



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 14, 2007 **REPORT NO.** PC-07-091

ATTENTION: Planning Commission, Agenda of June 21, 2007

SUBJECT: GARFIELD STARBUCKS - PROJECT NO. 84191
PROCESS 4

REFERENCE: Balboa Avenue Revitalization Action Program, adopted
September 12, 2005

OWNER: CLAIREMONT RENTAL PROPERTIES, a California general partnership

APPLICANT: JAVA ACQUISITION COMPANY 0013, LLC

SUMMARY

Issue(s): Should the Planning Commission approve an amendment and rescission of previously approved development permits to allow the construction of a 6,206 square foot retail building on the southeast corner of Balboa Avenue and Clairemont Drive within the Clairemont Mesa Community Planning Area?

Staff Recommendation:

1. **CERTIFY** Mitigated Negative Declaration No. 84191, and **ADOPT** the Mitigation, Monitoring and Reporting Program;
2. **APPROVE** Planned Development Permit No. 265516.

Community Planning Group Recommendation: On March 20, 2007 the Clairemont Mesa Community Planning Group voted 10-1-0 to recommend approval of the project with one condition.

Environmental Review: A Mitigated Negative Declaration, Project No. 84191 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared

and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

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

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project is located on a site identified as Neighborhood Commercial in the Clairemont Mesa Community Plan. No residential units are proposed as part of this project.

BACKGROUND

The project site is located on the southeast corner of Balboa Avenue and Clairemont Drive and is zoned Commercial Neighborhood (CN) within the Clairemont Mesa Community Plan. The project site is also located within the Balboa Avenue Revitalization Action Program (RAP), adopted by the City Council on September 12, 2005.

A portion of the project site is currently developed with a 15,300 square foot retail/office building (constructed per PCD 48 and PCD 30-048-1), which will remain. The remaining portion, which fronts Clairemont Drive and Balboa Avenue, is vacant land which was previously developed with a 2-story office building (included in PCD 48) and service station (per CUP 454-PC and CUP 85-0628). The 2-story office building was demolished in 2000; the service station in 2004. Surrounding development includes office and residential uses to the south, a fast-food restaurant across Clairemont Drive to the west, a commercial shopping center and automobile repair use to the north (across Balboa Avenue), and Tecolote Canyon to the east.

The project is currently encumbered with the following development permits, which are either being rescinded or amended with this action:

PCD 48 (amended with this action to include Parcel 1 of Parcel Map 5331 and the construction of the 6,206 retail building): Approved April 6, 1978 to construct, operate, and maintain two retail-office buildings with 19,574 square feet on 1.9 acres in the R-1-5, CP and CN zones (CN zone proposed) in Parcel A of PM 871, Parcel 2 of PM 5331 and portions of an alley to be vacated. Note: The property was later consolidated and the alley vacated under Parcel Map 8421. (Attachment 11)

PCD 30-048-1 (amended with this action to include Parcel 1 of Parcel Map 5331 and the construction of the 6,206 retail building): Approved January 8, 1981 to amend PCD 48 (although this permit does not specifically state it is an amendment, it is for the same site and references approved exhibit A dated April 6, 1978, consistent with PCD 48). The amendment allowed the substitution of landscape screening along the rear of the property in lieu of extending the existing wall abutting the residential property to the south six feet above the center's parking lot, and a deviation to allow the assembling and parking of two catamaran boats sold by one of the buildings tenants. (Attachment 12)

PCD 30-048-2 (rescinded with this action): Approved October 26, 1981 to amend PCD 30-048-1 (although this permit does not specifically state it is an amendment, it is for the same site and references approve exhibit A dated April 6, 1978, consistent with PCD 48). The amendment allowed the assembly of no more than 5 catamaran boats, where the previous amendment (30-048-1) allowed the assembly of 2 boats. Note: There is no longer a catamaran boat dealer on this site; therefore, the permit is being rescinded with this action. (Attachment 13)

CUP 454-PC (rescinded with this action): Approved August 26, 1976 for a self-serve gasoline sales facility on Parcel 1 of Parcel Map 5331. The service station was demolished in 1994; therefore, the permit is being rescinded with this action. (Attachment 14)

CUP 85-0628 (rescinded with this action): Approved January 9, 1986 to replace an existing pump island and cashiers booth with a new snack shop building on Parcel 1 of Parcel Map 5331. The service station was demolished in 1994; therefore, the permit is being rescinded with this action. (Attachment 15)

DISCUSSION

Project Description:

The project consists of an existing 15,300 square foot, single-story retail/office building, with parking in the front and rear, and associated landscaping, located on the easterly portion of the 2.4 acre site. Tenants in this existing building include a laundromat, restaurant, general offices, dance studio, and a dentist office. No additions or modifications are proposed to this portion of the project site. A 6,206 square foot building, to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café with drive-up/drive through, is being proposed. Project features include a pedestrian gateway entrance with seating area, water fountain, scored concrete and raised planter beds, street trees, and a public open area, including outdoor café seating.

Community Plan Analysis:

The subject site, located at the southeast corner of Balboa Avenue and Genesee Avenue, is designated Neighborhood Commercial by the Clairemont Mesa Community Plan. The proposed café and retail uses meet the goals and objectives of the land use plan by providing a development that contains neighborhood-serving commercial uses.

In addition to the proposed project's conformance to the Community Plan, the project also implements a number of objectives outlined in the Balboa Avenue Revitalization Action Program (RAP). The Balboa Avenue RAP is intended to implement the Clairemont Mesa Community Plan by transforming the Balboa Avenue corridor into a pleasant and inviting environment for pedestrians, bicyclists and automobiles alike. Implementation of recommendations in the RAP is dependent upon a coordinated public/private funding partnership, leveraging City funds and private-project related improvements. Specific project features including: a pedestrian gateway entrance with seating area, water fountain, scored concrete and raised planter beds; street trees consistent with those recently planted by the City as

part of the median enhancement project; a public open area, including outdoor café seating, bicycle racks, and shade awnings; and an overall architectural theme which includes articulation, varying roof lines, canopies and pedestrian orientation will help to implement the RAP by fostering quality design and development along the Balboa Avenue corridor. Additionally, the project proposes to close two existing driveways along Balboa Avenue and three existing driveways along Clairemont Drive, further adding to the establishment of a pedestrian and bicycle-friendly environment at this prominent corner location.

While the proposed café and retail uses implement the land use plan, the drive-through proposed by this project is not allowed by the underlying zone. Therefore, a deviation is required to allow for a drive-through.

Environmental Analysis:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect to Historical Resources (Archaeology) and Health and Public Safety.

Historical Resources - The project site is located in proximity to an area of high sensitivity where several archaeological sites have been identified (within a mile of the project site). Due to proposed grading activities, the project has the potential to impact buried archaeological resources. Therefore, the Mitigation Monitoring and Reporting Program (MMRP) detailed in Section V of Mitigated Negative Declaration (MND) No. 84191 would be required. The MMRP includes archaeological monitoring during grading and excavation for the project site. Implementation of the MMRP would reduce the project's impacts to below a level of significance.

Health and Public Safety – Several gas stations have occupied the northern portion of the property from 1956 to 1993. According to the County of San Diego Department of Environmental Health (DEH), one 10,000-gallon and two 6,000-gallon unleaded gasoline underground storage tanks were removed in 1987. Subsequent to the removal of the former underground storage tanks, one 12,000-gallon and two 10,000-gallon unleaded gasoline underground storage tanks were installed, and removed in November 1993, following the closure of the gasoline service station in 1993. The subject site has remained vacant since 1994.

According to assessment records, hazardous materials within the on-site soils were discovered during the 1987 tank removals but no groundwater impacts were identified. Residual concentrations of total petroleum hydrocarbons were left in place at the bottom of the former underground storage tank excavation area. Due to potential for residual hydrocarbons to remain on site, the applicant will be required to provide a letter from the DEH which concurs that adequate protection of human health, water resources and the environment are adequately protected from any contamination that may be present on site, thus precluding significant health and safety impacts. Verification of the concurrence letter has been incorporated into the mitigation measures required for this project. The concurrent letter has been incorporated into the mitigation measures for this project, reducing any impacts to below a level of significance.

The transportation/circulation, water quality and geology/soils issue areas were determined to be potentially significant during the initial review of the project. Upon further review of the issues, including review of any required technical studies, it was determined that the issues would not result in significant impact and therefore no mitigation would be required.

Project-Related Issues:

Drive-up/Drive through - The project was originally submitted to include a Rezone from CN to CC-1-3 solely to allow a drive-up/drive through for the Starbucks Café. The CN Zone property development regulations do not allow drive-up/drive through. The CC-1-3 zone does allow drive-up/drive through and is intended to accommodate development with an auto orientation. However, the rezone to CC-1-3 would also allow undesirable uses adjacent to residentially zoned property (e.g., live entertainment). The Rezone request was removed from the project after staff suggested the applicant keep the existing CN zone and include a deviation request for the drive-up/drive through with the Planned Development Permit.

Working closely with City staff and with the Clairemont Mesa Planning Committee, the applicant has sensitively designed the proposed drive-up/drive through with its location along the rear perimeter of the subject site, thus providing a much larger area for pedestrian orientation along the project's street frontage. This additional room for pedestrian amenities has allowed space for the implementation of the Balboa Avenue RAP-related improvements. Therefore, the deviation request is appropriate for this location and will result in a more desirable neighborhood commercial center for the community that will serve as an example of how private project-related improvements can contribute to the revitalization of Balboa Avenue.

Community Planning Group- The Clairemont Mesa Community Planning Group recommended approval of the project with the condition that the zone change only affect the parcel as illustrated in the figure distributed by the applicant. The rezone request has been removed from this project; therefore, the condition does not apply.

Critical Project Features to Consider During Substantial Conformance Review

Land Use – A condition has been placed on the permit to prohibit eating and drinking establishments from occupying any portion of the proposed 4,366 square foot of retail area (this condition does not apply to the proposed 1,840 square foot café) due to the lack of parking for additional eating and drinking establishments.

Conclusion:

The proposed project has been designed to meet the needs of the community and local business in the surrounding area. The project will implement the goals of the Balboa Avenue RAP by providing a fresh appearance to the intersection of Balboa Avenue and Clairemont Drive, and will add momentum to the Balboa Avenue revitalization that is currently being implemented. The project also promotes a pedestrian orientation and opportunities for retail/office uses serving the community in this area. Other than the requested deviation to allow drive-up/drive through, for which staff believes findings can be made, staff finds the proposed project would be

consistent with the recommended land use and development standards for this site per the San Diego Municipal Code and would not have an adverse effect on the Clairemont Mesa Community Plan.

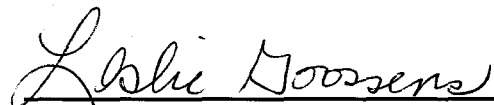
ALTERNATIVES

1. **Approve** Planned Development Permit No. 265516, **with modifications.**
2. **Deny** Planned Development Permit No. 265516, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Leslie Goossens
Development Project Manager
Development Services Department

ESCOBAR-ECK/LAG

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. PCD 48
12. PCD 30-048-1
13. PCD 30-048-2
14. CUP 454-PC
15. CUP 85-0628