regarding University Avenue recommends enhancing building facades consistent with the historic and ethnic character of the area and locating parking to the rear of buildings off of side streets to reduce curb cuts and traffic conflicts in order to create a pedestrian-oriented urban village accommodating commerce. The current design of the project, with the proposed deviations to locate the building at the rear of the site with parking in the front and maintaining a potentially dangerous curb cut, does not fully implement the Plans recommendations of creating a pedestrian oriented project. Therefore, the proposed development would adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed development is for the construction of a new 2,187 square-foot convenience store located at 3845 University Avenue in the CC-5-4 Zone within the Mid-City Communities Planning Area. During the initial project review an existing curb cut and drive way to access and egress the site was identified as too close to the intersection of University Avenue and 39th Street. The Transportation Engineering staff requested the curb cut be closed and relocated further away from the intersection as it would create a potentially dangerous situation with vehicles turning off of University Avenue on to 39th Street or vehicles exiting the site attempting to access University Avenue, as well as a potential conflict with pedestrians at the intersection. The proposed project intends to maintain the existing curb cut and therefore the project could potentially be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

The proposed development is for the construction of a new 2,187 square-foot convenience store located at 3845 University Avenue in the CC-5-4 Zone area. The CC-5-4 Zone is intended to accommodate development with a pedestrian orientation. The project as proposed fails to implement the pedestrian orientation expressly prescribed in the Community Plan and intended to be implemented through application of the CC-5-4 zone. Specifically, the project proposes to locate the building at the rear of the lot with parking spaces and drive aisles dominating the front of the property along the street. The proposed design is virtually the opposite site layout recommended by the community plan and required by development regulations of the Land Development Code. The CC-5-4 zone requires structures to be located close to the street and includes a maximum street yard setback of 10-feet. Development regulations also include requirements for pedestrian paths from abutting streets, transparency, building articulation and minimum lot coverage the proposed design does not meet. The deviations required to locate the convenience store at the rear property line and parking in the front are not appropriate at the proposed location and would not result in a more desirable project than would conformance to the CC-5-4 Zone requirements.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 1122228 is hereby DENIED by the Planning Commission.

John P. Hooper
Development Project Manager
Development Services

Adopted on: May 23, 2013

Job Order No. 24002323

NOTICE OF EXEMPTION

TO: RECORDER/COUNTY CLERK
 P.O. Box 1750, MS A-33
 1600 PACIFIC HWY, ROOM 260
 SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
 DEVELOPMENT SERVICES DEPARTMENT
 1222 FIRST AVENUE, MS 501
 SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
 1400 TENTH STREET, ROOM 121
 SACRAMENTO, CA 95814

PROJECT NO.: 263525

PROJECT TITLE: 7/ELEVEN UNIVERSITY AVENUE AND 39TH STREET

PROJECT LOCATION-SPECIFIC: 3845 University Avenue, San Diego, California 92104

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: DENIAL OF A PLANNED DEVELOPMENT PERMIT for a new 7/Eleven store on a 0.17 acre site located at 3845 University Ave in the CC-5-4 Zone of the Central Urbanized Planned District and within the City Heights Neighborhood of Mid City Communities Plan Area.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Bill Adams, Adams-Norton, Moore & Adams (FIRM), 525 B Street #1500, San Diego, California 92101, (619) 233-8200

EXEMPT STATUS: (CHECK ONE)

- MINISTERIAL (SEC. 21080(b)(1); 15268);
 DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
 EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
 CATEGORICAL EXEMPTION:
 STATUTORY EXEMPTIONS: STATUTORILY EXEMPT FROM CEQA PURSUANT TO CEQA STATE GUIDELINES, SECTION 15270 (PROJECTS WHICH ARE DISAPPROVED)

REASONS WHY PROJECT IS EXEMPT: The project has been determined to be exempt from CEQA pursuant to Section 15270. Section 15270 is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the agency can determine that the project cannot be approved.

The property is located in the Cherokee Point Neighborhood in the Mid-City Communities Plan and designated for heavy commercial and light industrial land use. Specific language regarding University Avenue recommends enhancing building facades consistent with the historic and ethnic character of the area and locating parking to the rear of buildings off the side streets to reduce curb cuts and traffic conflicts in order to create a pedestrian-oriented urban village accommodating commerce. The property is regulated by the Central Urbanized Planned District Ordinance and zoned CC-5-4. The CC-5-4 zone was intended to implement the community plan by requiring development to be located at the street and include transparency into the building to create a pedestrian environment. An existing curb cut on 39th Street was requested to be closed by staff due to the potential for conflicts with current traffic circulation along University Avenue, the adjacent Interstate 15 on/off ramps and turns onto 39th Street from the project site. The project proposes the building at the rear of the lot with parking in front and the existing curb cut used to access and egress the site. Due to the fact that the design of the project would not be consistent with the applicable land use plan and zoning development regulations, the project is exempt from CEQA as a project that is recommended to be denied.

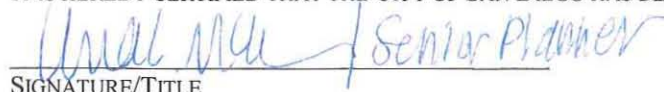
LEAD AGENCY CONTACT PERSON: Rhonda Benally

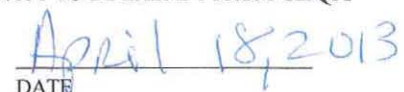
TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
 2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
 YES NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA


 SIGNATURE/TITLE


 DATE

CHECK ONE: SIGNED BY LEAD AGENCY

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

SIGNED BY APPLICANT

(ATTACHMENT 8)

CITY HEIGHTS AREA PLANNING COMMITTEE

Meeting of June 4, 2012
3910 University Avenue
City Heights CA 92105

DRAFT Minutes

1. The meeting was called to order at 6:30PM. Ahmed Malinomar, David Nelson, Guy Mock, Hong Tran, Jenny Flanagan, Jessie Sergent, John DeMiranda, Katt Eaton, Kenton Finkbeiner, Mark Tran, Mazda Mehraz, Patty Vaccariello, Rebecca Rusk, Sam Charry, Samantha Ollinger, Saynab Dahir, and Jim Varnadore formed a quorum. Abdullahi Yusuf, Ahmedei Cheikgurei, and Amanda Moss absent.
2. Ahmed moved and Mark seconded a motion to adopt the agenda as tendered. The members voted 16/0/0 (chair not voting) and the motion passed.
3. Minor corrections were made to the minutes of May 7, 2012.
4. County Tax Collector Dan McAllister offered a presentation about the County Property tax and how it is administered. He discussed the volume of tax bills, the number of refunds, changes in property tax distribution after the demise of Redevelopment, and made a point to notice the availability of several languages among his staff. Mr. McAllister answered several member questions.
5. City Planner Michael Prinz reported that the draft of the Bus Rapid Transit land use study is complete. It will be presented on Wednesday, June 27, 6:30PM at the Boulevard BIA offices.
6. Rebecca offered a status report on the Ridgeview Community Garden. Katt asked the members for permission to take a group photograph of the Committee at the July meeting. Saynab noted that the 2010 Census indicates that there is no longer a majority racial group in the U.S. Guy gave an update on funding for the Home Avenue Park, and reported briefly on a Code Enforcement hearing.
- 7.1 Senior Traffic Engineer Gary Pence reported on the City's recent action to change the speed limits on Home Avenue. The change results from speed surveys made in late-2010, repeated recently, that show the latest value for the 85th percentile speed in each direction on Home Avenue. Mr. Pence also discussed the State and Federal mandates that govern setting speed limits on certain streets, and noted that unless the City does surveys and re-sets speed limits on those streets, the police may not use radar enforcement techniques.

(ATTACHMENT 8)

Guy noted the frequency of high-speed driving on Home Avenue and asked whether the speed limit can be set to 35MPH? It cannot. Katt asked

{continued over}

whether the speed limit changes apply to all of Home Avenue. They apply only to the segment between Fairmount Avenue and Euclid Avenue. She offered remarks about vehicle speeds on Home Avenue. Samantha asked whether adding bike lanes will slow traffic. She noted that higher speeds correlate to higher death rates in accidents. The City will review bike lanes. Guy discussed what is a reasonable speed on Home Avenue and what is enforceable there. He asked whether the City will re-survey speeds after the build-out of the Home Avenue park. Mr. Pence took the question under advisement. Patty asked whether a re-survey would be made after a traffic light is installed at Home/Menlo. That would trigger a re-survey. Jim moved, David seconded a motion to change the speed limits on Home Avenue to conform to State law, which will allow the police to use radar enforcement techniques. The Committee voted 11/5/0 (chair not voting) and the motion passed.

7.2 Bill Adams from 7-11 Corporation noted that the corporation's earlier presentation about its proposal for the Southwest corner of 39th/University did not include the site plan or elevations for the project. The Corporation does not want the proposed building to be sited at the front lot line with parking behind, as the Community Plan requires. Mr. Adams asked the Committee for its sentiments about that variance from the Community Plan, indicating that the Corporation might abandon the project if it cannot situate the building as it prefers.

Kenton discussed Crime Prevention Through Environmental Design (CPTED) as it might apply, and suggested better visibility into the building. David asked specifically what the corporation would do if it cannot get the variance it requests. Mr. Adams believes it will drop the project. Guy discussed possible alternate siting plans. Patty asked several questions about matters shown on the City's first assessment and cycle issues report. Saynab suggested that putting the building at the front lot line might not induce pedestrian traffic.

Katt moved, Sam seconded a motion to accept the variance from the Community plan, to introduce CPTED principles into the project's design, to require clearance of all cycle issues, and to give this Committee an involvement with the project through the approval process. The Committee voted 7/9/0 (chair not voting) and the motion failed. David raised again the matter of transparency. Mr. Adams replied that windows can be added, but noted that transparency can be served by having the building at the rear lot line. Guy discussed again some ideas for situating the building. There was a discussion about the corporation operating a store without a beer/wine license. Mr. Adams said it can be done. Jim discussed agreeing to have the

(ATTACHMENT 8)

building at the rear lot line if there were no beer/wine license. Rebecca noted that earlier the corporation has come to the Committee to solicit support for a beer/wine license, but now says it might not be a requirement. David asked to re-consider and vote again on the earlier motion. There was a discussion of that. Katt moved, Kenton seconded a motion to accept the variance from the Community plan, to introduce CPTED principles into the project's design, to require clearance of all cycle issues, to give this Committee an involvement with the project through the approval process, and for the corporation to agree in writing that it will not ever apply for a beer/wine license at these premises. The Committee voted 9/7/0 (chair not voting) and the motion passed.

7.3 Jim Stone of Walk San Diego discussed a recent study of walkable neighborhoods and unwalkable neighborhoods. The study indicates, for instance, that foreclosure rates are lower in walkable neighborhoods. He described the California Re-Investment Act (CRA) which is a State technique for bringing mortgage money into low income areas. Walk San Diego wants the CRA to support walkability as well as low-income housing finance. Walk San Diego plans several workshops for City Heights, although the dates and locations are not decided. Ahmed asked whether prior studies had been conducted in City Heights. Mr. Stone noted the earlier survey of sidewalks conducted through the Health Equity by Design group in 2011.

8. The meeting was adjourned at 8:36PM to reconvene July 2, 2012 at the time and place shown above.

CITY HEIGHTS AREA PLANNING COMMITTEE

Mid-month meeting
August 20, 2012, 6:30PM
4310 Landis Street
City Heights CA 92105

DRAFT Minutes

1. Chairwoman Katt Eaton called the meeting to order at 6:30PM. Rebecca Rusk, Jessie Sergent, Patty Vaccariello, and Jim Varnadore were present. A quorum was not established. William Adams, Ali Awad, and Ahmed Awad were present.

2. The agenda were adopted by voice vote.

3. There was no off-agenda public comment.

4.1 Mr. William Adams, attorney for the 7-11 Corporation presented a revised set of plans for a new 7-11 outlet at the Southwest corner of 39th/University. He summarized the changes from an earlier presentation as: the building is moved to the Westerly side setback; the trash container is moved to the East face of the building; the applicant, 7-11 Corporation will not apply for an ABCD license for the outlet. There were discussions of the landscape and other greenery installations, the siding materials, the windows and the City's transparency requirement, interior and exterior lighting, and whether additional architectural details including such items as off-setting planes might be included.

There was a discussion of maintenance including maintaining the landscape and a further discussion of the use of greenery to prevent graffiti. Patty noted that the Committee has not seen the draft landscape plan. Mr. Adams indicated one is available that he will e-mail to the Chairwoman soon. There was some follow-up discussion of lighting and landscape including a few specific suggestions for street trees and other particular landscape elements.

External equipment for the building's utilities and cooling will be installed on the roof behind a 5-foot high parapet. Near the end of the meeting, Mr. Adams summarized the suggestions as: suitable landscape, exterior lighting, architectural detail, and transparency. He agreed to present these to the applicant.

5. The meeting was adjourned at 7:21PM to convene, if called, on September 17, 2012 at the time and place shown above.



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title **Project No. For City Use Only**
263525
 University Heights, 7-Eleven
Project Address:
 3845 University Ave., San Diego Ca 92105

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print): Ahmed A Awad
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: 5377 Renaissance Ave
 City/State/Zip: San Diego CA 92122
 Phone No: 858 232 1834 Fax No: _____
 Signature: [Signature] Date: 10/18/11

Name of Individual (type or print): ALI A. AWAD
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: P.O. Box 12216
 City/State/Zip: La Jolla CA 92039
 Phone No: 619 274 1077 Fax No: _____
 Signature: [Signature] Date: Oct-18-11

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____