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CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

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RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. 84191

STAFF'S

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

PLANNING COMMISSION (List names of Commissioners voting yea or nay)

YEAS: Garcia, Griswold, Naslund, Otsuji

NAYS: Ontai

ABSTAINING: Smiley

TO: Deny

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP: Clairemont Mesa Community Planning Group

Community Planning Group has recommended approval of this project.

In favor: 10

Opposed: 1

By Leslie Goodens

Project Manager



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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

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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~~ *Clairemont Dr*, 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

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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.

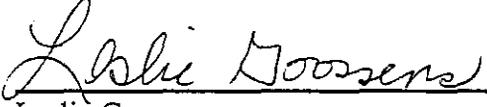
ALTERNATIVES

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

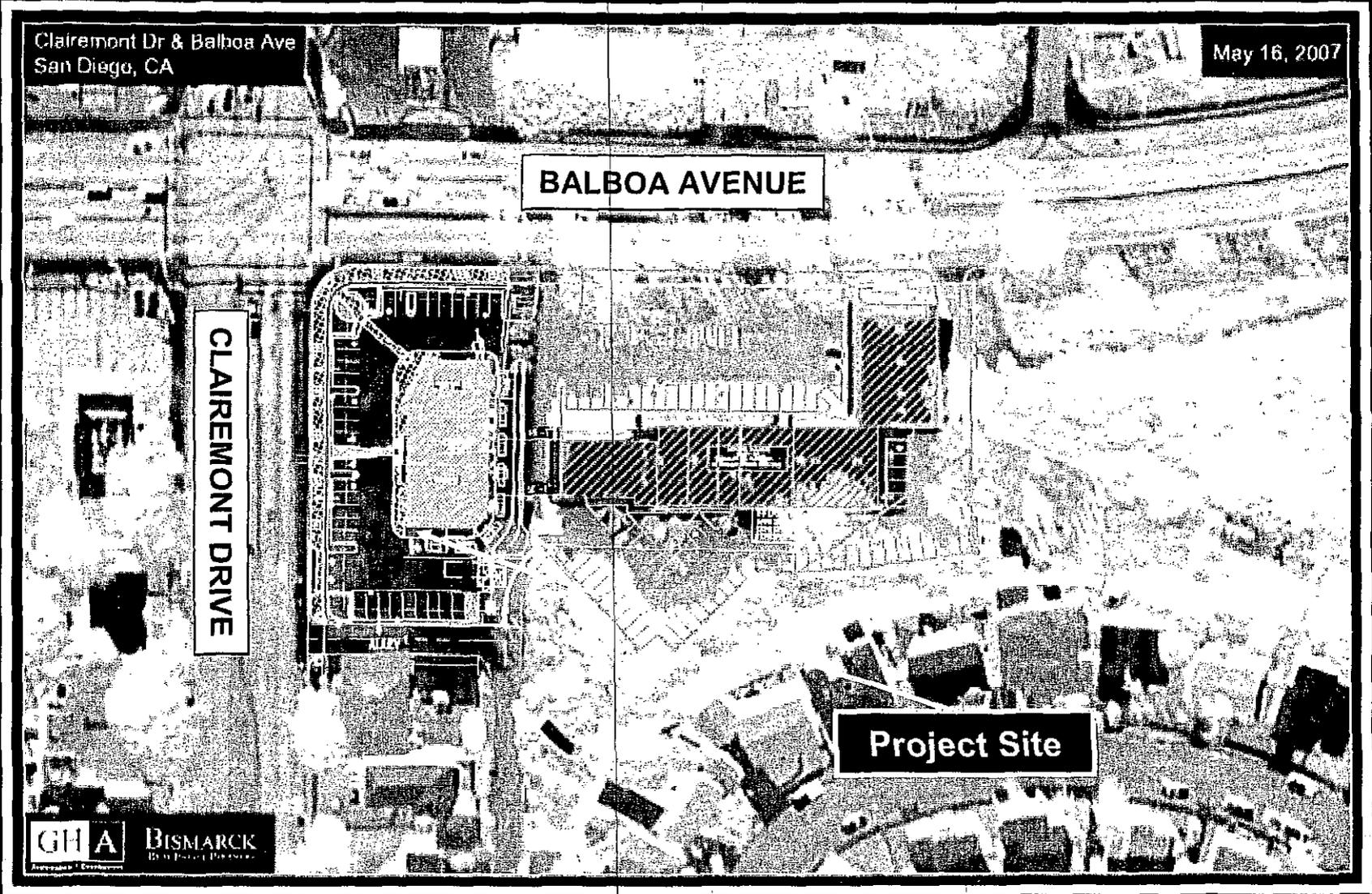


Leslie Goossens
Development Project Manager
Development Services Department

ESCOBAR-ECK/LAG

Attachments:

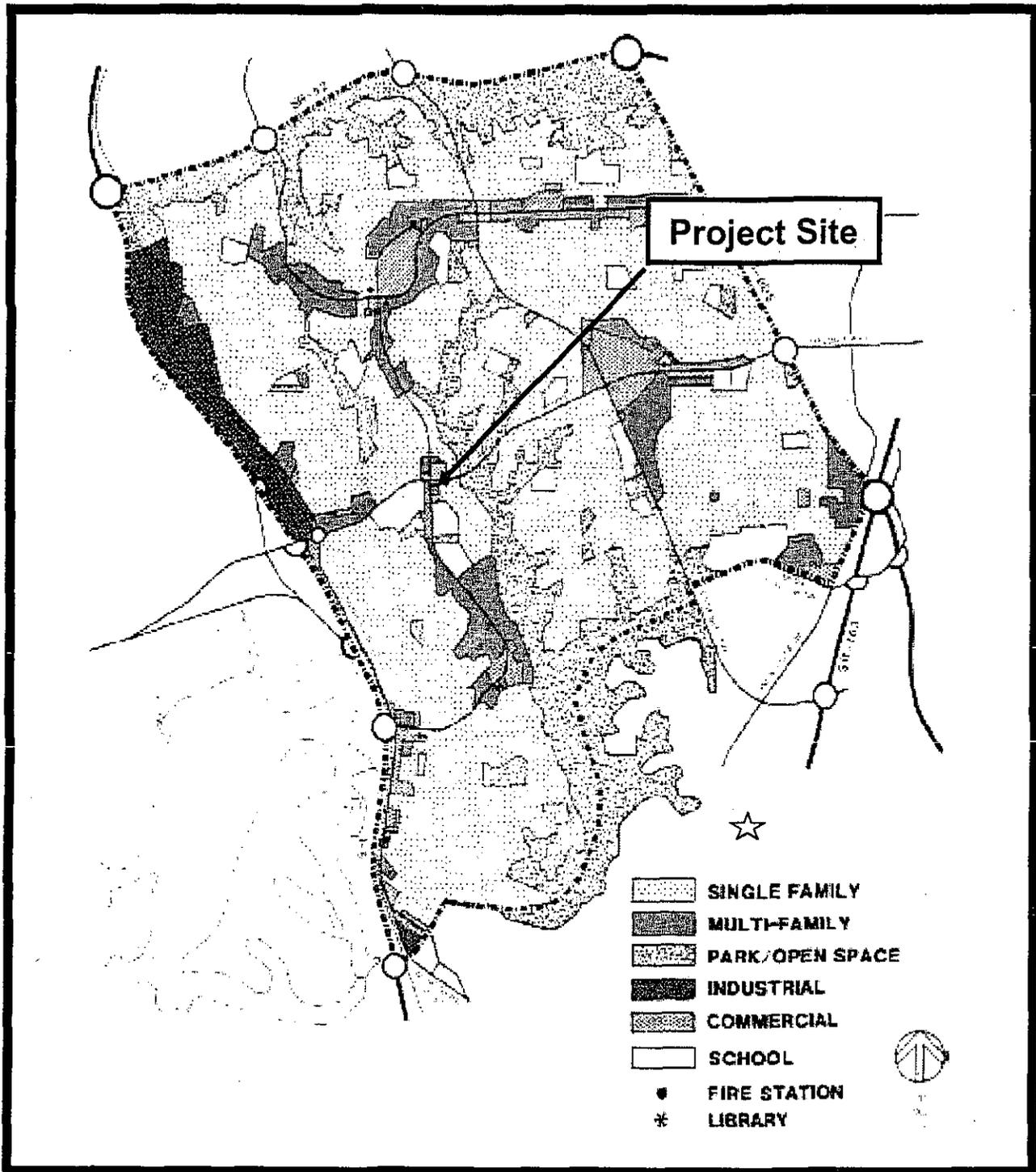
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans
6. Draft Permit with Conditions
7. Draft Resolution with Findings
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement
10. Project Chronology
11. PCD 48
12. PCD 30-048-1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



Aerial Photo

GARFIELD STARBUCKS - Project Number 84191
SEC of Balboa Avenue and Clairemont Drive

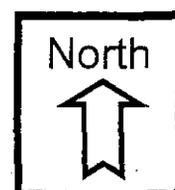


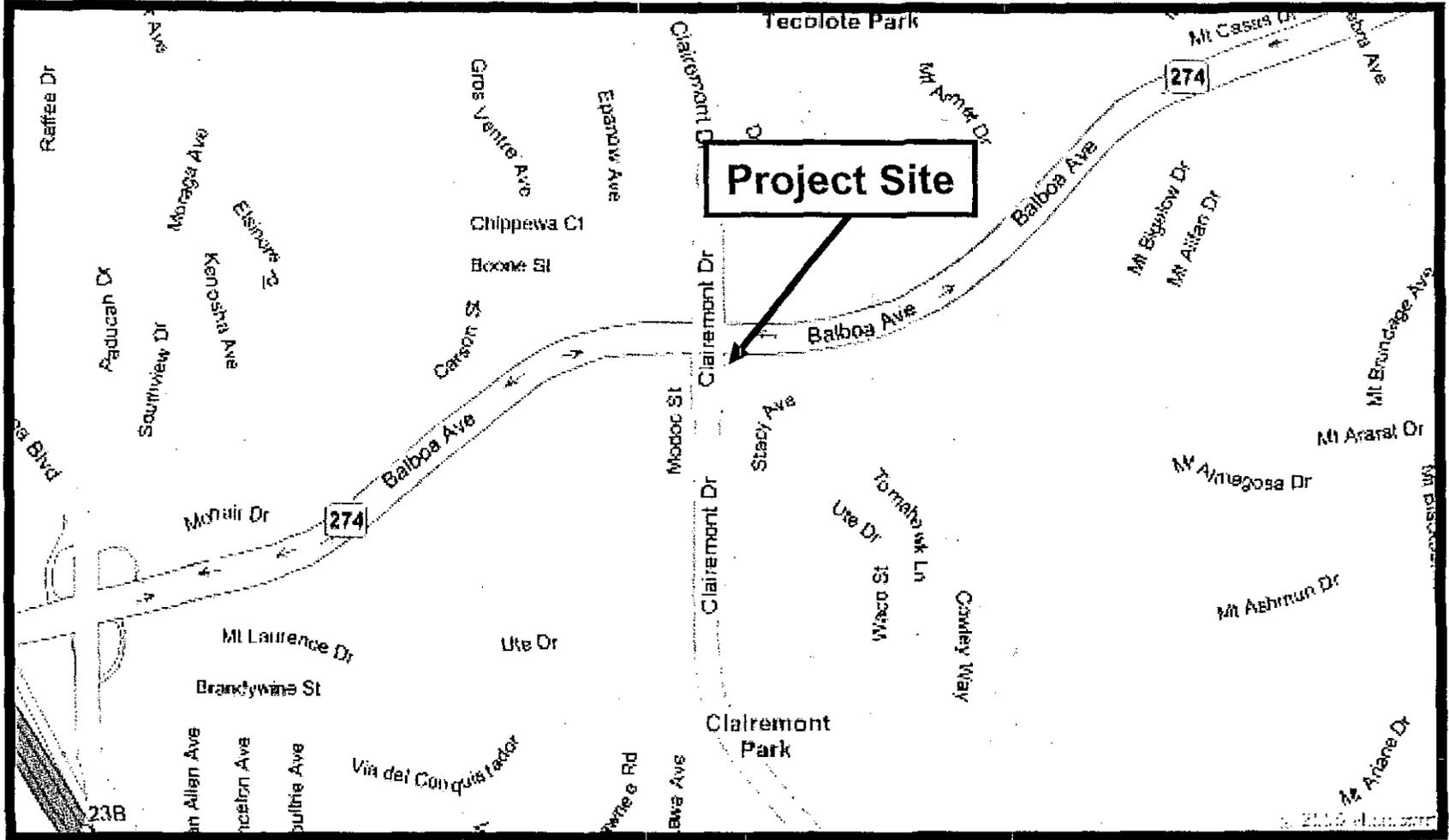


Community Plan Land Use Map

GARFIELD STARBUCKS - Project Number 84191

SEC of Balboa Avenue and Clairemont Drive





Project Location Map

GARFIELD STARBUCKS - Project Number 84191
SEC of Balboa Avenue and Clairemont Drive



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PROJECT DATA SHEET		
PROJECT NAME:	Garfield Starbucks, Project 84191	
PROJECT DESCRIPTION:	To maintain an existing 15,300 S.F., single story office-retail center and construct a 6,206 square foot building to include a 4,366 S.F. retail shell space and a 1,840 S.F. Starbucks Cafe with drive-up/drive through	
COMMUNITY PLAN AREA:	Clairemont Mesa Community Plan	
DISCRETIONARY ACTIONS:	A Planned Development Permit to amend Planned Commercial Development Permit 48 and 30-048-1, and rescind Planned Commercial Development Permit 30-048-2, Conditional Use Permit 454-PC, and Conditional Use Permit 85-0628.	
COMMUNITY PLAN LAND USE DESIGNATION:	Neighborhood Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: CN-1-2: (Commercial-Neighborhood) HEIGHT LIMIT: 30 feet maximum height limit LOT SIZE: 5,000 minimum lot size FLOOR AREA RATIO: 1.0 maximum FRONT SETBACK: No minimum or maximum SIDE SETBACK: 0-feet or 10-feet STREETSIDE SETBACK: No minimum or maximum REAR SETBACK: 0-feet or 10-feet		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial-Neighborhood; CN-1-2	Commercial
SOUTH:	Commercial-Office CO-1-2	Commercial/Residential
EAST:	Commercial-Neighborhood; CN-1-2	Tecolote Canyon
WEST:	Commercial-Neighborhood; CN-1-2	Commercial
DEVIATIONS OR VARIANCES REQUESTED:	To allow drive-up/drive through	
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.	

STATEMENT OF ENCROACHMENTS:

NOTES CORRESPONDING TO SCHEDULE "B":
1. ALL ENCROACHMENTS ARE TO BE REMOVED AT THE SURVEYOR'S EXPENSE...

CURVE DATA TABLE:

Table with 2 columns: Curve ID, Curve Data (e.g., R = 100.00', L = 12.00')

BENCH MARKS:

CITY OF SAN DIEGO
READY BENCH P.M. 8277
ELEVATION: 16.00'
DATE OF SURVEY: 08/21/2007

LAND AREA:

14.66 ACRES

LINE DATA TABLE:

Table with 2 columns: Line ID, Line Data (e.g., 11 - S 88°24'00" E 10.00')

LEGAL DESCRIPTION:

THE LAND DESCRIBED IS SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA...
LEGAL DESCRIPTION OF THE LAND...

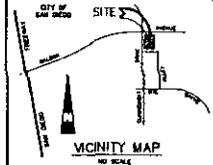
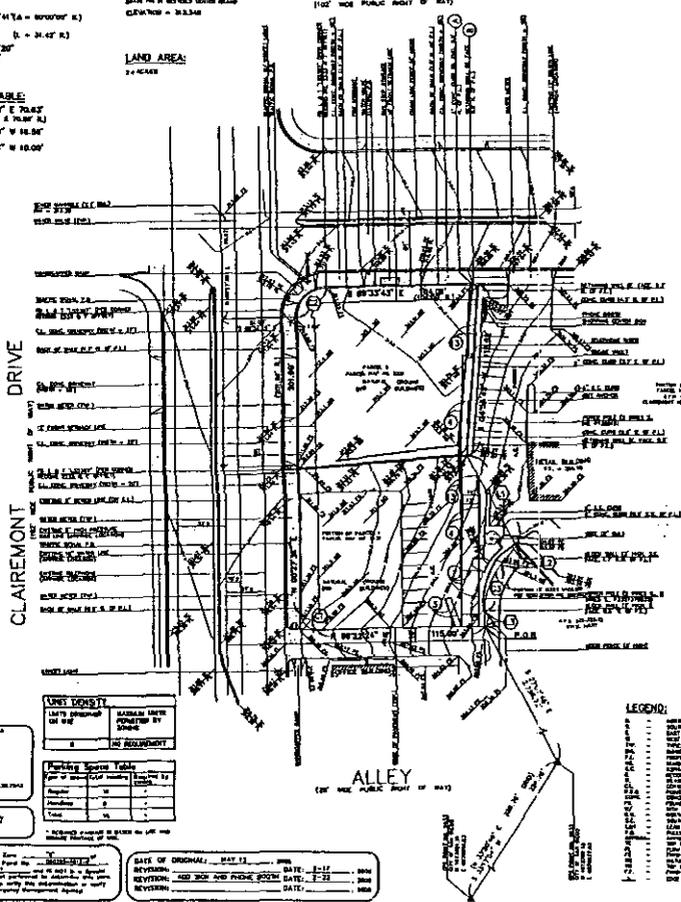
FOR INQUIRIES CONCERNING THIS SURVEY CONTACT:

U.S. SURVEYOR
1-800-TO-SURVEY
PROJECT LOCATION: 3895 CLAREMONT DRIVE
PROJECT ADDRESS: 3895 CLAREMONT DRIVE
PROJECT NAME: ALTA/LAND LAW

U.S. SURVEYOR
1-800-TO-SURVEY
PROJECT LOCATION: 3895 CLAREMONT DRIVE
PROJECT ADDRESS: 3895 CLAREMONT DRIVE
PROJECT NAME: ALTA/LAND LAW

UTILITY CONTACT INFORMATION:
WATER AND SEWER: CITY OF SAN DIEGO WATER DEPARTMENT
STORM DRAIN: CITY OF SAN DIEGO STREET DEPARTMENT
GAS & ELECTRIC: SAN DIEGO GAS & ELECTRIC
LEGEND:
1. EXISTING CURB
2. EXISTING SIDEWALK

BALBOA AVENUE



UTILITY NOTE:
THE UTILITY LOCATIONS SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY...

UTILITY CONTACT INFORMATION:
WATER AND SEWER: CITY OF SAN DIEGO WATER DEPARTMENT
STORM DRAIN: CITY OF SAN DIEGO STREET DEPARTMENT
GAS & ELECTRIC: SAN DIEGO GAS & ELECTRIC

Table with 2 columns: Utility Name, Contact Information (e.g., WATER AND SEWER, CITY OF SAN DIEGO WATER DEPARTMENT)

NOTE:
THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE APPROVAL OF THE CITY ENGINEER...

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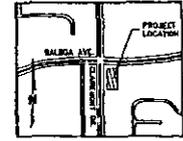
BISMARCK REAL ESTATE PARTNERS



Architects / Development
Parkway Plaza I
1410 Dallas Parkway
Suite 100
Dallas Texas 75244

PREPARED BY:
GENDES, HENNINGSON & ASSOCIATES
1410 DALLAS PARKWAY, SUITE 100
DALLAS, TEXAS 75224

CONTACTS:
ALAN THAMONS
DAVID SMITH
PROJECT ADDRESS:
3895 CLAREMONT DR.
SAN DIEGO, CA 92117-5831



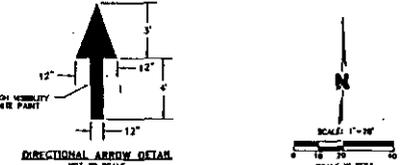
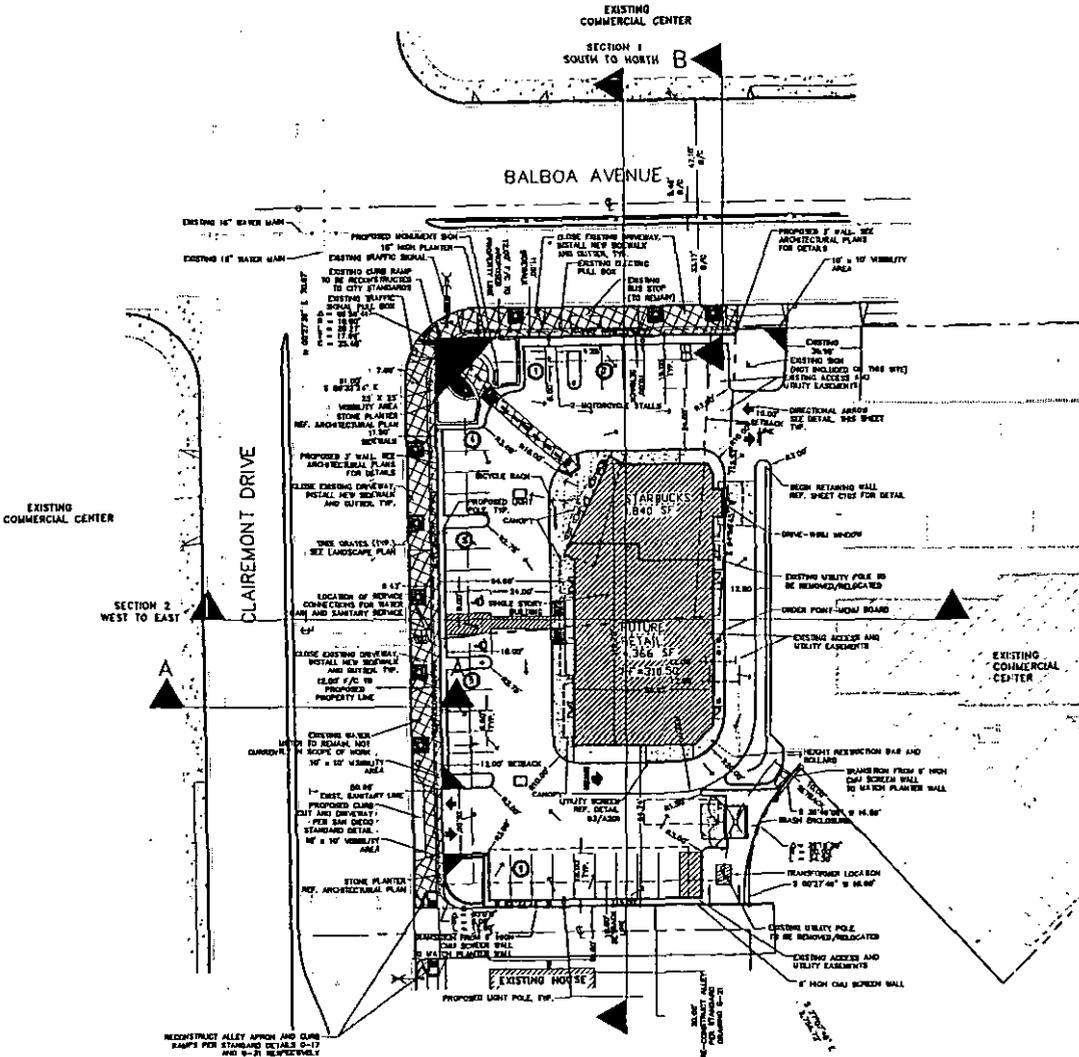
SITE LOCATION MAP (NOT TO SCALE)

LEGEND

- EXISTING PROPERTY LINE
- - - - - PROPOSED PROPERTY LINE
- ⊙ EXISTING WATER VALVE
- ⊙ EXISTING WATER HYDRANT
- ⊙ EXISTING SIDEWALK
- ⊙ EXISTING STALL COUNT
- RETAINING WALL
- ADA ACCESSIBLE PATH
- SANITARY SERVICE SERVICE
- WATER SERVICE
- ⊙ SANITARY SERVICE CLEANOUT
- EXISTING 12" WATER MAIN
- EXISTING TELEPHONE LINE
- ⊙ EXISTING UTILITY POLE
- PROPOSED DRAINAGE GRABBER
- PROPOSED BACK OF CURB
- PROPOSED FACE OF CURB

NOTES:

1. NO BUILDINGS SHALL BE HIGHER THAN 34' WITHIN THE SITE AREA BOUNDARIES.
2. PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FROM THE PROPERTY FOR PURE PROJECT 3-1/2" x 6" (SEE BOX 8-1.1).
3. ALL ROAD DRIVEWAYS SHALL BE 10' WIDE - 10' HIGH.
4. PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, THE APPLICANT SHALL IMPROVE THE ADJACENT ALLEY, WALL METERS, INCLUDING REPAIRING THE ALLEY APPROX AND RECONSTRUCTING THE TWO (2) ALLEY CURB RAMPS AT CLEARANCE DRIVE TO EXISTING STANDARDS AND SATISFACTORY TO THE CITY ENGINEER.
5. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, THE APPLICANT SHALL OBTAIN A MAINTENANCE AGREEMENT FOR THE EXISTING STANDARDS AND SATISFACTORY TO THE CITY ENGINEER.
6. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, THE APPLICANT SHALL IMPROVE AND SHOW THE TYPE AND LOCATION OF ALL PRE-CONSTRUCTION BEST MANAGEMENT PRACTICES (BMP'S) ON THE FINAL CONSTRUCTION DRAWINGS, IN ACCORDANCE WITH THE APPROVED WATER QUALITY CONTROL REPORT.
7. THE DRAINAGE SYSTEM PROPOSED FOR THIS DEVELOPMENT IS PRIVATE AND SUBJECT TO APPROVAL BY THE CITY ENGINEER.
8. PRIOR TO BUILDING OCCUPANCY, THE APPLICANT SHALL CLOSE INNECH (3) EXISTING DRIVEWAYS ON CLAREMONT DRIVE AND TWO (2) EXISTING DRIVEWAYS ON BALBOA AVENUE WITH BEST PRACTICE 18" FULL-DEPTH CURBS, CUTTERS AND SIDEWALKS. SHALL INSTALL A 20-FOOT OVERLAY ON CLAREMONT DRIVE AND SHALL RECONSTRUCT THE CURB RAMP AT THE CORNER OF BALBOA AVENUE AND CLAREMONT DRIVE. ALL SATISFACTORY TO THE CITY ENGINEER.
9. PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMITS, THE APPLICANT SHALL INCORPORATE ANY CONSTRUCTION BEST MANAGEMENT PRACTICES NECESSARY TO COMPLY WITH CHAPTER 14, ARTICLE 2, SECTION 1 (STORMWATER MANAGEMENT) OF THE SAN DIEGO MUNICIPAL CODE WITH THE CONSTRUCTION PLANS OF SPECIFICATIONS.
10. PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMITS, THE APPLICANT 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.
11. A REVIEW OF MAPS IN THE LAND DEVELOPMENT REVIEW DIVISION IDENTIFIES AN ARCHAEOLOGICAL SITE WITHIN A HALF MILE OF THE PROJECT SITE; THEREFORE ARCHAEOLOGICAL MONITORING WILL BE REQUIRED DURING CONSTRUCTION OPERATIONS.
12. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OWNER/PROMOTER SHALL ASSESS, BY PERMIT AND BOND, THE DESIGN AND CONSTRUCTION OF NEW WATER SERVICES (OUTSIDE OF ANY EXISTING) AND THE DISCONNECTION AT THE WATER MAIN OF ALL EXISTING UNLINED SERVICES ADJACENT TO THE SITE, ON A NUMBER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR AND THE CITY ENGINEER.
13. PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS, THE OWNER/PROMOTER SHALL APPLY FOR A PLUMBING PERMIT FOR THE INSTALLATION OF APPROPRIATE PRIVATE BACK FLOW PREVENTION DEVICES (BFP) ON EACH WATER SERVICE, DOMESTIC, FIRE, AND HEATING, IN A NUMBER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR, THE CITY ENGINEER, AND THE CROSS CONNECTION SUPERVISOR IN THE CUSTOMER SUPPORT DIVISION OF THE WATER DEPARTMENT.
14. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY, PUBLIC WATER FACILITIES NECESSARY TO SERVE THE DEVELOPMENT INCLUDING SERVICES SHALL BE COMPLETE AND OPERATIONAL IN A NUMBER SATISFACTORY TO THE WATER DEPARTMENT DIRECTOR AND THE CITY ENGINEER.
15. PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY, ALL PROPOSED PUBLIC WATER FACILITIES, INCLUDING SERVICES AND METERS, IN ACCORDANCE WITH ESTABLISHED CRITERIA IN THE MOST CURRENT EDITIONS OF THE CITY OF SAN DIEGO WATER UTILITY DESIGN MANUAL AND ANY CITY RESOLUTION, STANDARDS AND PRACTICES PERTAINING THERETO, PROPOSED FACILITIES THAT DO NOT MEET THE CURRENT STANDARDS FOR CONSTRUCTION, OPERATION, MAINTENANCE AND ACCESS, SHALL BE PRIVATE OR WORKED AT FINAL CONSTRUCTION TO COMPLY WITH STANDARDS.



SITE DATA

1. PROJECT SITE DATA	LAND	2.4 ACRES
EXISTING METAL	15,300 SQUARE FEET	
STANDARD FLOOR AREA	1,800 SQUARE FEET	
CO-EQUAL METAL FLOOR AREA	4,200 SQUARE FEET	
TOTAL BUILDING AREA	4,200 SQUARE FEET	

6. PARKING DATA:	NEW CARS/	EXISTING
	PARKING SPACES	RETAIL
	31	52
	7	77

7. BUILDING OCCUPANCY	D - BUSINESS
TRANSFORMING	M - MERCANTILE

8. TYPE OF CONSTRUCTION	V-1
STANDARDS	V-2
RANGES	V-3

9. APPLICANT'S MAP NO. 038-023-20 & 038-023-20
 ZONING (CURRENT) CN-1-3 (COMMERCIAL, NEIGHBORHOOD)
 OVERLAY ZONE CLAREMONT MESA HEIGHT LIMIT
 CONDITION OF SOL AT SITE COMPACT

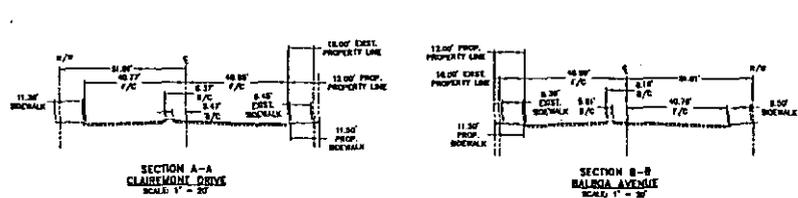
LAND USE TABLE

PROPOSED SPACE	EXISTING SPACE	APPLICANT'S LAND AREA (AC)	EXISTING RETAIL	EXISTING FOOD/RESTAURANT	EXISTING OFFICE	EXISTING OTHER
13,300	15,300	2.4	31	7	77	31

BENCHMARKS

- 1. CITY OF SAN DIEGO BENCH MARK NO. 5277 CLAREMONT DRIVE AND BALBOA AVENUE CROSS IN WEST-CENTER ISLAND BENCHMARK 31.25, 100.

NOTE: ONE BEFORE YOU GO. CALL 1-800-237-3900 FOR LOCATION OF UNDERGROUND UTILITIES PRIOR TO ANY CONSTRUCTION.



BISMARCK
REAL ESTATE PARTNERS



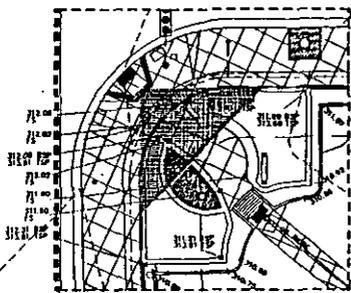
Architecture / Development
 Parkway Phase 1
 1516 Balm Parkway
 Suite 100
 San Diego, CA 92108
 PH: (619) 521-1000
 FAX: (619) 521-1000

PREPARED BY:
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 OAKLAND, TEXAS 75154
 PH: (972) 238-8884
 FAX: (972) 238-3054
 EMAIL: ghornchon@gho-architects.com

CONTACT:
 ALAN TRIMONS
 DAVID SMITH
 PROJECT ADDRESS:
 3685 CLAREMONT DR.
 SAN DIEGO, CA 92111-5631
 PROJECT NAME:
 BISMARCK RETAIL DEVELOPMENT
 PROJECT NUMBER: #42-2262 @#4181
 SHEET NO. 003

REVISION 14:	
REVISION 13:	
REVISION 12:	
REVISION 11:	
REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	
REVISION 6:	
REVISION 5:	
REVISION 4:	
REVISION 3:	
REVISION 2:	
REVISION 1:	

CITY REVIEW STAMP
 ORIGINAL DATE: 07/01/2007
 CURRENT DATE: 05/21/2007
 SHEET 003 OF 14
 SHEET NO. C101



DETAIL #1
SCALE: 1"=10'

GRADING INFORMATION		
ITEM	UNIT	QUANTITY
TOTAL AMOUNT OF SITE TO BE GRADED	AC	0.80
PERCENTAGE OF TOTAL SITE TO BE GRADED	-	100%
AMOUNT OF CUT	CY	94.0
MAS DEPTH OF CUT	FT	2
AMOUNT OF FILL	CY	87.0
MAS DEPTH OF FILL	FT	4.0
MAS DEPTH OF FILL SLOPES	FT	6
MAS FILL SLOPE RATIO	-	0.5
MAS HEIGHT OF CUT SLOPES	FT	7
MAS CUT SLOPE RATIO	-	1:1.0
AMOUNT OF EXPOSED SOIL	CY	41.0

* QUANTITIES CALCULATED USING FILL FACTOR OF 0.8

GENERAL GRADING NOTES

1. THE PROPOSED GRADING REPRESENTS TOP OF ROAD IN PAVEMENT IN ALL OTHER AREAS, THEY REPRESENT THE FINISHED GROUND SURFACE.
2. ALL VERGEBLASS VEGETATION SHALL BE REMOVED FROM WITHIN THE LIMITS OF THE GRADING.
3. ALL LINES SHOWN REPRESENTING PAVEMENT ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
4. ROAD GRADES WILL DRAIN TO DRIVE-THROUGH.
5. IF HAS BEEN MODIFIED AND INCORPORATED TO US (APPLICANT) THAT IF AFTER THE CITY REVIEW THE PLANS AND RETAINING WALL ANTI-COLLISION AND PAID-ADVISORS IS REQUIRED, THAT WE (APPLICANT) WILL AGREE TO THE CITY'S MODIFICATIONS.
6. NO GRADING PERMIT IS REQUIRED FOR ENGINEERING REVIEW, AN ORDER, LETTER DATED FEBRUARY 02, 2007.

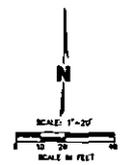
NOTE NOTES

1. EACH RAIN PER PIPE OF NATIONAL STANDARD DRAWING B-6.
2. FLEET 47 BRANCHING SLOPE GUIDE.
3. POLYESTER 300 INCH DRAIN.
4. EXPOSED PIPE.
5. RETAINING WALL.
6. PLASTER WALL.
7. LIMITS OF GRADING.
8. CONVEY WASTEWATER TO 1500 STORMWATER TREATMENT SYSTEM.

RETAINING WALL LOCATION			
ID#	APPROX. HT.	APPROX. LENGTH	TYPE
1	5.0'	150 LF	RETAINING WALL
2	5.0'	182 LF	CAST SCREEN WALL
3	5.0'	227 LF	SCREEN WALL

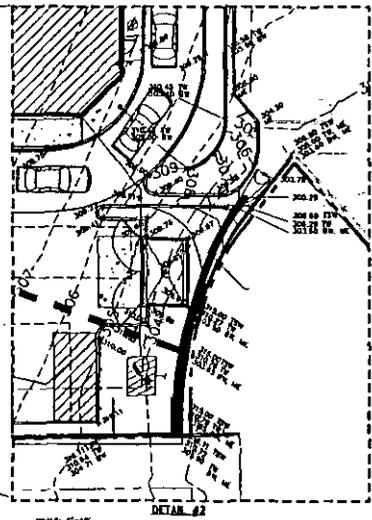
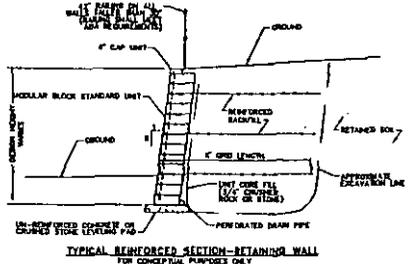
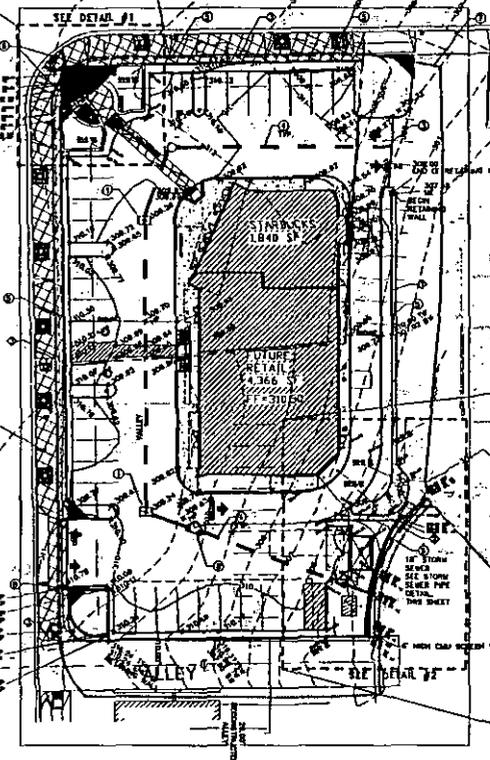
LEGEND

- 1183 --- EXISTING MAJOR CONTOURS
- 1184 --- EXISTING MINOR CONTOURS
- 1185 --- PROPOSED MAJOR CONTOURS
- 1184 --- PROPOSED MINOR CONTOURS
- --- EXISTING PROPERTY LINE
- --- PROPOSED PROPERTY LINE
- --- PROPOSED VALLEY LINE
- --- PROPOSED BOUNDARY LINE
- --- EXISTING WATER VALVE
- --- EXISTING WATER HYDRANT
- --- PROPOSED RETAINING WALL
- --- PROPOSED STORM PIPE
- --- LIMITS OF CONSTRUCTION
- --- DRAINAGE ARROW
- --- EXISTING SPOT ELEVATION
- --- PROPOSED SPOT ELEVATION
- --- FLOOR LINE
- --- TOP OF CURB
- --- FLOOR LINE
- --- TOP OF WALL
- --- BOTTOM OF WALL
- --- NATURAL GROUND
- --- FINISHED SURFACE

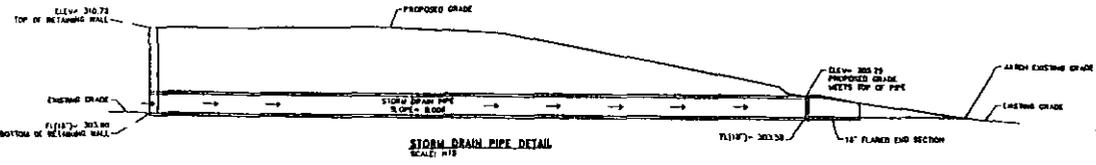


BALBOA AVENUE

CLAIREMONT DRIVE



DETAIL #2
SCALE: 1"=10'



STORM DRAIN PIPE DETAIL
SCALE: 1"=10'

- BENCHMARKS**
1. CITY OF SAN DIEGO BENCH MARK 1077 CLAREMONT DRIVE AND BALBOA AVENUE GRADE PIN IN WESTERN CURVE ISLAND REVISION 313.25, VTL.

GEOPHYSICAL SOURCE OF INFORMATION
 PERT & CHAM
 ADVANCED LAND SURVEYING B-8-06

NOTE:
 CALL BEFORE YOU DIG. CALL 1-800-487-1808 FOR LOCATION OF UNDERGROUND UTILITIES PRIOR TO ANY CONSTRUCTION.

BISMARCK
 REAL ESTATE PARTNERS



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 Fax: (972) 238-8888

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 EMAIL: allenm@gha-architects.com

CONTACTS:
 ALAN THOMAS
 DAVID SMITH

PROJECT ADDRESS:
 3805 CLAREMONT DR.
 SAN DIEGO, CA 92117-5631

PROJECT NAME:
 BISMARCK RETAIL DEVELOPMENT

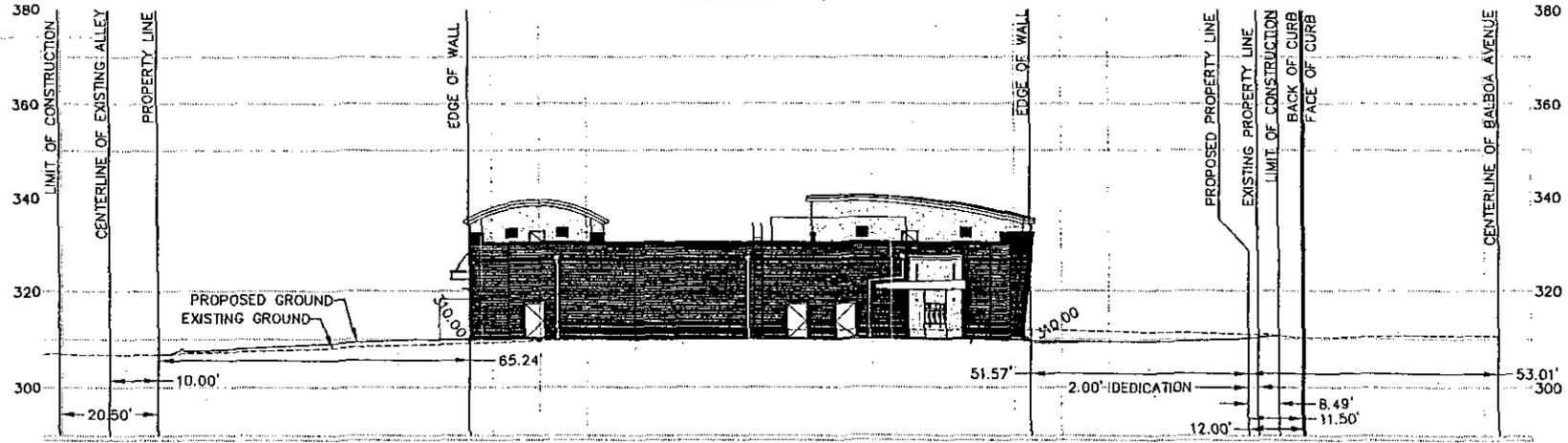
PROJECT NUMBER: 412-5282 (8418)

SHEET TITLE:
 DRAINAGE PLAN

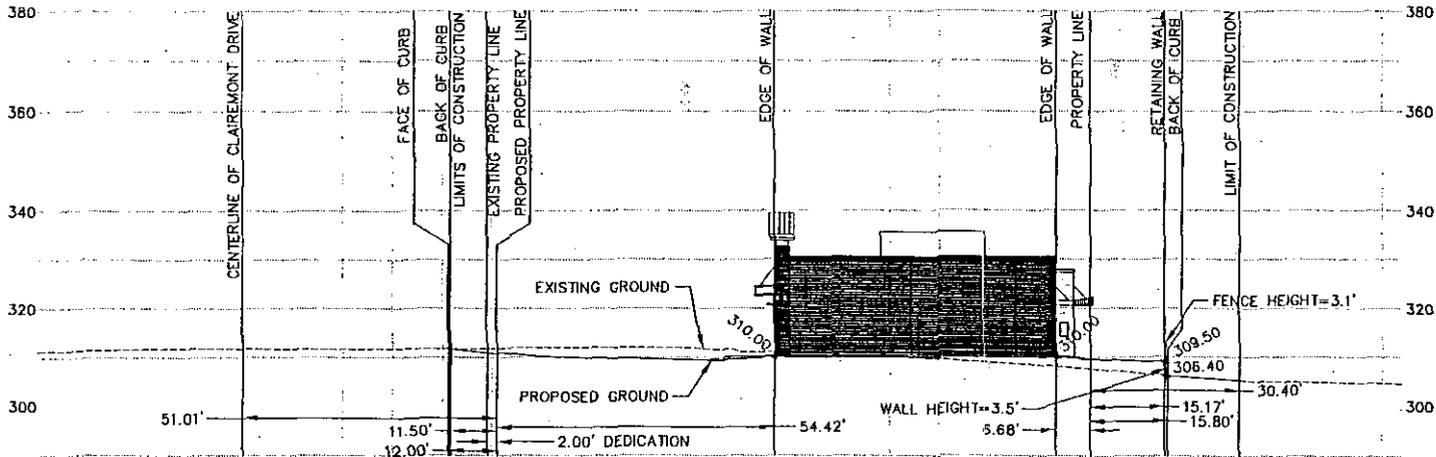
REVISION 14 :	
REVISION 13 :	
REVISION 12 :	
REVISION 11 :	
REVISION 10 :	
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REVISION 4 :	
REVISION 3 :	
REVISION 2 :	
REVISION 1 :	

ORIGINAL DATE : 07/07/2005
 CURRENT DATE : 05/21/2007
 SHEET 004 OF 14
 SHEET NO. C102

SECTION 1



SECTION 2



GRAPHIC SCALE
1" = 10'

BISMARCK
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SAN DIEGO, CA 92117-5831

PROJECT NAME:
BISMARCK RETAIL DEVELOPMENT

PROJECT NUMBER #42-3262 #8181

SHEET TITLE:

REVISION 14:	
REVISION 13:	
REVISION 12:	
REVISION 11:	
REVISION 10:	
REVISION 9:	
REVISION 8:	
REVISION 7:	
REVISION 6:	
REVISION 5:	
REVISION 4:	
REVISION 3:	
REVISION 2:	
REVISION 1:	

CITY REVIEW 02-04-07
CITY REVIEW 01-18-07
CITY REVIEW 01-18-07
CITY REVIEW 02-21-07

ORIGINAL DATE: 07/07/2005
CURRENT DATE: 05/21/2007
SHEET 005 OF 14

000297

SCHEME 9
ARCHITECTURAL SITE PLAN

CLAIREMONT DRIVE

ALLEY

EXISTING HOUSE

FUTURE CAFE
1840 SF

FUTURE RETAIL
1700 4,380 SF

PAVING

A.C.

SITE PLAN KEYNOTES:

RESPONSIBILITY	DESIGNER	CONTRACTOR	VERIFY
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GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF DALLAS ORDINANCES AND THE TEXAS BUILDING CODE.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF DALLAS.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
7. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
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49. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.
50. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.

BISMARCK
REAL ESTATE PARTNERS



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REVISION	DATE	DESCRIPTION
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PROJECT NAME: BISMARCK RETAIL DEVELOPMENT
PROJECT NUMBER: #12-5262 #8181
SHEET TITLE: ARCHITECTURAL SITE PLAN
ORIGINAL DATE: 07/07/2005
CURRENT DATE: 05/21/2007
SHEET 07 OF 14
SHEET NO SP101

000300



SCHEME 0
MASTER SITE PLAN
SCALE: N.T.S.

01

CLAIREMONT DRIVE

BALBOA AVENUE

ALLEY

EXISTING HOUSE

EXISTING BUILDING
1,200 S.F.
SCALE: 1/8" = 1'-0"
88 PARKING SPACES PROVIDED

INFORMATION BASED BIN
GARFIELD PLAZA SITE
COMFORMANCE AND SECURITY
FENCING DATED 1-6-94

BISMARCK

REAL ESTATE PARTNERS



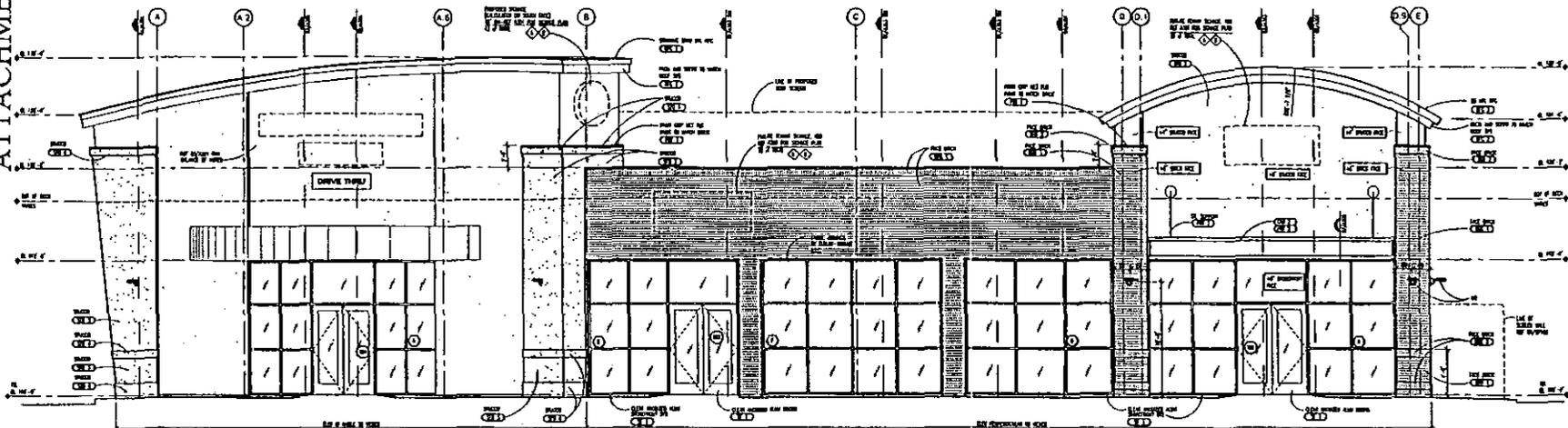
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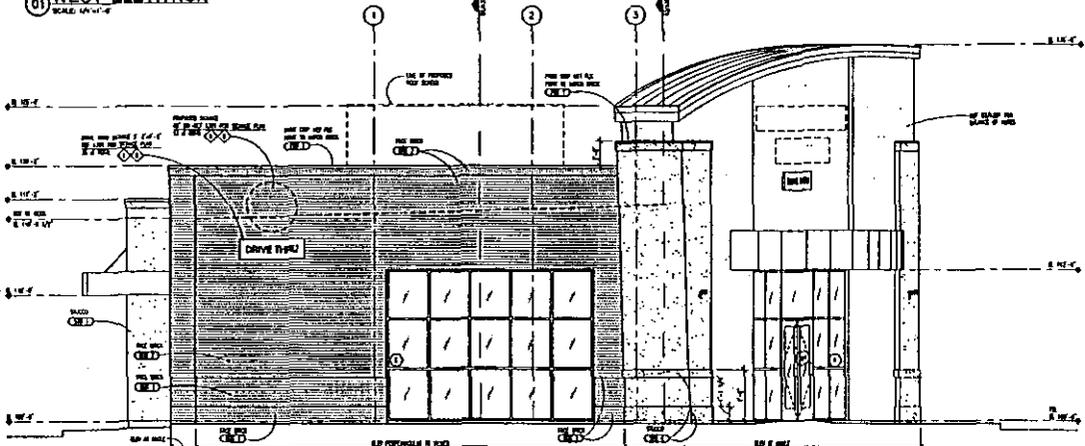
CONTACTS:
IRON SHULTZ, AIA
DAVID SMITH
PROJECT ADDRESS:
3895 CLAIREMONT DR.
SAN DIEGO, CA 92117-5831
PROJECT NAME:
BISMARCK RETAIL DEVELOPMENT
PROJECT NUMBER #42-5282 #84191
SHEET TITLE:
MASTER SITE PLAN

REVISION 14	
REVISION 13	
REVISION 12	
REVISION 11	
REVISION 10	
REVISION 9	
REVISION 8	
REVISION 7	
REVISION 6	
REVISION 5	
REVISION 4	CITY REVIEW 02-26-07
REVISION 3	REVISION 01-19-07
REVISION 2	CITY REVIEW 02-26-06
REVISION 1	CITY REVIEW 02-26-06

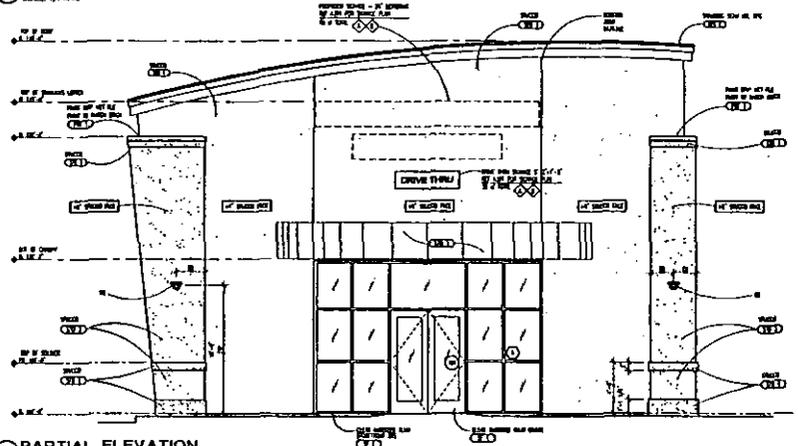
ORIGINAL DATE: 07/03/2005
CURRENT DATE: 05/21/2007
SHEET 08 OF 14
SHEET NO. SP102



01 WEST ELEVATION
SCALE: 1/4" = 1'-0"

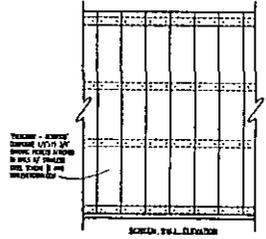


02 NORTH ELEVATION
SCALE: 1/4" = 1'-0"

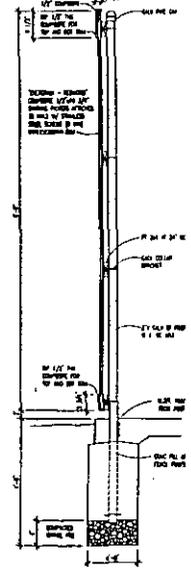


03 PARTIAL ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR MATERIAL/FINISH SCHEDULE	
SIGN	
01.01	BRICK TO MATCH HOME - STANDARD SIZE COLOR: OCCASAL
01.02	BRICK TO MATCH HOME - STANDARD SIZE COLOR: BREWING BROWN
01.03	SHOWN WITH METALIC COLOR TO MATCH SHOWN WALLS COLOR: SEE CALL
01.04	TEXTURE: SEE THE SIGN CONSOLE, SPINDLE, BRACKETS (S1) 1/2" x 1/2" x 1/2" SHOWN WITH METALIC COLOR TO MATCH SHOWN WALLS COLOR: SEE CALL
01.05	CONSOLE, SPINDLE, BRACKETS (S1) 1/2" x 1/2" x 1/2" SHOWN WITH METALIC COLOR TO MATCH SHOWN WALLS COLOR: SEE CALL
01.06	SHOWN WITH METALIC COLOR TO MATCH SHOWN WALLS COLOR: SEE CALL
01.07	SHOWN WITH METALIC COLOR TO MATCH SHOWN WALLS COLOR: SEE CALL
PAINT	
02.01	SHOWN WALLS COLOR: SEE SIGN MATCH SIGN 2
02.02	SHOWN WALLS COLOR: SEE SIGN MATCH SIGN 1
02.03	SHOWN WALLS PAINT TO MATCH SHOWN COLOR: THE DRY
02.04	SHOWN WALLS COLOR: THE HOUSE MATCH SIGN 1
02.05	SHOWN WALLS COLOR: 1811 - GLE OF CROWN (SEE) - VERIFY WITH OWNER
CANNOPY	
03.01	STEEL FRAMED CANNOPY - SEE SIGN/PAINT
03.02	FRAMES OR CANNOPY - NOT SHOWN ALL EXPOSED METAL SUPPORTS AND ELEMENTS TO BE FINISHED & PAINTED (SEE CALLS FOR ELEMENTS FOR CANNOPY TYPE COLORS)
03.03	STEEL FRAMED CANNOPY - NOT SHOWN ALL EXPOSED METAL SUPPORTS AND ELEMENTS TO BE FINISHED & PAINTED (SEE CALLS)
ROOFING	
04.01	MODIFIED GRADE ROOFING SYS.
04.02	SHOWN SIGN WITH ROOFING SYS. REPLACE MANUFACTURING CO. EXHAUST SYSTEM COLOR: THE DRY
04.03	SHADE PLY WITH ROOFING SYS.



06 SCREEN WALL ELEVATION
SCALE: 1/4" = 1'-0"



04 SCREEN WALL
SCALE: 1/4" = 1'-0"

LIGHT FIXTURE SCHEDULE			
NO.	DESCRIPTION	FINISH	REMARKS
01	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
02	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
03	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
04	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
05	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
06	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
07	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
08	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
09	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
10	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
11	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
12	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
13	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
14	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
15	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
16	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
17	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
18	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
19	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH
20	RECESSED	1" x 4" x 4" SQUARE	SEE SCHEDULE FOR FINISH

000301

BISMARCK

REAL ESTATE PARTNERS



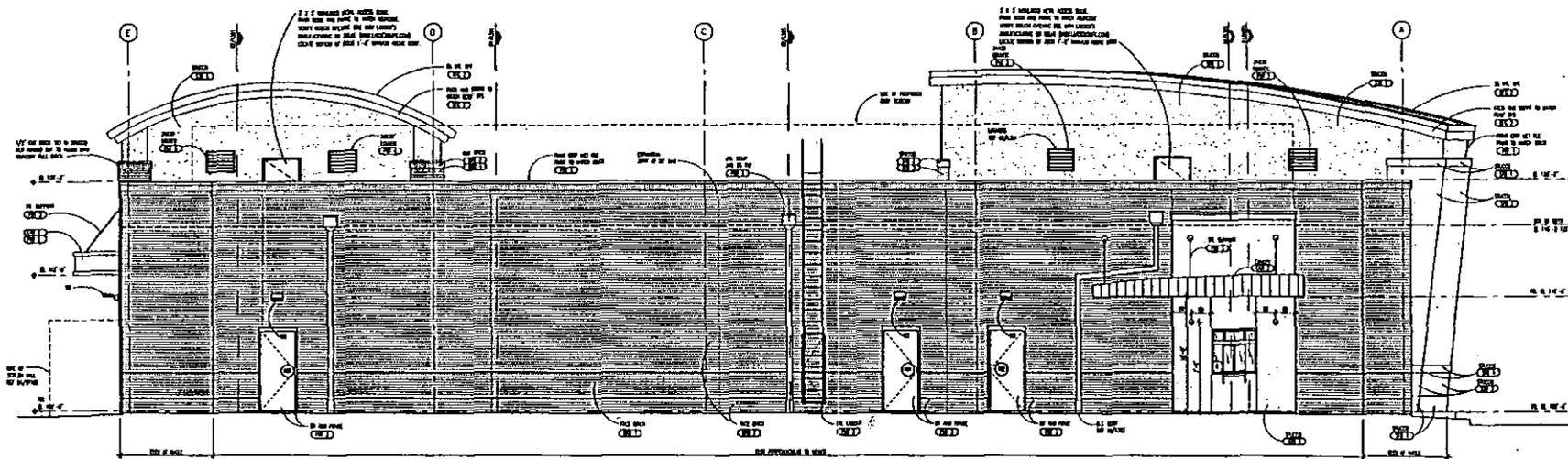
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Dallas, Texas 75064
Tel: 972-239-5054
Fax: 972-239-5054

PREPARED BY:
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EMAIL: rshultz@gha-architects.com

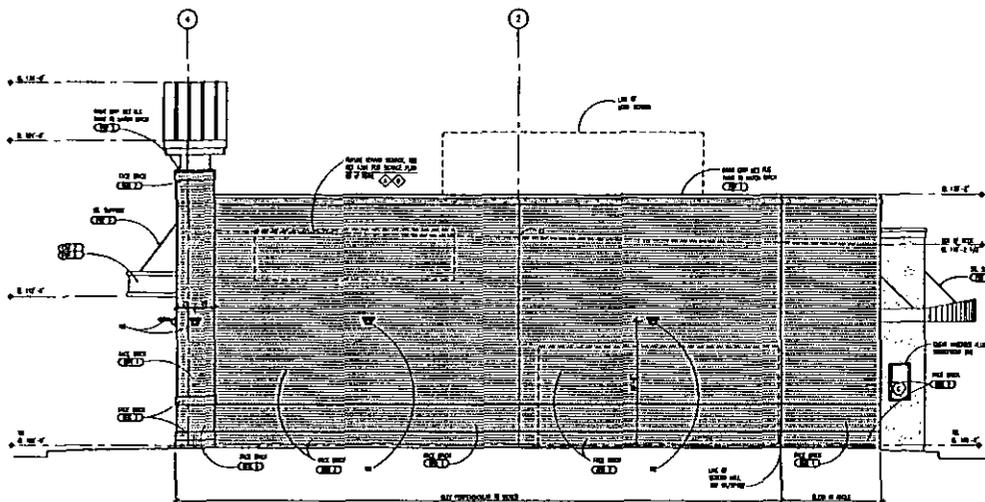
CONTRACTS:
RON SMALTZ, AIA
DAVID SMITH
PROJECT ADDRESS:
3815 CLAREMONT DR.
SAN DIEGO, CA 92117-5431
PROJECT NAME:
BISMARCK RETAIL DEVELOPMENT
PROJECT NUMBER #42-5282 (81181)
SHEET TITLE:
EXTERIOR ELEVATIONS

REVISION 14	_____
REVISION 13	_____
REVISION 12	_____
REVISION 11	_____
REVISION 10	_____
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REVISION 5	_____
REVISION 4	_____
REVISION 3	_____
REVISION 2	_____
REVISION 1	_____

ORIGINAL DATE: 07/07/2005
CURRENT DATE: 05/21/2007
SHEET 11 OF 14
SHEET NO. A201



01 EAST ELEVATION
SCALE 1/4" = 1'-0"



02 SOUTH ELEVATION
SCALE 1/4" = 1'-0"

EXTERIOR MATERIAL/FINISH SCHEDULE	
SOFC	
01	BRICK IN MATCH AREA - STANDARD SIZE COLOR: CHOCOLATE
02	BRICK IN MATCH AREA - STANDARD SIZE COLOR: COUNTRY BROWN
03	STUCCO WITH IMPERIAL COLOR TO MATCH SHOWING WELLS COLOR: SW GOLD RESURF: SW FINE SAND CONTACT: SYNTHETIC TEXTILES (214) 438-8834
04	STUCCO WITH IMPERIAL COLOR TO MATCH SHOWING WELLS COLOR: SW WOODS RESURF: SW FINE SAND CONTACT: SYNTHETIC TEXTILES (214) 438-8834
05	STUCCO WITH IMPERIAL COLOR TO MATCH SHOWING WELLS COLOR: SW GOLD
06	STUCCO WITH IMPERIAL COLOR TO MATCH SHOWING WELLS COLOR: SW GOLD
07	PAINTED BRICK IN MATCH AREA / OR TEXTURE COLOR: MATCHED MATERIAL
PAINT	
01	SHOWING WELLS COLOR: SW TAN MATCH SW 2
02	SHOWING WELLS COLOR: SW GOLD MATCH SW 1
03	SHOWING WELLS PAINT TO MATCH RENDER COLOR: SW GREY
04	SHOWING WELLS COLOR: SW WOODS MATCH SW 2
05	SHOWING WELLS COLOR: SW GOLD - USE OF CAPED (214) - MATCH WITH EXIST
CHIMNEYS	
01	STEEL FRAMED CHIMNEY - RT 62/40A
02	PAINTED STEEL CHIMNEY - RT 62/40A ALL EXPOSED METAL SUPPORT AND ELEMENTS TO BE FINISHED & PAINTED (01)
03	STEEL FRAMED CHIMNEY - RT 62/40A ALL EXPOSED METAL SUPPORT AND ELEMENTS TO BE FINISHED & PAINTED (01)
ROOFING	
01	HOOPER BRANCH ROOFING SYS.
02	STANDARD SLATE METAL ROOFING SYS. BRANDED MANUFACTURING CO. EXTERIOR SYS. COLOR: SW GREY
03	SHINGLE AT EXISTING W/SHIMING SYS.

LIGHT FIXTURE SCHEDULE			
NO.	DESCRIPTION	FINISH	REMARKS
01	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
02	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
03	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
04	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
05	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
06	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
07	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
08	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
09	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS
10	RECESSED	WHITE	SEE SPECIFICATIONS FOR DETAILS

BISMARCK

REAL ESTATE PARTNERS



Architect / Developer
Parkway Phase 1
14110 Dallas Parkway
Suite 100
Dallas, Texas 75254
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Fax: (972) 239-5054

PREPARED BY:
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DALLAS, TEXAS 75254
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FAX: (972) 239-5054
EMAIL: rshultz@pgha-architects.com

CONTACTS:
RON SHULTZ, AIA
DAVID SMITH

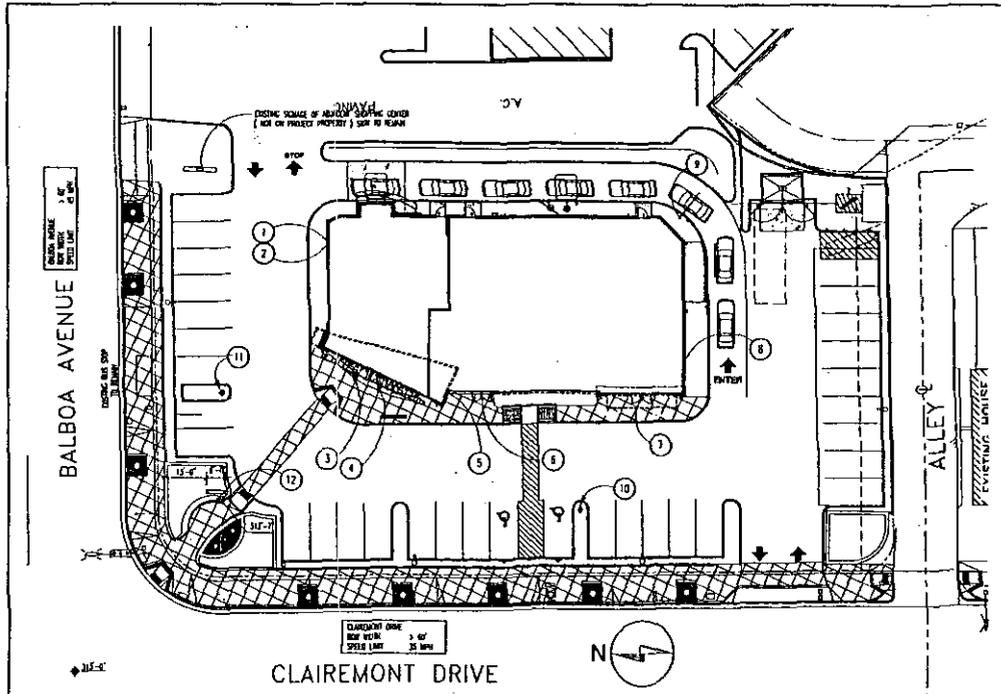
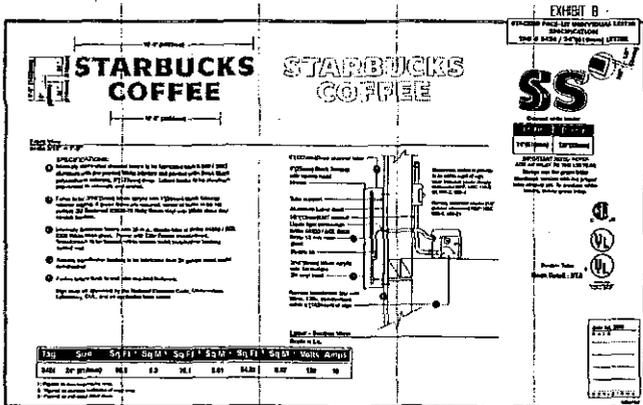
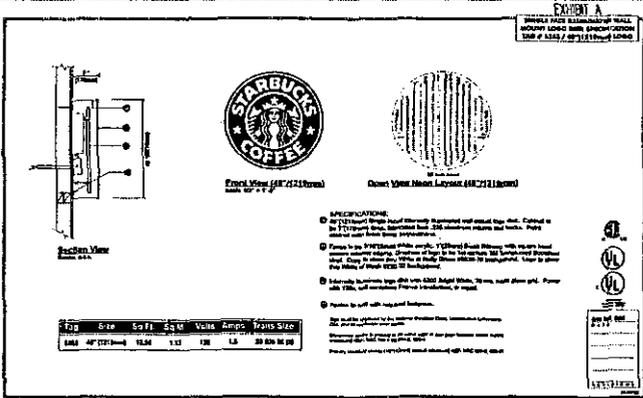
PROJECT ADDRESS:
3695 CLAREMONT DR.
SAN DIEGO, CA 92117-5831

PROJECT NAME:
BISMARCK RETAIL DEVELOPMENT
PROJECT NUMBER: #42-5282 (#8418)

EXTERIOR ELEVATIONS

REVISION NO.	DATE	DESCRIPTION
REVISION 11		
REVISION 10		
REVISION 9		
REVISION 8		
REVISION 7		
REVISION 6		
REVISION 5		
REVISION 4		
REVISION 3		
REVISION 2		
REVISION 1		

000302



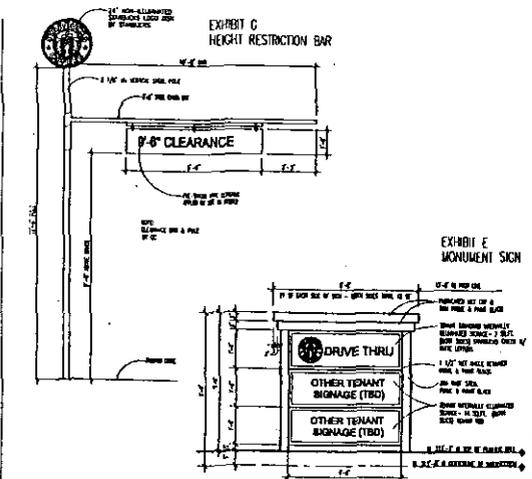
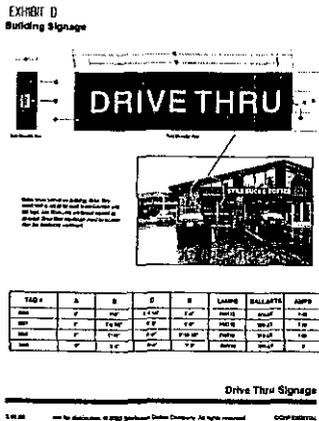
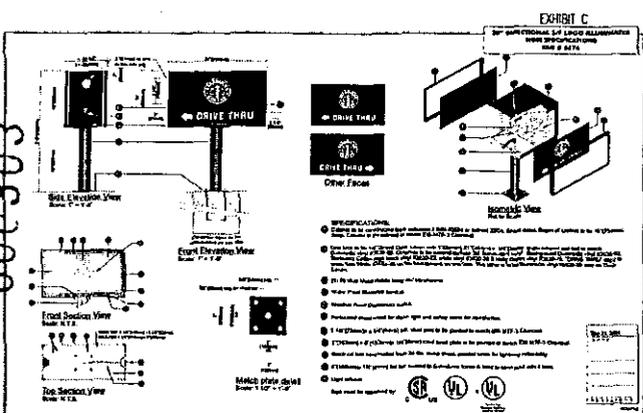
SIGNAGE TABLE

| PROPOSED SIGN |
|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| 12" x 18" SIGNAGE |

DEVIATIONS REQUESTED:

1. REVISION 11 REQUESTS FOR THE LOCATION OF THE SIGNAGE TO BE PLACED ON THE PROPERTY LINE AND NOT THE SIDE OF THE SIGN TO BE PLACED ON THE PROPERTY LINE.

01 SIGNAGE PROGRAM
 SCALE: 1/2"



BISMARCK
 REAL ESTATE PARTNERS

CI/A **CDS** **THE HUBBARD**

Prepared by:
 GERDES, HENRICHSON & ASSOCIATES
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 DAVID SMITH
 PROJECT ADDRESS:
 3695 CLAIREMONT DR.
 SAN DIEGO, CA 92117-5631
 PROJECT NAME:
 BISMARCK RETAIL DEVELOPMENT
 PROJECT NUMBER: 42-5182 (8419)
 SHEET TITLE:
 SIGNAGE PROGRAM

REVISION 14:
 REVISION 13:
 REVISION 12:
 REVISION 11:
 REVISION 10:
 REVISION 9:
 REVISION 8:
 REVISION 7:
 REVISION 6:
 REVISION 5:
 REVISION 4:
 REVISION 3:
 REVISION 2:
 REVISION 1:

CITY REVIEW 03-08-07
 ZONING 01-19-07
 CITY REVIEW 06-18-08
 CITY REVIEW 02-11-09

ORIGINAL DATE: 01/07/2005
 CURRENT DATE: 05/21/2007
 SHEET 13 OF 14
 SHEET NO. A301

000303

RECORDING REQUESTED BY
 CITY OF SAN DIEGO
 DEVELOPMENT SERVICES
 PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5262

DRAFT

PLANNED DEVELOPMENT PERMIT NO. 265516

GARFIELD STARBUCKS – PROJECT 84191 [MMRP]

(Amendment to Planned Commercial Development Permit No. 48 and Planned Commercial Development Permit No. 30-048-1; and rescinding Planned Commercial Development Permit No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628)

PLANNING COMMISSION

This Planned Development Permit (PDP) No. 265516, amending Planned Commercial Development Permit No. 48 and Planned Commercial Development Permit No. 30-048-1, and rescinding Planned Commercial Development Permit No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628, is granted by the Planning Commission of the City of San Diego to CLAIREMONT RENTAL PROPERTIES, a California general partnership, Owner/Permittee, and JAVA ACQUISITION COMPANY 0013, LLC, Lessee/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0602. The 2.4 acre site is located on the southeast corner of Balboa Avenue and Clairemont Drive in the CN-1-2 Zone, Clairemont Mesa Height Limit Overlay Zone, within the Clairemont Mesá Community Plan. The project site is legally described as Parcel 1 of Parcel Map No. 8421, and Parcel 1 of Parcel Map No. 5331;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to maintain an existing 15,300 square foot, single story office-retail center and to construct a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Cafe with drive-up/drive through, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 21, 2007, on file in the Development Services Department.

The project shall include:

- a. An existing 15,300 square foot, single story office-retail center (per Planned Commercial Development Permit 48)

- b. The construction of a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café
- c. Deviations to allow drive-up/drive-through (where the CN zone prohibits drive-up/drive-through)
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. A monument sign and wall signs; and
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego, the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department. All rights, responsibilities, and obligations granted under Planned Commercial Development No. 48, and Planned Commercial Development Permit 30-048-1, shall remain in full force and effect, except as provided herein. In no way shall this permit remove or alter in any way the rights, responsibilities, and obligations granted by the previous permit, except as provided below:

000307

- a. Delete Condition Nos. 3, 5, 6, 7 and 8 of Planned Commercial Development Permit No. 30-048-1; and
 - b. Delete Condition Nos. 3 and 6 of Planned Commercial Development Permit No. 48.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
 5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
 6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
 7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
 8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
 9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.
 10. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development

000308

approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project
12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 84191, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 84191, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of a building permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources (archaeology)
Public Health and Safety

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

15. Prior to issuance of the certificate of occupancy, the applicant shall improve the adjacent alley, full width, including replacing the alley apron and reconstructing the two (2) alley curb ramps at Clairemont Drive to current standards, all satisfactory to the City Engineer.
16. Prior to building occupancy, the applicant shall close three (3) existing driveways on Clairemont Drive and two (2) existing driveways on Balboa Avenue with restoration to full-height curb, gutter and sidewalk, shall install a 26-foot driveway on Clairemont Drive and shall

reconstruct the curb ramp at the corner of Balboa Avenue and Clairemont Drive, all satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer.

20. Prior to the issuance of any construction permit, the applicant 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.

21. Prior to the issuance of any construction permits, the applicant 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.

LANDSCAPE REQUIREMENTS:

22. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

23. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

24. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

25. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in

substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

26. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

27. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

28. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manager within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

30. No fewer than 117 automobile spaces (31 new, 86 existing), 2 accessible spaces (including 1 van accessible parking space), 2 motorcycle spaces, and 2 bicycle spaces with a bike rack, shall be maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the City Manager.

31. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

32. Uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight.

33. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

000311

34. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

35. No portion of the proposed 4,366 square foot of retail area may accommodate eating and/or drinking establishments. This condition does not apply to the proposed 1,840 square foot café.

36. Prior to the issuance of the first building permit, the applicant shall dedicate 2 feet along the project frontage of Balboa Avenue and Clairemont Drive for a total 12 feet face of curb to property line, and provide a 12-foot sidewalk along the same frontage, satisfactory to the City Engineer.

37. Prior to the issuance of the first building permit, the applicant shall provide evidence of a recorded Mutual Access Agreement between all affected properties.

WATER REQUIREMENTS:

38. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.

39. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

40. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

41. The Owner/Permittee agrees to design and construct all proposed public water facilities, including services and meters, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within

ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the Planning Commission of the City of San Diego on June 21, 2007, by resolution number PC-XXXX.

Permit Type/PTS Approval No.: PDP 265516
Date of Approval: June 21, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

LESLIE GOOSSENS
DEVELOPMENT PROJECT MANAGER

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

Clairemont Rental Properties
Owner/Permittee

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

Rev. 04/20/07 rh

000315

PLANNING COMMISSION
RESOLUTION NO. PC-Draft
PLANNED DEVELOPMENT PERMIT NO. 265516
GARFIELD STARBUCKS

WHEREAS, CLAIREMONT RENTAL PROPERTIES, a California general partnership, Owner/Permittee, and JAVA ACQUISITION COMPANY 0013, LLC, Lessee/Permittee, filed an application with the City of San Diego for a permit to amend Planned Commercial Development Permit No. 48 and Planned Commercial Development Permit No. 30-048, and to rescind Planned Commercial Development Permit No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628, to maintain an existing 15,300 square foot, single story office-retail center and to construct a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Cafe with drive-up/drive through (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 265516) on portions of a 2.4 acre site;

WHEREAS, the project site is located at the southeast corner of Balboa Avenue and Clairemont Drive in the CN-1-2 Zone, Clairemont Mesa Height Limit Overlay Zone, of the Clairemont Mesa Community Plan;

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 8421, and Parcel 1 of Parcel Map No. 5331;

WHEREAS, on June 21, 2007, the Planning Commission of the City of San Diego considered Planned Development Permit No. 265516 pursuant to the Land Development Code of the City of San Diego;
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 June 21, 2007.

FINDINGS:

Planned Development Permit - Section 126.0604

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

The existing 15,300 square foot, single story office-retail center and proposed 6,206 square foot building (to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café) is located in an area designated as Neighborhood Commercial within the Clairemont Mesa Community Plan. The CN Zone applied to this property implements the land use plan. The proposed café and retail space are consistent with neighborhood serving commercial uses and will not adversely affect the Clairemont Mesa Community Plan.

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

The permit prepared for this development includes various conditions of approval relevant to achieving project compliance with the regulations and applicable ordinance provisions of the San

000316 San Diego Municipal Code in effect for this site. As such, conditions determined to be necessary have been included in the Planned Development Permit to assure compliance with all relevant regulations addressing public health, safety, and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

The existing 15,300 square foot, single story office-retail center and proposed 6,206 square foot building (to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café) will be in compliance with all applicable regulations of the Land Development Code, as allowed by a Planned Development Permit. The applicant has requested a Planned Development Permit to deviate from property development regulations to allow a drive-up/drive through for the Starbucks Café. The proposed project will observe all relevant development regulations for the duration of the use, as allowed by a Planned Development Permit.

4. The proposed development, when considered as a whole, will be beneficial to the community.

The existing 15,300 square foot, single story office-retail center and proposed 6,206 square foot building (to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café) is located within an older development on the corner of Balboa Avenue and Clairemont Drive. The proposed café and office-retail center will provide community-based services for the general public and local businesses in the surrounding area. In addition, the project includes pedestrian ramps, new sidewalk, street trees and other landscape improvements which will help to revitalize and enhance the appearance of this older shopping center.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) 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.

The existing 15,300 square foot, single story office-retail center and proposed 6,206 square foot building (to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café) will comply with all applicable regulations of the Land Development Code, as allowed through the approval of a Planned Development Permit. The applicant has sensitively designed the proposed 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 Revitalization Action Program (RAP)-related improvements (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). 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.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 265516 is hereby GRANTED by the Planning

000317

Attachment 7

Commission to the referenced Owner/Permittee and Owner/Lessee, in the form, exhibits, terms and conditions as set forth in Permit No. 265516, a copy of which is attached hereto and made a part hereof.

LESLIE GOOSSENS
Development Project Manager
Development Services

Adopted on: June 21, 2007

Job Order No. 42-5262

cc: Legislative Recorder, Planning Department

Clairemont Mesa Planning Committee

Minutes of the Meeting of
March 20, 2007
North Clairemont Friendship Center

P Jack Carpenter P Richard Jensen	P Sheri Mongeau P Kathy Monsour P Eleanor Mang – Chair A Susan Mournian- Treas.	P Billy Paul P Chris Rink P Thomas Schmidt P Brooke Peterson- Sec.	P Donald Steele P Scott Wentworth P Alys Masek
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P – Present A – Absent

Call to Order / Roll Call

Eleanor Mang, Chair, called the meeting to order at 6:35 p.m. Attendance called by Brooke Peterson and quorum present.

Communications from Committee

None.

Communications from the Public

John Ziebarth announced that the Balboa Mesa and Genesee Plaza expansion project decisions by Planning Commission have been appealed based on inadequacy of the CEQA analysis and will be going to City Council on April 10.

Josh Vashbinder from Grub& Ellis introduced himself as the developer of the property along Morena Blvd. where the trailer park is currently located and let the Committee know that Centex Homes as pulled their project.

Brian Smith as a citizen of the community expressed his concern that the city streets were being used as parking storage. He informed the Committee that he had circulated a letter stating his concerns and requested support for his petition. Councilwoman Frye's office agreed to respond to his concern and check into the status of his petition.

Modifications to the Agenda

None.

Approval of Minutes

The minutes were approved with one stated change 10-0-1.

Workshop Items

None.

Action Items

301. Garfield Starbuck Project (Sydnee Freeman)

000320

Ms. Freeman presented the changes that had been made to the project since the last time the item had come before the Committee particularly in reference to the concern on the rezone and announced that the Negative Declaration had been circulated for public review beginning March 19th. Maps were provided detailed those parcels proposed to be rezoned to CC-1-3.

Committee comments:

- Billy Paul expressed concern that the proposed rezone areas were still not clear, that potential noise generation had not been addressed sufficiently in project design, and requested that the applicant consider providing motorcycle parking spaces. Motorcycle spaces will not be proposed, as all standard vehicle spaces are necessary to meet the parking requirements.
- Thomas Schmidt expressed concern regarding the height of the wall along the project boundary noting that he though noise may still affect adjacent residences.
- Richard Jensen recommended that the applicant consider anti-graffiti paint on the sound wall and asked that it be a condition of approval.

No public comments were made.

Jack made a motion to recommend approval of the project on condition that the change in zoning only affects the parcel as illustrated in the figure distributed by Ms. Freeman at the 3/20/07 meeting (dated 1/19/07. Motion was seconded by Donald Steele. Vote 10-1-0, motion passed.

302. SD06068 T-Mobil Regents PTS#102315, CUP Renewal at 4985 Monongahela Street (Shelley Kilborn)

Ms. Kilborn presented a request for renewal of a T-mobile cell tower site. The project renewal includes two 14-ft. poles with two antennas plus two cabinets for equipment. There are also Cingular Wireless poles already located nearby.

Committee comments:

- Richard Jensen asked whether technical improvements had been made that would allow the towers to be shorter.

Donald Steele made a motion to recommend approval of the project and Jack Carpenter seconded the motion.

Chris Rink noted that he would not approve the project without replace the tower with a faux tree. Billy Paul agreed with Chris's comment.

Vote 7-4-0, motion passed.

303. T-Mobile Limberg Residence PTS#98933, CUP Renewal at 5441 Lodi Street

Ms. Kilborn presented a request for renewal of a T-mobile cell tower site. The project renewal includes four 16 ½-ft. poles plus two cabinets for equipment and a 6-ft. screening wall.

Donald Steele made a motion to recommend approval of the project; Jack Carpenter seconded the motion. Vote 7-4-0, motion passed.

Information Items

Eleanor Mang announced the results of the election. There were nine vacancies. The following candidates were elected to a two year term: Jeff Barfield, Newt Ferris, Alys Masek, Sheri



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 REZONE

Project Title Project No. For City Use Only
GARFIELD STARBUCKS 84191

Project Address:
3895 CLAIREMONT TR SAN DIEGO, CA 92117

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): _____

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: _____

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: _____

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. _____
 Partnership

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 names, titles 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 corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. 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

Corporate/Partnership Name (type or print):
Java Aquisition Co 0013, LLC
 Owner Tenant/Lessee
 Street Address:
135 W. 57th
 City/State/Zip:
NEW YORK, NEW YORK
 Phone No: 212-918-8778 Fax No:
 Name of Corporate Officer/Partner (type or print):
BOB STRAUHL
 Title (type or print):
Executive Vice President
 Signature: [Signature] Date: 11/20/06

Corporate/Partnership Name (type or print):
Java Aquisition Co. 0013, LLC
 Owner Tenant/Lessee
 Street Address:
135 W. 57th
 City/State/Zip:
New York, NY
 Phone No: 212-918-8778 Fax No:
 Name of Corporate Officer/Partner (type or print):
London S. O'Dowd
 Title (type or print):
Executive Vice President
 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):
Java Aquisition Co. 0013, LLC
 Owner Tenant/Lessee
 Street Address:
135 W. 57th
 City/State/Zip:
New York, NY
 Phone No: 212-918-8778 Fax No:
 Name of Corporate Officer/Partner (type or print):
Kelly Van Meter
 Title (type or print):
President
 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):
Java Aquisition Co. 0013, LLC
 Owner Tenant/Lessee
 Street Address:
135 W. 57th
 City/State/Zip:
New York, NY
 Phone No: 212-918-8778 Fax No:
 Name of Corporate Officer/Partner (type or print):
Alessandra V. Laureda
 Title (type or print):
Executive Vice President
 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: _____ Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: _____ Fax No:
 Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature: _____ Date: _____

Project File: 000323 Garfield Starbucks Project No. (For City Use Only) 84191

Part III - To be completed when property is held by a corporation or partnership.

Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. _____
 Partnership

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 names, titles 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 corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. 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

Corporate/Partnership Name (type or print):
CLAIREMONT RENTAL PROPERTIES
 Owner Tenant/Lessee
 Street Address:
4238 BALBOA AVE
 City/State/Zip:
SAN DIEGO CA 92117
 Phone No: 858-273-413 Fax No: 858-273-8866
 Name of Corporate Officer/Partner (type or print):
MICHAEL BARTELL
 Title (type or print):
MANAGING PARTNER
 Signature: [Signature] Date: 5/25/07

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Name of Corporate Officer/Partner (type or print):

 Title (type or print):

 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Name of Corporate Officer/Partner (type or print):

 Title (type or print):

 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Name of Corporate Officer/Partner (type or print):

 Title (type or print):

 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Name of Corporate Officer/Partner (type or print):

 Title (type or print):

 Signature: _____ Date: _____

Corporate/Partnership Name (type or print):

 Owner Tenant/Lessee
 Street Address:

 City/State/Zip:

 Phone No: _____ Fax No: _____
 Name of Corporate Officer/Partner (type or print):

 Title (type or print):

 Signature: _____ Date: _____

PARTNERS OF CLAIREMONT RENTAL PROPERTIES**A California General Partnership**

As of 5/31/07

Melissa Garfield Bartell--23%
Michael Bartell--2%
Elizabeth Garfield---23%
Wally Knox--2%
Ryan Collier Trust—16.667%
Angela Collier Foundation—8.333%
Clairemont Heights Management Co., a California General Partnership--25%

Michael Bartell is the sole managing partner of Clairemont Rental Properties.
The mailing address for all of the Partners is 4238 Balboa Ave, San Diego 92117.

If you need this information, Clairemont Heights Management Co, has the following general partners:

Melissa Garfield Bartell-35%
Elizabeth Garfield-35%
Mimel, Inc. a California corporation—30%

000325

DEVELOPMENT SERVICES
Project Chronology
 GARFIELD STARBUCKS-PROJECT NO. 84191

Date	Action	Description	City Review Time (working days)	Applicant Response (working days)
10/14/05	First Submittal	Project Deemed Complete		
12/21/05	First Assessment Letter		45	
4/18/06	Second Submittal			75
5/26/06	Second Assessment Letter		28	
1/3/07	Third Submittal			148
2/2/07	Third Assessment Letter		22	
2/21/07	Fourth Submittal			12
3/19/07	Draft Mitigated Negative Declaration distributed	Draft Mitigated Negative Declaration distributed for public review/comment		
3/26/07	Fourth Assessment Letter		22	
4/12/07	Fifth Submittal			12
5/4/07	Fifth Assessment Letter		15	
5/11/07	Mitigated Negative Declaration – Final Date	Mitigated Negative Declaration Finalled and Distributed	38	
5/30/07	Applicant Resolves Issues	Applicant works to resolve outstanding minor issues prior to hearing		17
6/21/07	Public Hearing	Planning Commission	28	
TOTAL STAFF TIME			198	
TOTAL APPLICANT TIME				264
TOTAL PROJECT RUNNING TIME		From deemed complete date to Hearing	462 working days	

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Page 1 of 6

PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 48
PLANNING COMMISSION

This Planned Commercial Development is granted by the Planning Commission of The City of San Diego to CLAIREMONT RENTAL PROPERTIES, a general partnership, "Owner/Permittee" for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a Planned Commercial Development located south of Balboa Avenue and east of Clairemont Drive more particularly described as Parcel A, Parcel Map No. 871, Parcel 2, Parcel Map No. 5331 and a portion of an alley to be vacated in the CN, CP and R-1-5 Zones (CN Zone proposed).
2. The Planned Commercial Development shall include and the term "Project" as used in the Planned Commercial Development shall mean the total of the following facilities:
 - a. 15,370 square feet of retail uses and 8,408 square feet of office uses within two, one- and two-story buildings.
 - b. Off-street Parking.
 - c. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Not less than 124 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A", dated April 6, 1978, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.
4. Delete Condition No. 4 of the General Conditions for Planned Commercial Development Permits, and in its stead substitute the following:

"This Planned Commercial Development must be utilized within 18 months after the effective date of the concurrent Rezoning Case No. 20-77-2. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in Section 101.0910 of the Municipal Code."
5. Prior to the issuance of any building permits, the alley running through the subject property shall be vacated and a final parcel map shall be recorded consolidating the property into one lot.

000328

Page 2 of 6

6. Sign identification for both buildings on site shall be coordinated. A comprehensive sign plan for the development shall be submitted for Planning Director approval.

7. Prior to the issuance of any permits, a final landscape plan shall be approved by the Planning Director, providing for additional trees in planter islands A and D adjacent to the new commercial structure.

8. The Permittee shall comply with the General Conditions for Planned Commercial Development Permits attached hereto and made a part hereof.

Passed and adopted on April 6, 1978.

000329

GENERAL CONDITIONS FOR PLANNED COMMERCIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated April 6, 1978, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.
2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" dated April 6, 1978 on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
4. This Planned Commercial Development Permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by the Planning Commission as set forth in Section 101.0910 of the Municipal Code.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This Planned Commercial Development Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0910 of the Municipal Code of The City of San Diego.
7. The effectiveness of this Planned Commercial Development Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until, the following events shall have occurred:
 - a. Permittee shall have agreed to each and every condition hereof by having this Planned Commercial Development Permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in #4 above, i.e., the time commences to run on the date that the Planning Commission granted this Planned Commercial Development Permit.
 - b. This Planned Commercial Development Permit executed as indicated shall have been recorded in the office of the County Recorder.
8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the

000330

subject property at the time of conversion.

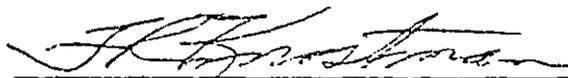
9. The property included within this Planned Commercial Development shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this Permit or any default on the part of the Permittee or its successor in interest, shall be deemed a material breach hereof and this Permit may be canceled or revoked. Cancellation or revocation of this Permit may be instituted by the City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0910. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0910.

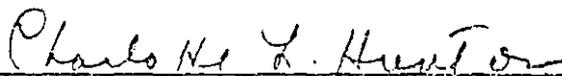
11. This Planned Commercial Development Permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

000331

AUTHENTICATED BY:



F. R. Knostman, Senior Planner
Planning Department



Charlotte L. Hunter, Secretary of the
Planning Commission

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

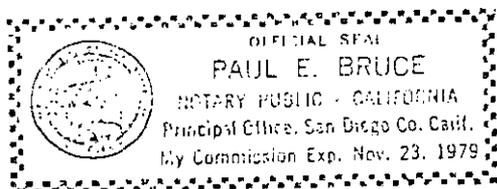
On this 18TH day of APRIL, 19 78 before me, the under-
signed, a Notary Public in and for said County and State, personally appeared
F. R. KNOSTMAN, known to me to be Senior Planner of The City of
San Diego Planning Department, and CHARLOTTE L. HUNTER, known to me to be the
Secretary of the Planning Commission of The City of San Diego and known to me to
be the persons whose names are subscribed to the within instrument and acknowledged
that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County
of San Diego, State of California, the day and year in this certificate first
above written.



Notary Public in and for the County of
San Diego, State of California

NOTARY STAMP



000332

ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

CLAIREMONT RENTAL PROPERTIES, A General Partnership
"Owner, Permittee"

By *[Signature]*
Authorized Signator

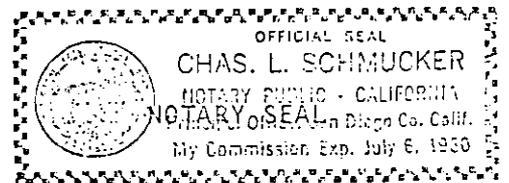
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On April 19, 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared David H. Campbell, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature *[Signature]*

Name (Typed or Printed)



(Partnership)

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature _____

NOTARY SEAL

Name (Typed or Printed)

(Partnership)

REC...
CITY CLERK

000333

PLANNED-COMMERCIAL DEVELOPMENT PERMIT NO. 30-048

SAN DIEGO, CALIF. PLANNING COMMISSION

CITY PLANNING DEPARTMENT
FEB 10 1981
RECEIVED 3

This planned commercial development permit amendment is granted by the Planning Commission of The City of San Diego to CLAIREMONT RENTAL PROPERTIES, a general partnership, "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct and operate a planned commercial development located south of Balboa Avenue and east of Clairemont Drive, more particularly described as Parcel 1, Parcel Map No. 8421, in the CN zone.

2. The planned commercial development shall include and the term "project" as used in this planned commercial development permit shall mean the total of the following facilities:

- a. 15,370 square feet of retail uses and 8,408 square feet of office uses within two one-story and two-story buildings;
- b. Off-street parking;
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 124 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A," dated April 6, 1978, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use, except as indicated by Condition No. 6 below. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

4. The Owner/Permittee may substitute landscape screening along the rear of the property in lieu of extending the existing wall six feet above the center's parking lot. The Owner/Permittee shall submit a final landscape and watering plan for this area to the Planning Director for approval. Said landscape plan shall be submitted no later than 30 days from date of issuance of this permit and shall be in substantial conformity with Exhibit "A," dated October 23, 1980, on file in the office of the Planning Department. In addition, the Owner/Permittee shall begin landscaping and watering installation within 30 days of approval of the landscape plan by the Planning Director.

Claremont Sub
Map # 5789
Lot 1

DOCUMENT NO. 30-048-1

FILED February 4, 1981

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

000334

5. The Planning Department shall review the landscape screening on a six-month basis for the first year and once a year thereafter to determine its compliance with this permit.

6. The assembly and parking of catamaran boats sold by one of the building's tenants (Prindle Catamaran) is permitted in the parking lot area to the rear of the stores. No more than two such boats and their trailers may be so assembled or parked at any time. The assembly or parking of the boats shall not disrupt vehicular traffic in the parking lot area. No sails shall be raised while said boats are parked except for the instruction period given to all new boat owners.

7. Sign identification for both buildings on the site shall be coordinated. A comprehensive sign plan for the development shall be submitted for Planning Director approval.

8. The Owner/Permittee shall comply with the General Conditions for Planned Commercial Development Permits attached hereto and made a part hereof.

Passed and adopted by the Planning Commission on January 8, 1981.

000335

Page 3 of 6

GENERAL CONDITIONS FOR PLANNED COMMERCIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A," dated January 8, 1981, on file in the office of the Planning Department. The property shall be developed in accordance with the approved grading and building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendments of this permit shall have been approved and granted.
2. Prior to the issuance of any grading or building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A," dated January 8, 1981, on file in the office of the Planning Department, and shall be in accordance with the Land Development Ordinance No. 12698-NS. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
4. This planned commercial development permit must be utilized within 24 months after the effective date thereof. Failure to utilize subject permit within 24 months will automatically void the same unless an extension of time has been granted by the Planning Director, as set forth in Section 101.0910 of the Municipal Code.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This planned commercial development permit shall not be final until the 15th day following action by the Planning Commission unless an appeal is filed with the City Clerk. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member or the Mayor. When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal.
7. The effectiveness of this planned commercial development permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until, the following events shall have occurred:

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GENERAL CONDITIONS FOR PLANNED COMMERCIAL DEVELOPMENT PERMITS

- a. Permittee shall have agreed to each and every condition hereof by having this planned commercial development permit signed within 90 days of the decision. In no event shall this condition be construed to extend the time limitation set forth in No. 4 above, i.e., the time commences to run on the date that the Planning Commission granted this planned commercial development permit.
 - b. This planned commercial development permit executed as indicated shall have been recorded in the office of the County Recorder.
8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Director unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.
9. The property included within this planned commercial development shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.
10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest shall be deemed a material breach hereof and this permit may be cancelled or revoked. Cancellation or revocation of this permit may be instituted by the City or Permittee. The Planning Director shall set this matter for public hearing, giving the same notice as provided in Section 101.0910. An appeal from the decision of the Planning Director may be taken to the Planning Commission within 15 days after the decision is made. The Planning Commission shall set the matter for public hearing, giving the same notice as provided in Section 101.0910. An appeal from the decision of the Planning Commission may be taken to the City Clerk within 15 days after the decision is made. An appeal shall not be accepted by the City Clerk unless it is approved for filing by a Council member of the Mayor.
- When an approved appeal is filed with the City Clerk, it shall be placed on the Council docket for the limited purpose of determining whether the City Council will hear the appeal.
11. This planned commercial development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

000337

PLANNING COMMISSION RESOLUTION NO. 2967

GRANTING PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 30-048-1

WHEREAS, on October 23, 1980, the Planning Director of The City of San Diego: 1) denied the request of CLAIREMONT RENTAL PROPERTIES, a general partnership, "Owner/Permittee," for an amendment to permit assembly and storage of boats in the parking lot area; and 2) approved the request to provide landscape screening around a portion of the parking lot in lieu of the required six-foot-high wall, in connection with Planned Commercial Development Permit No. 48, which was approved by the Planning Commission on April 6, 1978, and which permitted development of a neighborhood retail/office complex with parking and landscaping, located on the south side of Balboa Avenue, east of Clairemont Drive, described as Parcel 1, Parcel Map No. 8421, in the CN zone; and

WHEREAS, on January 8, 1981, the Planning Commission of The City of San Diego considered appeals of the Planning Director's decisions of October 23, 1980, and received for its consideration documentary, written and oral testimony and heard from all interested parties present at the public hearing; NOW, THEREFORE,

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

1. The proposed landscaping will fulfill an individual and/or community need and will not adversely affect the general plan or the community plan. The subject development proposes a combination of landscape screening in conjunction with the existing block wall along the rear of the property adjoining residentially zoned land. Because of the existing topography in the area, the wall is less than six feet high in relation to the commercial parking lot and, therefore, it does not adequately screen the commercial facility from the residential neighborhood to the south. The heavy planting of a landscape strip as proposed, in conjunction with the existing wall, will adequately screen the commercial facility from the adjoining neighborhood.

The proposed outdoor storage of boats will not adversely affect the General Plan nor the Clairemont Mesa Community Plan. The assembly and parking of boats in the rear of the property does not result in visual clutter and is not contrary to the intent of the underlying CN zone.

2. The proposed landscape strip, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The planting of dense landscape

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PLANNING COMMISSION RESOLUTION NO. 2967, PCD NO. 30-048-1

screening along the rear of the commercial center would provide additional screening for the development and would add to its appearance.

The proposed assembly and parking of boats in the rear of the property will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The outdoor boat assembly will not be disruptive to residences adjacent to the shopping center. In addition, the storage of boats in the parking lot will not create conflicts with the flow of vehicular traffic through the parking lot, with the conditions imposed.

3. The proposed landscaping will comply with the relevant regulations in the Municipal Code. The adopted Municipal Code provides for approval of planned commercial developments subject to appropriate conditions of approval.

The proposed outdoor assembly and storage of boats in the parking lot is not contrary to the Municipal Code and the CN zone.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference; and

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission of The City of San Diego, the appeal of the Planning Director's denial of the request to assemble and store boats in the parking lot area is APPROVED and the request to store and park said boats in the parking lot area is hereby GRANTED; and the appeal of the Planning Director's approval of the request to provide landscape screening around a portion of the parking lot in lieu of the six-foot-high wall is DENIED and the request to provide said landscape screening is hereby GRANTED; and Planned Commercial Development Permit No. 30-048-1 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Planned Commercial Development Permit No. 30-048-1, a copy of which is attached hereto and made a part hereof.



Charlotte L. Hunter, Secretary of the
Planning Commission

GARTFIELD PLAZA

Page 1991 DEC 38 PM 4:00

SAN DIEGO, CALIF.

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PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 30-048-2
PLANNING DIRECTOR

This Planned Commercial Development Permit is granted by the Planning Director of The City of San Diego to CLAIREMONT RENTAL PROPERTIES, a General Partnership, "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to construct and operate a Planned Commercial Development located south of Balboa Avenue and east of Clairemont Drive, more particularly described as Parcel 1, Parcel Map No. 8421, in the CN Zone.

2. The Planned Commercial Development shall include and the term "Project" as used in this Planned Commercial Development Permit shall mean the total of the following facilities:

- a. 15,370 square feet of retail uses and 8,408 square feet of office use within two one-story and two-story buildings;
- b. Off-street Parking;
- c. Incidental accessory uses as may be determined and approved by the Planning Director.

3. Not less than 124 off-street parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated April 6, 1978, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

4. The Owner/Permittee may substitute landscape screening along the rear of the property in lieu of extending the existing wall six feet above the center's parking lot. The Owner/Permittee shall submit a final landscape and watering plan for this area to the Planning Director for approval. Said landscape plan shall be submitted no later than 30 days from date of issuance of this permit and shall be in substantial conformity with Exhibit "A," dated October 23, 1980, on file in the office of the Planning Department. In addition, the Owner/Permittee shall

DOCUMENT NO. 30-048-2

FILED December 10, 1981

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

APPROVED
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begin landscpaing and watering installation within 30 days of approval of the landscape plan by the Planning Director.

5. The Planning Department shall review the landscape screening on a six-month basis for the first year and once a year thereafter to determine its compliance with this permit.

6. The assembly and parking of catamaran boats sold by one of the building's tenants (Prindle Catamaran) is permitted in the parking lot area to the rear of the stores. No more than five such boats and their trailers may be so assembled or parked at any time. The assembly or parking of the boats shall not disrupt vehicular traffic in the parking lot area. No sails shall be raised while said boats are parked except for the instruction period given to all new boat owners.

7. Sign identification for both buildings on the site shall be coordinated. A comprehensive sign plan for the development shall be submitted for Planning Director approval.

8. The Owner/Permittee shall comply with the General Conditions for Planned Commercial Development Permits attached hereto and made a part thereof.

Passed and adopted by the Planning Director on October 26, 1981.

FINDINGS

1. The proposed use will fulfill an individual and/or Community need and will not adversely affect the General Plan or the Community Plan. The request to allow 5 Catamaran boats to be assembled and park in the rear of the store rather than two as previously permitted will not significantly change the level of activity that already occurs on the site.
2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The parking and assembly of five boats rather than two will not significantly increase the impact this activity has on the surrounding neighborhood. The Planned Commercial Development will continue to have adequent off-street parking available to its clients and traffic circulation through the parking lot will not be hindered by this increase activity. Screening of the property with planting and other shrubs will provide required screening of the commercial facility from the neighboring residential community.

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Page 3 of 5

PCD Permit No. 30-048-2

3. The proposed use will comply with the relevant regulations in the Municipal Code. Section 101.0910 of the Municipal Code allows the Planning Director to approve Planned Commercial permits in any commercial zone. This project conforms to those regulations.

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PCD Permit No. 30-048-2

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AUTHENTICATED BY:

Nick Osler, Senior Planner
Planning Department

Jack Van Cleave, Planning Director

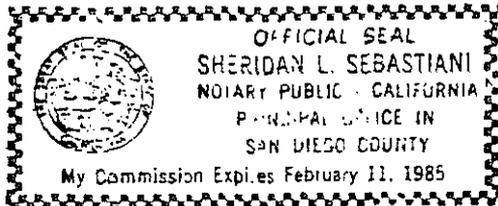
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On this 30th day of NOVEMBER, 1981, before me, the undersigned, a Notary Public in and for said County and State, personally appeared NICK OSLER, known to me to be a Senior Planner of The City of San Diego Planning Department, and JACK VAN CLEAVE, known to me to be the Planning Director of The City of San Diego, and known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County of
San Diego, State of California

NOTARY STAMP



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PCD Permit No. 30-048-2

ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

By *[Signature]*
CLAIREMONT RENTAL PROPERTIES
A general partnership, "Owner/Permittee"

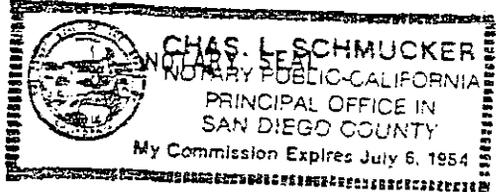
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On December 2, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID H. GARFIELD, known to me to be one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

(Partnership)

WITNESS my hand and official seal.

Signature *[Signature]*
Chas. L. Schmucker
Name (Typed or Printed)



STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

On _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, known to me to be the person whose name is subscribed to the within instrument and acknowledged that _____ executed the same.

(Individual)

WITNESS my hand and official seal.

Signature _____
Name (Typed or Printed)

NOTARY SEAL

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PLANNING DIRECTOR RESOLUTION NO. 3489

GRANTING PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 30-048-2

WHEREAS, CLAIREMONT RENTAL PROPERTIES, a General Partnership, "Owner/Permittee" filed an application for a Planned Commercial Development Permit to construct and operate an amended Planned Commercial Development, located on the south side of Balboa Avenue and east of Clairemont Drive, described as Parcel 1, Parcel Map No. 8421, in the CN Zone; and

WHEREAS, on October 26, 1981, the Planning Director of The City of San Diego considered Planned Commercial Development Permit No. 30-048-2 pursuant to Section 101.0910 of the Municipal Code of The City of San Diego and; NOW, THEREFORE,

BE IT RESOLVED, by the Planning Director of The City of San Diego, as follows:

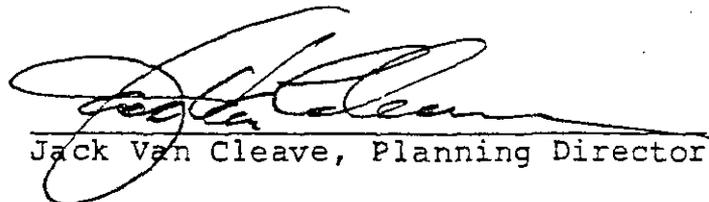
1. That the Planning Director adopts as the Findings of the Planning Director those written Findings dated October 26, 1981, a copy of which is attached hereto and by this reference incorporated herein.
2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Director, the application of Planned Commercial Development Permit No. 30-048-2, is hereby granted to Owner/Permittee in the form and with the terms and conditions as set forth in Planned Commercial Development Permit No. 30-048-2, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that this amended permit supercedes Planned Commercial Development Permit No. 30-048-1. Approved by the Planning Commission on January 8, 1981.



Nick Osler, Senior Planner



Jack Van Cleave, Planning Director

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ATTACHMENT 14

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CITY CLERK'S OFFICE

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SAN DIEGO, CALIF.

CONDITIONAL USE PERMIT NO. 454-PC

PLANNING COMMISSION

This Conditional Use Permit is granted by the Planning Commission of The City of San Diego to CLAIREMONT RENTAL PROPERTIES, a partnership, "Owner", and AUTO-TRONICS SYSTEMS, INC., a Texas corporation, "Permittee", for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to construct and operate a self-service gasoline sales facility located at the southeast corner of Balboa Avenue and Clairemont Drive, described as a portion of Lot 1184, Clairemont Unit No. 7, Map No. 2872, in the CN zone.
2. The self-service gasoline sales facility shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:
 - a. Three gasoline pump islands containing five sets of dispensers.
 - b. An attendant's booth, enclosed trash area and storage building incidental to the gasoline sales.
 - c. Offstreet Parking.
 - d. Incidental accessory uses as may be determined and approved by the Planning Director.
3. Not less than three offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" dated August 26, 1976, on file in the office of the Planning Department. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.
4. A final parcel map shall be recorded on the subject property prior to the issuance of any building permit.
5. Pennants or banners shall not be permitted on the premises.
6. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted so as to minimize noise disturbances to adjoining property.
7. All underground petroleum products storage tanks shall be so designed as to prevent hydrocarbon, vapor or gas loss to the atmosphere in accordance with the requirements of the Air Pollution Control Officer of San Diego County.
8. No merchandise or supplies shall be stored or displayed outdoors.

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9. Operations on site shall be limited to the dispensing of gasoline, air and water.
10. All trash shall be stored in suitable containers and the containers shall be placed within the attendant's booth or within enclosed solid walls or fences.
11. All outdoor lighting fixtures shall be ground lights not to exceed 18 inches in height or attached to the canopy. Lighting attached to the canopy shall be of indirect nature emanating only from fixtures located under the canopy.
12. A letter from the lessee stating that he has read and understands the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy sent to the City of San Diego Planning Department.
13. A copy of this Conditional Use Permit shall be posted on the premises of the service station at all times and may be available for viewing by any person or persons who may desire to see the document.
14. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted on August 36, 1976.

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GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated August 26, 1976, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.
2. Prior to the issuance of any building permits a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" dated August 26, 1976, the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.
3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
4. This Conditional Use Permit granted by the City shall be utilized within 18 months after the effective date thereof. Failure to utilize the Conditional Use Permit within an 18-month period will automatically void the same. This Conditional Use Permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 and 101.0507 of the Municipal Code. See the latter referenced sections as those terms and conditions apply hereto.
5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.
6. This Conditional Use Permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506 of the Municipal Code of The City of San Diego.
7. The effectiveness of this Conditional Use Permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:
 - a. Permittee shall have agreed to each and every condition hereof by having this Conditional Use Permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in Condition No. 4 above i.e., the time commences to run on the date that the Planning Commission granted this Conditional Use Permit.

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(Gen. Cond's CUP's)

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b. This Conditional Use Permit executed as indicated shall have been recorded in the office of the County Recorder.

8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

9. The project included within this Conditional Use Permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the Permit shall have been revoked by The City of San Diego.

10. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this Permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this Conditional Use Permit may be cancelled or revoked. Cancellation or revocation of this Conditional Use Permit may be instituted by the City or permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506 or 101.0507. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.1506 or 101.0507.

11. This Conditional Use Permit shall inure to the benefits of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

May, 1974

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CONDITIONAL USE PERMIT NO. 85-0628
PLANNING COMMISSION

This Conditional Use Permit is granted by the Planning Commission of The City of San Diego to MOBIL OIL CORPORATION, a New York Corporation, Owner/Permittee, under the conditions in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to replace an existing pump island and cashiers booth with a new snack shop building located on the east side of Clairemont Drive between Balboa Avenue and Ute Drive, described as Parcel 1 of Parcel Map No. 5331, in the CN Zone.

2. The facility shall consist of the following:

- a. A 630-square-foot snack shop and sales building;
- b. Two gasoline pump islands;
- c. Landscaping;
- d. Off-street parking; and
- e. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than five off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 9, 1986, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 9, 1986, on file in the office of the Planning

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CUP No. 85-0628 (Am. to CUP No. 454)

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Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated January 9, 1986, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

7. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

8. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0506 and 101.0507 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is approved.

9. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

10. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

11. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

12. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

13. Pennants and banners shall not be permitted on the premises.

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CUP No. 85-0628 (Am. to CUP No. 454)

Page 3 of 6

14. All trash shall be stored in suitable containers and the containers shall be placed within the building or within enclosed solid walls or fences.

15. Signaling devices to alert station attendants to entering vehicles shall be located and adjusted as to minimize noise disturbances to adjoining properties.

16. A letter from the lessee stating that they have read, understands, and will comply with the conditions imposed on the service station shall be written, signed and sent to the parent oil company and a copy sent to The City of San Diego Planning Department.

17. A copy of this Conditional Use Permit shall be posted on the premises of the service station at all times and be available for viewing by any person or persons who may desire to see the document.

18. In the event that the gasoline sales service facility is abandoned or vacated for a continuous period of one year (12 months), the property owner shall cause to have all structures, building, signs, and accessory uses related to the gasoline service station and other potentially hazardous conditions removed from the premises. Underground fuel storage tanks shall also be removed or capped satisfactory to the Fire Department.

19. "No loitering" signs shall be placed in and around the Mini-Market facility and the no loitering policy shall be enforced by the permittee, any lessee or subsequent owner.

20. Sign identification shall consist of the following:

- a. One eight-foot-high, forty-four-square-foot Mobil identification and price sign located in the northwest corner planter;
- b. Two 11-square-foot, "Mobil" identification signs on the pump island canopy;
- c. One 13-square-foot, five-foot-high free standing price sign located in the planter along Clairemont Drive;
- d. Miscellaneous pump island signs totaling 36 square feet in area;
- e. Two seven-square-foot "Mobil Mart" signs located on the north and south sides of the snack shop building;

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CUP No. 85-0628 (Am. to CUP No. 454)

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- f. One 20-square-foot pegasus disc wall sign on the west wall of the snack shop building.

Passed and Adopted by the Planning Commission of the City of San Diego on January 9, 1986.



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9/11

Mitigated Negative Declaration

Land Development
Review Division
(619) 446-5460

Project No. 84191
SCH No. N/A

SUBJECT: Garfield Starbucks: Planned Development Permit (PDP), ~~Rezone (RZ),~~ ~~Neighborhood Use Permit (NUP),~~ an amendment to PCD No. 48, and PCD No. 30-048-1; and rescinding PCD No. 30-048-2, ~~CUP/CPIOZ No. 90-0781~~ CUP No. 454-PC and CUP 85-0628 ~~0781~~ to maintain an existing 15,300-square-foot, single-story office-retail center and to allow for the construction of a joint-tenant single-story 4,366-square-foot retail building with a 1,840-square-foot Starbucks Café with a drive-thru service for a total building area of 6,206-square-feet on a 0.66 ~~2.4~~ acre site. The project proposes a ~~rezone from CN 1-2 to CC 1-3~~ deviations to allow for the hours of operation, and the incorporation of a drive-up/drive-thru lane for the Starbucks Café. The project site is located at 3895 Clairemont Drive in the CN-1-2 Zone within the Clairemont Mesa Community Planning Area, Clairemont Mesa Height Limit Overlay Zone (Legal Description: Parcel 1 of Parcel Map No. 5331, ~~and together with portion of Parcel 1 of Parcel Map No. 8421, and the southeast corner of Parcel 1 of Parcel Map No. 5331).~~ Applicant: Bismarck Real Estate Partners

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.
- III. DETERMINATION:

The City of San Diego has conducted an Initial Study and determined that the proposed project could have a significant environmental effect in the following area: Noise Historical Resources and Health and Public Safety. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

General

- 1. The Assistant Deputy Director (ADD) of the City's Land Development Review Division (LDR) shall verify that the following statement is shown on the grading and/or construction plans as a note under the heading Environmental Requirements: "Garfield Starbucks is

subject to a Mitigation, Monitoring and Reporting Program (MMRP) and shall conform to the mitigation conditions as contained in the MND (Project No. 84191).”

2. The owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the Resident Engineer, and the City’s Mitigation Monitoring Coordination (MMC) Section.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Land Development Review (LDR) Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange

a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor

to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
2. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
3. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
 2. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
 3. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
 4. The PI shall coordinate with the MLD for additional consultation.
 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. **Night Work**

- A. If night work is included in the contract
1. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVN and submit to MMC via fax by 9am the following morning, if possible.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE

or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HEALTH AND PUBLIC SAFETY

1. After project approval and prior to the issuance of the building permit, the owner/permittee shall provide a letter to the ADD of LDR verifying that the County of San Diego Department of Environmental Health concurs that human health, water resources, and the environment are adequately protected from any contamination that may have been present on the site.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

County of San Diego

Department of Environmental Health (75)
San Diego County Archaeological Society, Inc.

City of San Diego

Councilmember Donna Frye, District.6
Planning Department (MS 4A)
City Attorney, Shirley Edwards (MS 59)
Central Library (81A)
Clairemont Branch Library (81H)
Clairemont Community Service Center (MS 97)

Other

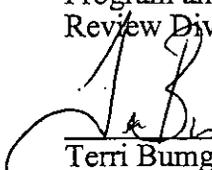
Historical Resources Board (87)
Carmen Lucas (206)
Jerry Schaefer, PHD (209)
South Coastal Information Center (210)
San Diego Archaeological Center (212)
Save Our Heritage Organisation (214)
Ron Christman (215)
Louie Guassac (215A)
Clint Linton (215B)
San Diego County Archaeological Society, Inc. (218)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225 A-R) (Public Notice Only)
Balboa Avenue Citizens Advisory Committee, Billy Paul (246)
Clairemont Town Square (247)
Clairemont Mesa Planning Committee (248)
Clairemont Town Council (257)
Sydney Freeman (Agent)

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.

- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.



Terri Bumgardner, Senior Planner
Development Services Department

March 19, 2007
Date of Draft Report

May 11, 2007
Date of Final Report

Analyst: Rhonda Benally



San Diego County Archaeological Society, Inc.

Environmental Review Committee

2 April 2007

To: Ms. Rhonda Benally
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Garfield Starbucks
Project No. 84191

Dear Ms. Benally:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study, we concur with the impact analysis and mitigation measures as identified in the DMND.

Thank you for providing this DMND to us for review and comment.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

Response to Comment

1. Comment noted.

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-6460

INITIAL STUDY
Project No. 84191
SCH No. N/A

SUBJECT: Garfield Starbucks: Planned Development Permit (PDP), Rezone (RZ), Neighborhood Use Permit (NUP), an amendment to PCD No. 48, and PCD No. 30-048-1; and rescinding PCD No. 30-048-2, CUP/CPIOZ No. 90-0781 CUP No. 454-PC and CUP 85-0628 0781 to maintain an existing 15,300-square-foot, single-story office-retail center and to allow for the construction of a joint-tenant single-story 4,366-square-foot retail building with a 1,840-square-foot Starbucks Café with a drive-thru service for a total building area of 6,206-square-feet on a 0.66 2.4 acre site. The project proposes a rezone from CN 1-2 to CC 1-3 deviations to allow for the hours of operation, and the incorporation of a drive-up/drive-thru lane for the Starbucks Café. The project site is located at 3895 Clairemont Drive in the CN-1-2 Zone within the Clairemont Mesa Community Planning Area, Clairemont Mesa Height Limit Overlay Zone (Legal Description: Parcel 1 of Parcel Map No. 5331, and together with portion of Parcel 1 of Parcel Map No. 8421, and the southeast corner of Parcel 1 of Parcel Map No. 5331). Applicant: Bismarck Real Estate Partners

I. PURPOSE AND MAIN FEATURES:

The proposed project is a Planned Development Permit (PDP), ~~Rezone (RZ), Neighborhood Use Permit (NUP)~~, an amendment to Planned Commercial Development (PCD) No. ~~48 30-048-2 and Planned Commercial Development No. 30-048-1;~~ and rescinding Planned Commercial Development No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628 Conditional Use Permit/Community Plan Implementation Overlay Zone (CUP/CPIOZ) Permit no. 90-0781 to maintain an existing 15,300-square-foot, single-story office-retail center and to allow for the construction of a joint-tenant single-story 4,366-square-foot retail building with a 1,840-square-foot Starbucks Café with a drive-thru service for a total building area of 6,206-square-feet on a 0.66 2.4 acre site. The project proposes a rezone from CN 1-2 (Commercial Neighborhood) to CC 1-3 (Commercial Community) deviations for the hours of operation and to allow for the incorporation of a drive-up/drive-thru lane for the Starbucks Café. The proposed drive-thru would be located on the east side of the building. An existing 15,300-square-foot building is located east of the project site. ~~A Planned Development Permit is required to allow a Monument sign to deviate from the sign regulations.~~ The buildings would be constructed of stucco, brick and wood frame with standing seam metal roofing, and painted earth tone colors. Approximately 943 cubic yards of soil to a maximum depth of 2'-0", and approximately 524 cubic yards of fill to a maximum depth of 4'-5" would be graded, and approximately 418 cubic yards of exported soil. A total of ~~34~~ 117 parking spaces (31 new, 86 existing) would be provided, and accessible from Clairemont Drive and Balboa Avenue. The project is within the 30'-0" height limit of the overlay zone, and the Clairemont Mesa Community Plan. Landscaping would be in conformance with the City's Landscape Development regulations.

The project proposes three retaining walls. The first retaining wall would be located along the eastern property line and would be approximately 188'-0" long and 4'-5" high. The second retaining wall would be located along the southeastern property line and would be approximately 163'-0" long and 6'-0" high. The third retaining wall would be located along the northern property line and would be approximately 227'-0" long and 3'-0" high.

Three existing driveways would be closed; one driveway located on Balboa Avenue and two driveways located on Clairemont Drive. A new driveway would be located along Clairemont Drive, on the west side of the property. The existing bus stop located on Balboa Avenue would remain. With the closure of the driveways, the project proposes new construction of sidewalks and gutters. For safety purposes, a 25'-0" by 25'-0" area (visibility triangle) would be located at the northwest corner of Clairemont Drive and Balboa Avenue. In addition to this area, two 10'-0" by 10'-0" (visibility areas) would be located at the driveways on Clairemont Drive and Balboa Avenue. A sidewalk would be located along the perimeter of the property on Clairemont Drive and Balboa Avenue.

II. ENVIRONMENTAL SETTING:

The project site is located at 3895 Claremont Drive in the Clairemont Mesa Community Plan. The project site and the areas immediately to the west, north, and east are zoned CN-1-2 (Commercial-Neighborhood), and the area to the south is zoned CO-1-2 (Commercial-Office). The surrounding land uses include residential to the south, and commercial to the west, north, and east. The community plan designates the areas to the west, north, and east as neighborhood commercial, and the area to the south as commercial office. The project site is located on a developed area of the parcel and is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) or an identified open space preserve.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

IV. DISCUSSION:

All the reports listed in the initial study and checklist are available for public review in the offices of the LDR Division at 1222 First Avenue, San Diego, CA 92101, 5th floor via a prior appointment with the environmental analyst listed in the MND.

The following environmental issue, historical resources (archeology) and health and public safety; was considered during the review of the project and determined to be significant. Implementation of Section V –Mitigation Monitoring and Reporting Program (MMRP) of the attached MND would reduce impacts from the proposed project to below a level of significance.

Historical Resources (Archaeology)

The project site consists of a joint-tenant single-story 4,366-square-foot retail building with a 1,840-square-foot Starbucks Café with a drive-thru service on a 0.66 ~~2.4~~ acre site. Based on review of the maps in the Land Development Division conducted by the Environmental Analysis Staff (EAS), it was determined that the project site is located in proximity of 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 applicant is required as a mitigation condition to provide archeological monitoring during grading activities and excavation of their project as outlined in Section V. of the MND. These measures would ensure that impacts to archeological resources would be reduced below a level of significance.

Health and Public Safety

A "Phase I Environmental Site Assessment (ESA) for 3895 Clairemont Drive, San Diego, California," and a letter update for the "Phase I Environmental Site Assessment of the Vacant Parcels Located at 3895 Clairemont Drive, San Diego, California, Subject Property (February 12, 2007)" were prepared by ENSR, the report evaluated the site's environmental conditions. The project site is listed with the County of San Diego Department of Environmental Health (DEH) Hazardous Materials Case Listings as having hazardous materials on-site. The hazardous materials were associated with leaking underground storage tanks (USTs).

According to the report, several gas station services have occupied the northern portion of the property from 1956 to 1993, and the southern portion of the property was occupied by an office building. According to the DEH files, one 10,000-gallon and two 6,000-gallon unleaded gasoline USTs were removed in 1987. Subsequent to removal of the former USTs, one 12,000-gallon and two 10,000-gallon unleaded gasoline USTs 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 UST excavation area. Although, the adjacent property to the north, formerly a gas station, is not part of this project, on-going quarterly groundwater monitoring will continue under regulatory oversight to ensure that contaminants from the former gas station site will not impact the subject property.

No further action (NFA) were issued by DEH letters in 1988 and 1996. The NFA letters did not specify restrictions, other than the standard reservation on the part of the agency to reopen the case if additional contamination is discovered on subject property.

Due to potential for residual hydrocarbons to remain on site, the applicant would be required to provide a letter from 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 the site, thus precluding significant health and safety impacts. The applicant was advised by EAS to contact DEH and participate in the Voluntary Assistance Program (VAP) of DEH which provides staff consultation, project oversight, and technical or environmental report evaluation and concurrence letters on projects pertaining to properties contaminated with hazardous substances. Verification of the concurrence letter has been incorporated into the mitigation measures required for this project. The concurrence letter would be incorporated into the mitigation measures required for this project reducing any impacts to below a level of significance.

The following environmental issues, transportation, water quality, and geology, were considered during the review of the project and determined to be less than significant.

Transportation

The proposed project is located on the south site of Balboa Avenue and on the east side of Clairemont Drive. ~~The project requires a zoning change in order to allow a drive thru at the site.~~ According to the "Garfield Starbucks Traffic Impact Study (January 2007)" by Katz, Okitsu and Associates, the proposed project would generate approximately 1,465 daily driveway trips with 121 trips occurring during the AM peak hour and 106 trips occurring during the PM peak hour.

Four roadway segments were analyzed in the study area; Balboa Avenue between Clairemont Drive and Mt. Culebra Avenue, Balboa Avenue between Clairemont Drive and Balboa Terrace, Clairemont Drive between Balboa Avenue and Ute Drive, and Clairemont Drive between Balboa Avenue and Chippewa Court. The following intersections were also analyzed as part of the study area; Clairemont Drive and Balboa Avenue, Clairemont Drive and Project Driveway, and Balboa Avenue and Project Driveway. The report states that all existing roadway segments operate at Level of Service (LOS) D or better, and the peak hour intersections operate at LOS C or better.

The report stated that within the first year of occupancy or near-term, all roadway segments would operate at Level of Service (LOS) D or better, except for Balboa Avenue between Clairemont Drive and Mt. Culebra Avenue which would operate at LOS E. However, all intersections would operate at LOS D or better during the AM and PM peak hours.

For the purposes of this report, the forecasted 2030 traffic conditions were also analyzed. The report stated that all the roadway segments are expected to operate at LOS D or better, except for the segments on Balboa Avenue which would operate at LOS E. The intersections are expected to operate at LOS D or better during the AM and PM peak hours.

On-site improvements would ensure proper access and adequate vehicular flow through the site. The project would be accessed from Clairemont Drive and Balboa Avenue. Because both roadways have medians at the driveway locations, only right turns would be allowed for ingress and egress. Since no significant transportation impacts were identified; mitigation would not be required.

Water Quality

According to the *Water Quality Technical Report* (Kimley-Horn and Associates, Inc., December 14, 2006), prepared by Kimly Horn and Associates, the project is located within the Mission Bay Hydrologic Unit and the Tecolote Hydrologic Area. The project site discharges to the east towards Tecolote Creek. The majority of site runoff would drain through two on-site catch basins, which are located on the west side of the site. Both of these catch basins would discharge runoff to a hydrodynamic separator located on the south side, which would filter runoff before discharging into the existing City of San Diego's storm drain system. Although, the project does not directly discharge to any impaired water bodies, Tecolote Creek is listed on the 303(d) list for impaired water bodies for bacteria indicators, cadmium, copper, lead, toxicity and zinc.

The pollutants of concern that may affect the proposed project and parking lot are petroleum products (oil, fuels, diesel oil and gas) and heavy metals from vehicle usage,

substances with high oxygen demand (bacteria and viruses) trash and debris. This development is not generally expected to generate significant amounts of pollutants, due to the use of site design BMPs, source control BMPs, and a hydrodynamic separator to comply with the Municipal Storm Water National Pollutant Discharge Elimination System (NPDES) Permit and the City of San Diego's Storm Water Standards.

The proposed project is subject to the City's Standard Permanent Storm Water Best Management Practices (BMPs) and would be required to comply with all requirements of the State Water Resources Control Board Order No. 99-08, Municipal Storm Water Permit Order No. 2001-01, Water Discharge Requirements for Discharges of Storm Water Runoff Associated with construction activity. Compliance with the above regulations through implementation aforementioned measures would preclude significant direct and cumulative impacts to water quality and mitigation would not be required.

Geology

The project is located in a seismically active region of California and, therefore, the potential exists for geologic hazards, such as earthquakes and ground failure to affect the proposed development. According to the City of San Diego Seismic Safety Study, the site is mapped with Geologic Hazard Categories 52 and 53. Hazard Category 52 represents other level areas, favorable geologic structure, and low risk to development. Hazard Category 53 represents level or sloping terrain, unfavorable geologic structure, low to moderate risk. No faults are known to exist on or near the project site. The project is not considered to represent a significant increase in the exposure of persons to geologic hazards, since no significant geologic impacts have been identified and mitigation would not be required.

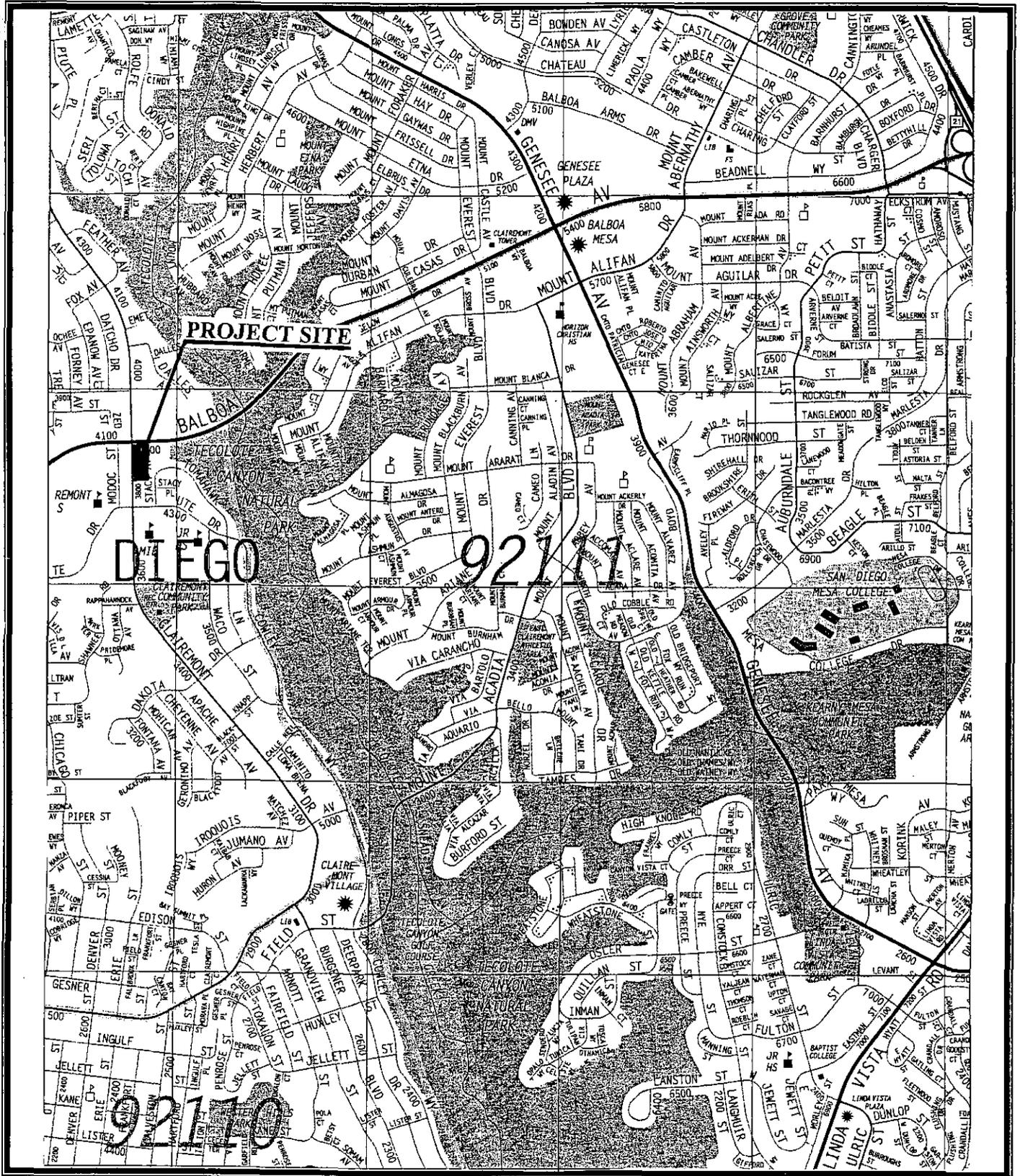
V. RECOMMENDATION:

On the basis of this initial evaluation:

- The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: Rhonda Benally

Attachments: Figure 1-Location Map
~~Figure 2-Site Plan~~
Figure 2a-Revised Site Plan
 Figure 3a-Elevations
 Figure 3b-Elevations
 Initial Study Checklist



Garfield Starbucks

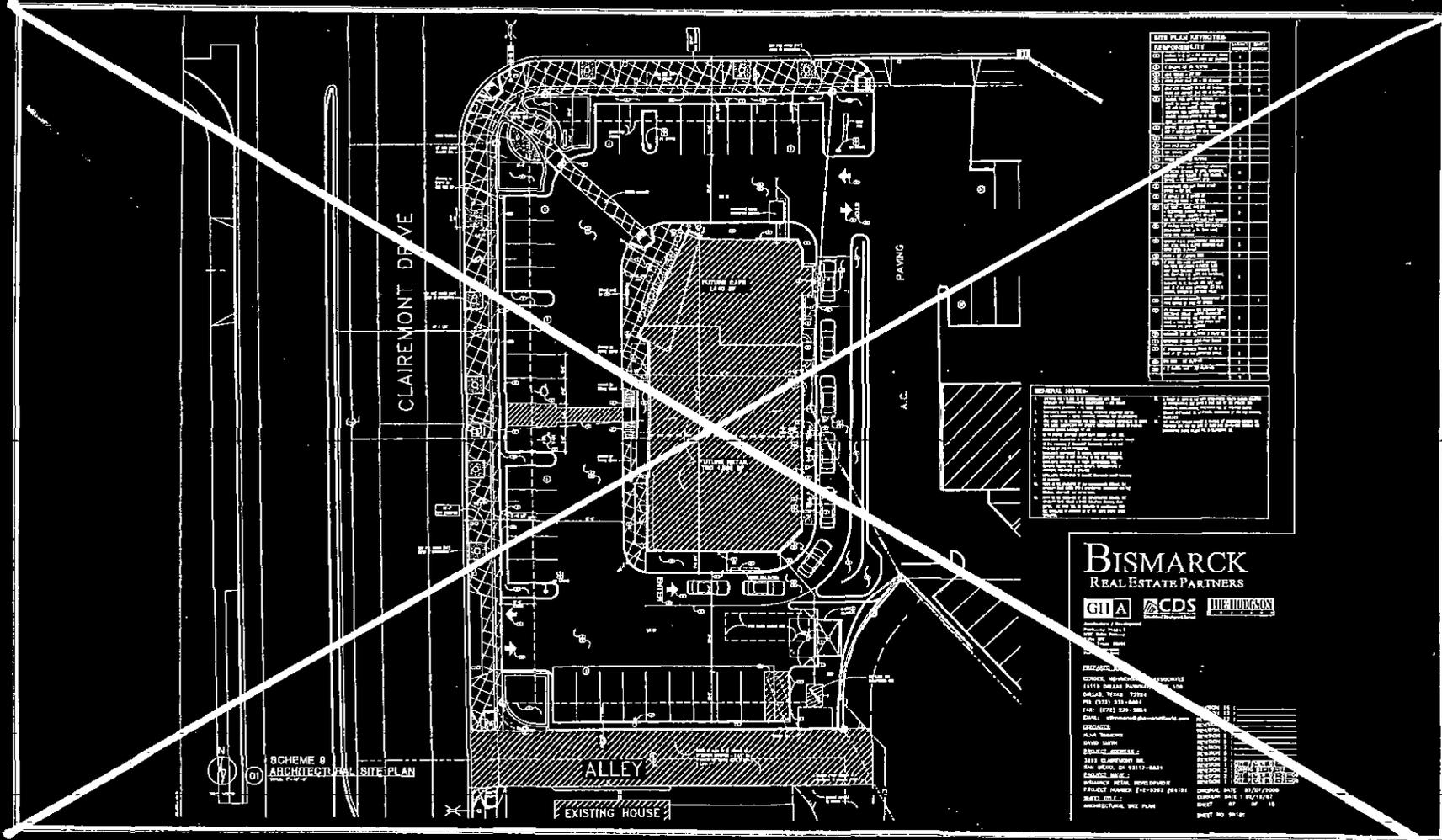
Location Map

Environmental Analysis Section Project No. 84191
 CITY OF SAN DIEGO • DEVELOPMENT SERVICES

Figure

1





SITE PLAN SUMMARY

RESPONSIBILITY	DATE
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GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN DIEGO SPECIFICATIONS AND STANDARDS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SAN DIEGO.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
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10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.

BISMARCK
REAL ESTATE PARTNERS

GIA **CDS** **THE HODGSON**

PREPARED BY:
BISMARCK REAL ESTATE PARTNERS
16115 DALLAS PARKWAY, SUITE 100
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FAX: (972) 234-1441
Email: bismarck@bismarckre.com

DATE: 01/11/2006

PROJECT ADDRESS:
16115 DALLAS PARKWAY, SUITE 100
DALLAS, TEXAS 75248

PROJECT NUMBER: 01-0002 (0419)

SCALE: AS SHOWN

DATE: 01/11/2006

PROJECT NO.: 01-0002 (0419)

SHEET NO.: 01 OF 10

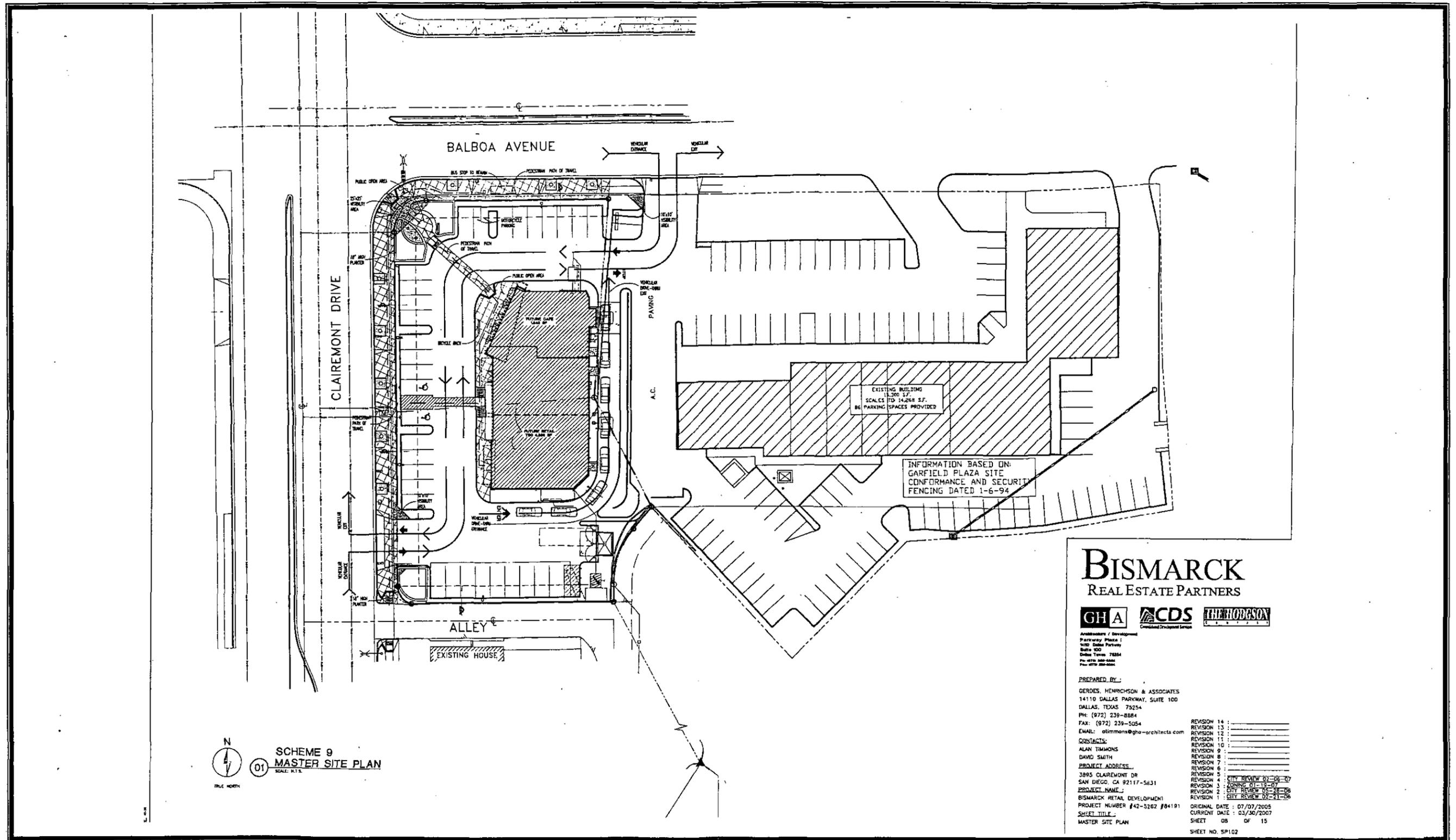
SCHEME 0
ARCHITECTURAL SITE PLAN

Garfield Starbucks



Site Plan
Environmental Analysis Section Project No. 84191
CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT

Figure
2



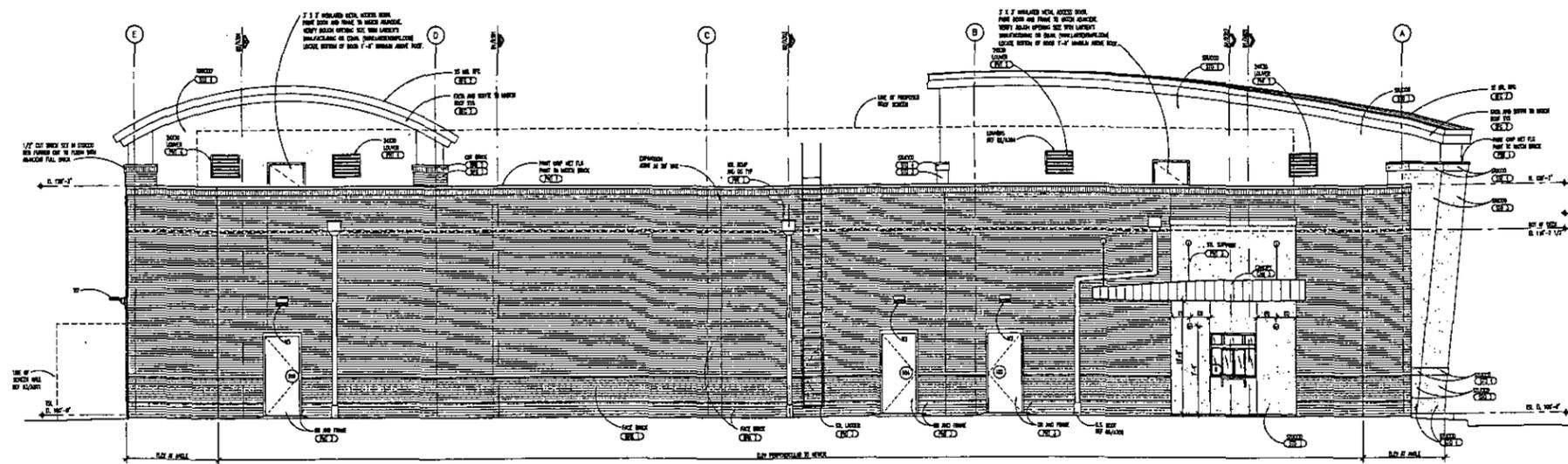
Garfield Starbucks

Revised Site Plan

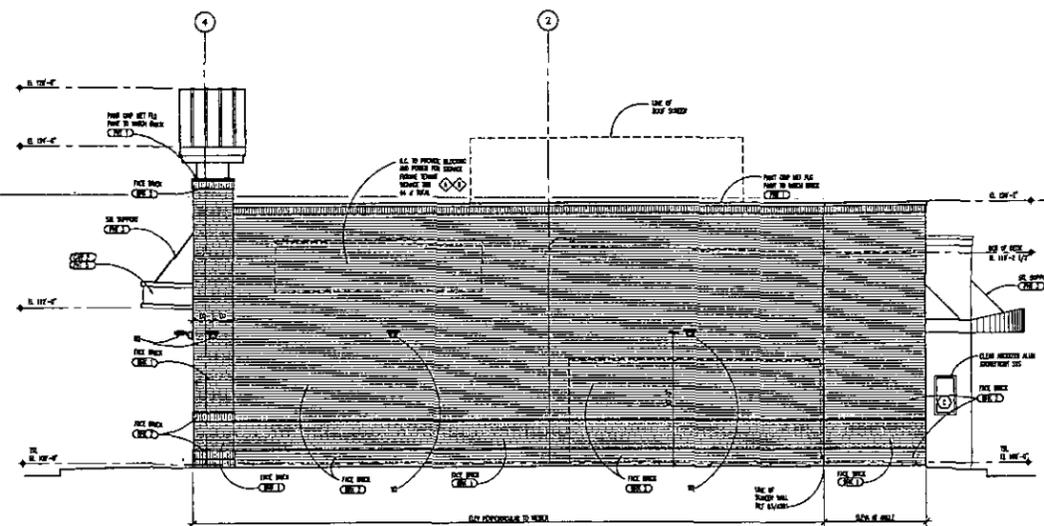
Environmental Analysis Section Project No. 84191
CITY OF SAN DIEGO · DEVELOPMENT SERVICES DEPARTMENT



Figure
2a



01 EAST ELEVATION
SCALE: 1/4"=1'-0"



02 SOUTH ELEVATION
SCALE: 1/4"=1'-0"

EXTERIOR MATERIAL/FINISH SCHEDULE	
SUNG	
(S1)	BRICK TO MATCH ACME - STANDARD SIZE COLOR: CHOCOLATE
(S2)	BRICK TO MATCH ACME - STANDARD SIZE COLOR: SHERMAN BROWN
(S3)	STUCCO WITH METALLIC COLOR TO MATCH SHERMAN WILLIAMS COLOR SEE GOLD
(S4)	TEXTURE: STD FINE SAND CONTACT SYNTHETIC TEXTURES (214) 63N-63N
(S5)	STUCCO WITH METALLIC COLOR TO MATCH SHERMAN WILLIAMS COLOR SEE RESOLVE
(S6)	TEXTURE: STD FINE SAND CONTACT SYNTHETIC TEXTURES (214) 63N-63N
(S7)	STUCCO WITH METALLIC COLOR TO MATCH SHERMAN WILLIAMS COLOR SEE RESOLVE
(S8)	STUCCO WITH METALLIC COLOR TO MATCH SHERMAN WILLIAMS COLOR SEE RESOLVE
(S9)	CONCRETE TERRAZZO 180-181-1 OF EQUAL CLEAR ANODIZED ALUMINUM
PAINT	
(P1)	SHERMAN WILLIAMS COLOR SEE DAN MATCH BOX 2
(P2)	SHERMAN WILLIAMS COLOR SEE GOLD MATCH STD 1
(P3)	SHERMAN WILLIAMS PAINT TO MATCH RESOLVE COLOR ZINC GREY
(P4)	SHERMAN WILLIAMS COLOR SEE RESOLVE MATCH STD 2
(P5)	SHERMAN WILLIAMS COLOR 1783 - ISLE OF CAPRI (BLUE) - VISORY WITH TANNED
CANOPES	
(C1)	STEEL FRAMED CANOPY - REF 02/A/04
(C2)	PAINTED STEEL CANOPY - REF 02/A/03 ALL EXPOSED METAL SUPPORT ROD ELEMENTS TO BE PRIMER & PAINTED (P1, P2) REF. CLADDING FOR CANOPY FACE COLORS
(C3)	STEEL FRAMED CANOPY - REF 04/A/03 ALL EXPOSED METAL SUPPORT ROD ELEMENTS TO BE PRIMER & PAINTED (P1, P2)
ROOFING	
(R1)	WORKED BRUSH ROOFING SYS.
(R2)	STANDING SEAM METAL ROOFING SYS. BRAND: MANUFACTURING CO. KYNAR 500 COLOR: ZINC GREY
(R3)	SINGLE PLY ROOFING MEMBRANE SYS.

LIGHT FIXTURE SCHEDULE			
NO.	DESCRIPTION	QTY	REMARKS
1	RECESSED		
2	RECESSED		
3	RECESSED		
4	RECESSED		
5	RECESSED		
6	RECESSED		
7	RECESSED		
8	RECESSED		
9	RECESSED		
10	RECESSED		
11	RECESSED		
12	RECESSED		
13	RECESSED		
14	RECESSED		
15	RECESSED		

BISMARCK
REAL ESTATE PARTNERS

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PROJECT NAME:
BISMARCK RETAIL DEVELOPMENT
PROJECT NUMBER #42-5262 #84191
SHEET NUMBER:
EXTERIOR ELEVATIONS

REVISION 14	
REVISION 13	
REVISION 12	
REVISION 11	
REVISION 10	
REVISION 9	
REVISION 8	
REVISION 7	
REVISION 6	
REVISION 5	
REVISION 4	CHPT REVIEW 07-06-07
REVISION 3	CONING 01-19-07
REVISION 2	CHPT REVIEW 06-26-06
REVISION 1	CITY REVIEW 02-21-06

ORIGINAL DATE : 07/07/2005
CURRENT DATE : 02/16/07
SHEET 13 OF 15
SHEET NO. A202

Garfield Starbucks

Figure
3a

Initial Study Checklist

Date: November 15, 2005

Project No.: 84191

Name of Project: Garfield Starbucks

III. ENVIRONMENTAL ANALYSIS:

The purpose of the Initial Study is to identify the potential for significant environmental impacts which could be associated with a project pursuant to Section 15063 of the State CEQA Guidelines. In addition, the Initial Study provides the lead agency with information which forms the basis for deciding whether to prepare an Environmental Impact Report, Negative Declaration or Mitigated Negative Declaration. This Checklist provides a means to facilitate early environmental assessment. However, subsequent to this preliminary review, modifications to the project may mitigate adverse impacts. All answers of "yes" and "maybe" indicate that there is a potential for significant environmental impacts and these determinations are explained in Section IV of the Initial Study.

Yes Maybe No

I. AESTHETICS / NEIGHBORHOOD CHARACTER – Will the proposal result in:

- | | | | |
|---|---|---|----------|
| <p>A. The obstruction of any vista or scenic view from a public viewing area?
 <u>The proposed structure is not in a designated view corridor identified in the Clairemont Mesa Community Plan. The proposed project meets the required setbacks and height limits for the underlying CN Zone. However, the applicant has applied for a Planned Development Permit to allow for a deviations to the hours of operation and the drive up/drive-thru lane for the Starbucks Café. of a Monument sign from the sign regulations.</u></p> | — | — | <u>X</u> |
| <p>B. The creation of a negative aesthetic site or project?
 <u>See I. A</u></p> | — | — | <u>X</u> |
| <p>C. Project bulk, scale, materials, or style which would be incompatible with surrounding development?
 <u>The proposed project's bulk, scale, and materials would be compatible with the surrounding development. See I. A.</u></p> | — | — | <u>X</u> |
| <p>D. Substantial alteration to the existing character of the area?</p> | — | — | <u>X</u> |

Yes Maybe No

The proposed project would be located in a commercial area, and in an area of commercial development, and will not alter the character of the area.

E. The loss of any distinctive or landmark tree(s), or a stand of mature trees?
No distinctive or landmark trees, or mature stand of trees exists on-site.

— — X

F. Substantial change in topography or ground surface relief features?
The proposed project would not substantially change the topographic or surface relief features.

— — X

G. The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent?
The proposed project is located on a vacant site. The topography surrounding the area is level. No unique geologic or physical land features exist on-site.

— — X

H. Substantial light or glare?
Exterior lighting would not produce a substantial amount of light and glare.

— — X

I. Substantial shading of other properties?
The proposed structure meets required setbacks and height limits, and would not substantially shade adjacent to properties.

— — X

II. AGRICULTURE RESOURCES / NATURAL RESOURCES / MINERAL RESOURCES – Would the proposal result in:

A. The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state?
The area would not be suitable for mineral extraction or agricultural uses.

— — X

B. The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?
See II. A.

— — X

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
III. AIR QUALITY – Would the proposal:			
A. Conflict with or obstruct implementation of the applicable air quality plan? <u>No such conflict or obstruction would occur.</u>	—	—	<u>X</u>
B. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? <u>See III. A.</u>	—	—	<u>X</u>
C. Expose sensitive receptors to substantial pollutant concentrations? <u>See III. A.</u>	—	—	<u>X</u>
D. Create objectionable odors affecting a substantial number of people? <u>See III. A.</u>	—	—	<u>X</u>
E. Exceed 100 pounds per day of Particulate Matter 10 (dust)? <u>Dust would be generated temporarily during construction only and would be controlled with standard construction practices.</u>	—	—	<u>X</u>
F. Alter air movement in the area of the project? <u>See III. A.</u>	—	—	<u>X</u>
G. Cause a substantial alteration in moisture, or temperature, or any change in climate, either locally or regionally? <u>See III. A.</u>	—	—	<u>X</u>
IV. BIOLOGY – Would the proposal result in:			
A. A reduction in the number of any unique, rare, endangered, sensitive, or fully protected species of plants or animals? <u>The project site is vacant and located on a previously developed area of the parcel. No sensitive biological resources exist on-site. The project is not located within or adjacent to the Multi-Habitat Planning Area (MHPA).</u>	—	—	<u>X</u>
B. A substantial change in the diversity of any species of animals or plants? <u>See IV. A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Introduction of invasive species of plants into the area? <u>See IV. A.</u>	—	—	<u>X</u>
D. Interference with the movement of any resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors? <u>See IV. A.</u>	—	—	<u>X</u>
E. An impact to a sensitive habitat, including, but not limited to streamside vegetation, aquatic, riparian, oak woodland, coastal sage scrub or chaparral? <u>See IV. A.</u>	—	—	<u>X</u>
F. An impact on City, State, or federally regulated wetlands (including, but not limited to, coastal salt marsh, vernal pool, lagoon, coastal, etc.) through direct removal, filling, hydrological interruption or other means? <u>No wetlands exist on-site.</u>	—	—	<u>X</u>
G. Conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan or other approved local, regional or state habitat conservation plan? <u>See IV. A.</u>	—	—	<u>X</u>
V. ENERGY – Would the proposal:			
A. Result in the use of excessive amounts of fuel or energy (e.g. natural gas)? <u>The proposed project would not require excessive amounts of fuel, energy or power.</u>	—	—	<u>X</u>
B. Result in the use of excessive amounts of power? <u>See V. A.</u>	—	—	<u>X</u>
VI. GEOLOGY/SOILS – Would the proposal:			
A. Expose people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards? <u>The City of San Diego's Seismic Safety Study maps have the site rated a 52 and 53. Hazard Category 52 represents other level areas, favorable geologic structure, and low risk to development. Hazard Category 53 represents level or sloping</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>terrain, unfavorable geologic structure, low to moderate risk. See Initial Study Geology discussion.</u>			
B. Result in a substantial increase in wind or water erosion of soils, either on or off the site? <u>See VI. A.</u>	—	—	<u>X</u>
C. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <u>See VI. A.</u>	—	—	<u>X</u>
VII. HISTORICAL RESOURCES – Would the proposal result in:			
A. Alteration of or the destruction of a prehistoric or historic archaeological site? <u>The project site is located in proximity of an area of high sensitivity for archaeological resources, and mitigation measures have been incorporated in the project to reduce potentially significant impacts below a level of significance. See Initial Study.</u>	—	<u>X</u>	—
B. Adverse physical or aesthetic effects to a prehistoric or historic building, structure, object, or site? <u>See VII. A.</u>	—	<u>X</u>	—
C. Adverse physical or aesthetic effects to an architecturally significant building, structure, or object? <u>See VII. A.</u>	—	<u>X</u>	—
D. Any impact to existing religious or sacred uses within the potential impact area? <u>See VII. A.</u>	—	<u>X</u>	—
E. The disturbance of any human remains, including those interred outside of formal cemeteries? <u>See VII. A.</u>	—	<u>X</u>	—
VIII. HUMAN HEALTH / PUBLIC SAFETY / HAZARDOUS MATERIALS: Would the proposal:			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. Create any known health hazard (excluding mental health)? <u>The project site is formerly a gas service station that contained underground storage tanks (USTs) which were removed. However, due to potential contamination from residual hydrocarbon contaminates on-site a mitigation measure has been added for the project. See Initial Study.</u>	—	<u>X</u>	—
B. Expose people or the environment to a significant hazard through the routine transport, use or disposal of hazardous materials? <u>The former USTs have been removed and the project does not propose the storage of any hazardous materials on-site. Therefore, the project does not propose to transport, use or disposal of hazardous materials. See Initial Study.</u>	—	<u>X</u>	—
C. Create a future risk of an explosion or the release of hazardous substances (including but not limited to gas, oil, pesticides, chemicals, radiation, or explosives)? <u>See VIII. A.</u>	—	<u>X</u>	—
D. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan? <u>The proposed project would not impair or interfere with an adopted emergency plan.</u>	—	—	<u>X</u>
E. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or environment? <u>According to the County of San Diego Department of Environmental Health Hazardous Materials Listing (2007), the project is listed. Mitigation required. See Initial Study discussion.</u>	—	<u>X</u>	—
F. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <u>See VIII. A.</u>	—	<u>X</u>	—
IX. HYDROLOGY/WATER QUALITY – Would the proposal result in:			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. An increase in pollutant discharges, including down stream sedimentation, to receiving waters during or following construction? Consider water quality parameters such as temperature dissolved oxygen, turbidity and other typical storm water pollutants. <u>The applicant is required to comply with the Best Management Practices (BMPs) to comply with City of San Diego Water Quality Standards to reduce it below a level of significance. See Initial Study Water Quality discussion.</u>	—	—	<u>X</u>
B. An increase in impervious surfaces and associated increased runoff? <u>The project would not result in a significant increase in on-site impervious surfaces. See IX. A</u>	—	—	<u>X</u>
C. Substantial alteration to on- and off-site drainage patterns due to changes in runoff flow rates or volumes? <u>The project would not substantially alter drainage patterns. See Initial Study discussion.</u>	—	—	<u>X</u>
D. Discharge of identified pollutants to an already impaired water body (as listed on the Clean Water Act Section 303(b) list)? <u>See VIII. A.</u>	—	—	<u>X</u>
E. A potentially significant adverse impact on ground water quality? <u>The proposed project requires mitigation measures to prevent potentially significant impacts from hazardous materials. See Initial Study Health and Public Safety and Water Quality discussions.</u>	—	—	<u>X</u>
F. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? <u>See IX A. and IX. E.</u>	—	—	<u>X</u>
X. LAND USE – Would the proposal result in:			
A. A land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project?	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
<u>The project is consistent with the Clairemont Mesa Community Plan. See X.B.</u>			
B. A conflict with the goals, objectives and recommendations of the community plan in which it is located? <u>The Clairemont Mesa Community Plan does not specifically exclude commercial uses. The applicant would be required to apply for a Planned Development Permit (PDP), Rezone (RZ) and Neighborhood Use Permit (NUP) that is designed to allow for the development of uses that may be desirable under appropriate circumstances, but which are not permitted by right in the applicable zone.</u>	—	—	<u>X</u>
C. A conflict with adopted environmental plans, including applicable habitat conservation plans adopted for the purpose of avoiding or mitigating an environmental effect for the area? <u>No conflict with adopted environmental plans is anticipated.</u>	—	—	<u>X</u>
D. Physically divide an established community? <u>Proposed project would not physically divide an established community.</u>	—	—	<u>X</u>
E. Land uses which are not compatible with aircraft accident potential as defined by an adopted ai Airport Comprehensive Land Use Compatibility Plan? <u>The proposed project is not located within an aircraft accident potential zone (APZ).</u>	—	—	<u>X</u>
XI. NOISE – Would the proposal result in:			
A. A significant increase in the existing ambient noise levels? <u>A temporary increase in noise within acceptable City Standards would occur during standard construction hours.</u>	—	—	<u>X</u>
B. Exposure of people to noise levels which exceed the City's adopted noise ordinance? <u>See XI. A.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Exposure of people to current or future transportation noise levels which exceed standards established in the Transportation Element of the General Plan or an adopted a Airport Comprehensive Land Use <u>Compatibility</u> Plan? See XI. A.	-	-	<u>X</u>
XII. PALEONTOLOGICAL RESOURCES: Would the proposal impact a unique paleontological resource or site or unique geologic feature? <u>The proposed project is located on the Linda Vista Formation which has a moderate sensitivity for paleontological resources. However, minimal grading is proposed which would not exceed the City's Significance Determination Thresholds of 2000 cubic yards and at a depth of 10 feet or greater for paleontological resources.</u>	-	-	<u>X</u>
XIII. POPULATION AND HOUSING – Would the proposal:			
A. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? <u>The proposed project would not induce population growth.</u>	-	-	<u>X</u>
B. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? <u>The project would not displace or necessitate the construction of housing.</u>	-	-	<u>X</u>
C. Alter the planned location, distribution, density or growth rate of the population of an area? <u>The project would not alter the population characteristics of the community.</u>	-	-	<u>X</u>
XIV. PUBLIC SERVICES – Would the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas: <u>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</u>			

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. Fire protection? <u>No additional fire protection services would be required.</u>	—	—	<u>X</u>
B. Police protection? <u>No additional police protection would be required.</u>	—	—	<u>X</u>
C. Schools? <u>No change to existing schools would occur.</u>	—	—	<u>X</u>
D. Parks or other recreational facilities? <u>Existing access to recreational areas would not be affected.</u>	—	—	<u>X</u>
E. Maintenance of public facilities, including roads? <u>Existing public facilities would not be affected.</u>	—	—	<u>X</u>
F. Other governmental services? <u>Existing services would not be affected.</u>	—	—	<u>X</u>
XV. RECREATIONAL RESOURCES – Would the proposal result in:			
A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? <u>The project does not include recreational facilities or require the construction or expansion of recreational facilities.</u>	—	—	<u>X</u>
B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? <u>See XV. A.</u>	—	—	<u>X</u>
XVI. TRANSPORTATION/CIRCULATION – Would the proposal result in:			
A. Traffic generation in excess of specific/community plan allocation? <u>The proposed project would not generate excess traffic within the neighborhood, adversely impact traffic circulation, or impact off-site parking. See Initial Study discussion.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
B. An increase in projected traffic which is substantial in relation to the existing traffic load and capacity of the street system? <u>See XVI. A.</u>	—	—	<u>X</u>
C. An increased demand for off-site parking? <u>Adequate parking would be provided on site.</u> <u>See XVI. A.</u>	—	—	<u>X</u>
D. Effects on existing parking? <u>See XVI. C.</u>	—	—	<u>X</u>
E. Substantial impact upon existing or planned transportation systems? <u>Project would not impact existing or planned transportation systems. See Initial Study discussion.</u>	—	—	<u>X</u>
F. Alterations to present circulation movements including effects on existing public access to beaches, parks, or other open space areas? <u>Project would not alter present circulation movements or public access.</u>	—	—	<u>X</u>
G. Increase in traffic hazards for motor vehicles, bicyclists or pedestrians due to a proposed, non-standard design feature (e.g., poor sight distance or driveway onto an access-restricted roadway)? <u>The project has a traffic study and has incorporated improvements in its design. See Initial Study.</u>	—	—	<u>X</u>
H. A conflict with adopted policies, plans or programs supporting alternative transportation models (e.g., bus turnouts, bicycle racks)? <u>Project would not conflict with the adopted policies, plans or programs supporting alternative transportation models.</u>	—	—	<u>X</u>
XVII. UTILITIES – Would the proposal result in a need for new systems, or require substantial alterations to existing utilities, including:			
A. Natural gas? <u>Existing utilities would not be affected.</u>	—	—	<u>X</u>
B. Communications systems? <u>Existing utilities would not be affected.</u>	—	—	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
C. Water? <u>Existing utilities would not be affected.</u>	—	—	<u>X</u>
D. Sewer? <u>Existing utilities would not be affected.</u>	—	—	<u>X</u>
E. Storm water drainage? <u>No change in drainage patterns is anticipated.</u>	—	—	<u>X</u>
F. Solid waste disposal? <u>Existing service would remain unaffected.</u>	—	—	<u>X</u>
XVIII. WATER CONSERVATION – Would the proposal result in:			
A. Use of excessive amounts of water? <u>The project proposes to landscape which would not require the use of excessive amounts of water.</u>	—	—	<u>X</u>
B. Landscaping which is predominantly non-drought resistant vegetation? <u>See XVIII. A.</u>	—	—	<u>X</u>
XIX. MANDATORY FINDINGS OF SIGNIFICANCE:			
A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? <u>The proposed project does not have the potential to result in any of the above listed impacts.</u>	—	—	<u>X</u>
B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts would endure well into the future.) <u>The proposed project would not result in an impact to long-term environmental goals.</u>	—	—	<u>X</u>

Yes Maybe No

C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)
The proposed project would not result in cumulative impacts.

— — X

D. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?
The project would not result in environmental effects which would cause substantial effects on human beings.

— — X

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

City of San Diego Progress Guide and General Plan.

Community Plan.

Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

City of San Diego Progress Guide and General Plan.

U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

Site Specific Report: _____.

III. Air

California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

Regional Air Quality Strategies (RAQS) - APCD.

Site Specific Report: _____.

IV. Biology

City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

- City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.
- Community Plan - Resource Element.
- California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.
- California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.
- City of San Diego Land Development Code Biology Guidelines.
- Site Specific Report: _____
- V. Energy**
- _____
- VI. Geology/Soils**
- City of San Diego Seismic Safety Study.
- U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.
- Site Specific Report: _____
- VII. Historical Resources**
- City of San Diego Historical Resources Guidelines.
- City of San Diego Archaeology Library.
- Historical Resources Board List.
- Community Historical Survey:
- Site Specific Report:
- VIII. Human Health / Public Safety / Hazardous Materials**

- San Diego County Hazardous Materials Environmental Assessment Listing, 2004.
- San Diego County Hazardous Materials Management Division
- FAA Determination
- State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized 1995.
- Airport ~~Comprehensive~~ Land Use Compatibility Plan.
- Site Specific Report: A "Environmental Site Assessment for 3895 Clairemont Drive, San Diego, California" by ENSR Corporation, April 17, 2006.
- Site Specific Report: A letter update from "Phase I Environmental Site Assessment of the Vacant Parcels at 3895 Clairemont Drive, San Diego, California (Subject Property)" by ENSR Corporation, February 2007.
- IX. Hydrology/Water Quality**
 - Flood Insurance Rate Map (FIRM).
 - Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.
 - Clean Water Act Section 303(b) list, dated July 2002, http://www.swrcb.ca.gov/tmdl/303d_lists.html.
 - Site Specific Report: A "Water Quality Technical Report for Garfield Starbucks, Project No. 84191, Work Order No. 42-5262" by Gerdes, Hendrichson, and Associates, December 14, 2006.
- X. Land Use**
 - City of San Diego Progress Guide and General Plan.
 - Community Plan.
 - Airport ~~Comprehensive~~ Land Use Compatibility Plan
 - City of San Diego Zoning Maps
 - FAA Determination

XI. Noise

Community Plan

San Diego International Airport - Lindbergh Field CNEL Maps.

Brown Field Airport Master Plan CNEL Maps.

Montgomery Field CNEL Maps.

San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

City of San Diego Progress Guide and General Plan.

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XII. Paleontological Resources

City of San Diego Paleontological Guidelines.

Demere, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

Site Specific Report: _____

XIII. Population / Housing

City of San Diego Progress Guide and General Plan.

Community Plan.

Series 8 Population Forecasts, SANDAG.

— Other: _____

XIV. Public Services

City of San Diego Progress Guide and General Plan.

Community Plan.

XV. Recreational Resources

— City of San Diego Progress Guide and General Plan.

Community Plan.

— Department of Park and Recreation

— City of San Diego - San Diego Regional Bicycling Map

— Additional Resources: _____

XVI. Transportation / Circulation

— City of San Diego Progress Guide and General Plan.

Community Plan.

San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

— San Diego Region Weekday Traffic Volumes, SANDAG.

Site Specific Report: A "Garfield Starbucks Traffic Impact Study" by Katz, Okitsu and Associates, January 24, 2007.

XVII. Utilities

— _____

XVIII. Water Conservation

— Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

000355

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: June 14, 2007

REPORT NO.: PC-07-091

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Garfield Starbucks, Project Number 84191

COUNCIL DISTRICT(S): 6

STAFF CONTACT: Leslie Goossens, 619-446-5431, lgoossens@sandiego.gov

REQUESTED ACTION:

Appeal of the Planning Commissions' decision to deny a Planned Development Permit 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. **Grant the Appeal and Approve** Planned Development Permit No. 265516.

EXECUTIVE SUMMARY:

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.

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. 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. While the proposed café and retail uses are allowed by the underlying zone and 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.

On June 21, 2007 the Planning Commission voted 6-0-1 (with one vacancy) to continue the project with direction that the applicant provide a solution that meets the objectives of the Draft Urban Design Element of the General Plan. Specifically, the Commissioners' requested that the applicant look into the possibility of moving the building closer to the corner of Balboa Avenue and Clairemont Drive and placing the parking behind the building, with the objective of making the project more pedestrian friendly. The Commissioners also requested that the proposed landscape plan and planting palette be reexamined to better accommodate local conditions and goals.

The applicant considered the recommendations of the Planning Commission and revised the proposed landscape plan to provide a wider canopy and additional screening from the adjacent streets to enhance both the pedestrian and dining experience of patrons of the Garfield Starbucks (see attached August 1, 2007 letter from Sheppard Mullin Richter & Hampton LLP). They were not able to relocate the building closer to the intersection, meet the required parking and also provide a drive-through meeting Starbucks design principles. Starbucks' experience has been that placing its drive-through locations in such a way that would require pedestrians to walk across the drive-through lane to reach their automobiles in a parking lot creates a public safety hazard. The applicant chose to follow the recommendation of its urban design planner, who believed the applicant's design met the Draft Urban Design Element of the General Plan better than the Commission's proposed corner location because the applicant's would create a quieter, more relaxed setting for Starbucks' patrons away from the dust and commotion of the busy street corner.

On August 9, 2007, after receiving public testimony in favor of the project (there was no opposition), the Planning Commission voted 4-1-1 to deny the project. They commended the applicant on the streetscape design improvements but felt that a better design would be to push the building to the corner of the intersection and to wrap the parking behind the building. The Commissioners also felt that Starbucks would need to agree to allow some amount of pedestrian crossing over the drive-thru lane.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

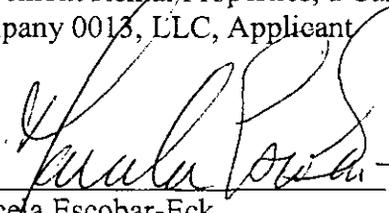
PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

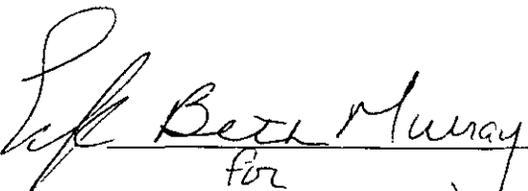
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 9, 2007 the Planning Commission voted 4-1-1 to deny the project. On March 20, 2007 the Clairemont Mesa Community Planning Group voted 10-1-0 to recommend approval of the project with one condition.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Clairemont Rental Properties, a California general partnership, Owner, and Java Acquisition Company 0013, LLC, Applicant


 Marcela Escobar-Eck
 Director
 Development Services Department


 Beth Murray
 for
 Deputy Chief of Land Use and
 Economic Development

ATTACHMENTS:

Report to the Planning Commission
 Planning Commission Minutes of August 9, 2007
 August 1, 2007 letter from Sheppard Mullin Richter & Hampton LLP

000357

NOTICE OF DETERMINATION

TO: X Recorder/County Clerk
P.O. Box 1750, MS A33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Planning and Development Review Department
1222 First Avenue, MS 501
San Diego, CA 92101

 Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

Project Number: 84191

State Clearinghouse Number: N/A

gave check to Peggy 8-24-07

Project Title: Garfield Starbucks

Project Location: 3895 Clairemont Drive, San Diego, California 92117

Project Description: Planned Development Permit (PDP), an amendment to PCD No. 48, and PCD No. 30-048-1; and rescinding PCD No. 30-048-2, CUP No. 454-PC and CUP 85-0628 to maintain an existing 15,300-square-foot, single-story office-retail center and to allow for the construction of a joint-tenant single-story 4,366-square-foot retail building with a 1,840-square-foot Starbucks Café with a drive-thru service for a total building area of 6,206-square-feet on a 2.4 acre site. The project proposes deviations to the hours of operation, and the incorporation of a drive-up/drive-thru lane for the Starbucks Café.

Project Applicant: Bismarck Real Estate Partners, 3895 Clairemont Drive, San Diego, California 92117, Contact: Darren Berger, (602) 758-4258.

This is to advise that the City of San Diego Planning Commission on August 9, 2007 approved the above described project and made the following determinations:

- 1. The project in its approved form will, X will not, have a significant effect on the environment.
- 2. An Environmental Impact Report was prepared for this project and certified pursuant to the provisions of CEQA.
- X A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

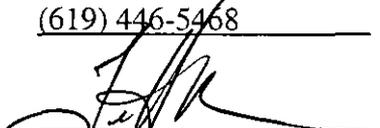
Record of project approval may be examined at the address above.

- 3. Mitigation measures X were, were not, made a condition of the approval of the project.
- 4. (EIR only) Findings were, were not, made pursuant to CEQA Guidelines Section 15091.
- 5. (EIR only) A Statement of Overriding Considerations was, was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Land Development Review Division, Fifth Floor, City Operations Building, 1222 First Avenue, San Diego, CA 92101.

Analyst: Rhonda Benally

Telephone: (619) 446-5468

Filed by: 
Signature
Senior Planner
Title

000359

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-5262

DRAFT

PLANNED DEVELOPMENT PERMIT NO. 265516

GARFIELD STARBUCKS – PROJECT 84191 [MMRP]

(Amendment to Planned Commercial Development Permit No. 48 and Planned Commercial Development Permit No. 30-048-1; and rescinding Planned Commercial Development Permit No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628)

CITY COUNCIL

This Planned Development Permit (PDP) No. 265516, amending Planned Commercial Development Permit No. 48 and Planned Commercial Development Permit No. 30-048-1, and rescinding Planned Commercial Development Permit No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628, is granted by the City Council of the City of San Diego to CLAIREMONT RENTAL PROPERTIES, a California general partnership, Owner/Permittee, and JAVA ACQUISITION COMPANY 0013, LLC, Lessee/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0602. The 2.4 acre site is located on the southeast corner of Balboa Avenue and Clairemont Drive in the CN-1-2 Zone, Clairemont Mesa Height Limit Overlay Zone, within the Clairemont Mesa Community Plan. The project site is legally described as Parcel 1 of Parcel Map No. 8421, and Parcel 1 of Parcel Map No. 5331;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to maintain an existing 15,300 square foot, single story office-retail center and to construct a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Cafe with drive-up/drive through, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September x, 2007, on file in the Development Services Department.

The project shall include:

- a. An existing 15,300 square foot, single story office-retail center (per Planned Commercial Development Permit 48)

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- b. The construction of a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Café
- c. Deviations to allow drive-up/drive-through (where the CN zone prohibits drive-up/drive-through)
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. A monument sign and wall signs; and
- e. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego, the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department. All rights, responsibilities, and obligations granted under Planned Commercial Development No. 48, and Planned Commercial Development Permit 30-048-1, shall remain in full force and effect, except as provided herein. In no way shall this permit remove or alter in any way the rights, responsibilities, and obligations granted by the previous permit, except as provided below:

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- a. Delete Condition Nos. 3, 5,6, 7 and 8 of Planned Commercial Development Permit No. 30-048-1; and
- b. Delete Condition Nos. 3 and 6 of Planned Commercial Development Permit No. 48.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development

approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project
12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 84191, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.
13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 84191, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of a building permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources (archaeology)
Public Health and Safety

14. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

15. Prior to issuance of the certificate of occupancy, the applicant shall improve the adjacent alley, full width, including replacing the alley apron and reconstructing the two (2) alley curb ramps at Clairemont Drive to current standards, all satisfactory to the City Engineer.
16. Prior to building occupancy, the applicant shall close three (3) existing driveways on Clairemont Drive and two (2) existing driveways on Balboa Avenue with restoration to full-height curb, gutter and sidewalk, shall install a 26-foot driveway on Clairemont Drive and shall

reconstruct the curb ramp at the corner of Balboa Avenue and Clairemont Drive, all satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report.

19. The drainage system proposed for this development is private and subject to approval by the City Engineer.

20. Prior to the issuance of any construction permit, the applicant 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.

21. Prior to the issuance of any construction permits, the applicant 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.

LANDSCAPE REQUIREMENTS:

22. Prior to issuance of any engineering permits for grading, construction documents for the revegetation and hydroseeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

23. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

24. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

25. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in

substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

26. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

27. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

28. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City manager within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

30. No fewer than 117 automobile spaces (31 new, 86 existing), 2 accessible spaces (including 1 van accessible parking space), 2 motorcycle spaces, and 2 bicycle spaces with a bike rack, shall be maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the City Manager.

31. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

32. Uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight.

33. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

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34. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

35. No portion of the proposed 4,366 square foot of retail area may accommodate eating and/or drinking establishments. This condition does not apply to the proposed 1,840 square foot café.

36. Prior to the issuance of the first building permit, the applicant shall dedicate 2 feet along the project frontage of Balboa Avenue and Clairemont Drive for a total 12 feet face of curb to property line, and provide a 12-foot sidewalk along the same frontage, satisfactory to the City Engineer.

37. Prior to the issuance of the first building permit, the applicant shall provide evidence of a recorded Mutual Access Agreement between all affected properties.

WATER REQUIREMENTS:

38. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the disconnection at the water main of all existing unused services adjacent to the site, in a manner satisfactory to the Water Department Director and the City Engineer.

39. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer, and the Cross Connection Supervisor in the Customer Support Division of the Water Department.

40. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

41. The Owner/Permittee agrees to design and construct all proposed public water facilities, including services and meters, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Proposed facilities that do not meet the current standards for construction, operation, maintenance and access, shall be private or modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within

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ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on mm-dd-yy, by resolution number XXXX.

000367

Permit Type/PTS Approval No.: PDP 265516

Date of Approval: September x, 2007

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

LESLIE GOOSSENS
DEVELOPMENT PROJECT MANAGER

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1180 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

Clairemont Rental Properties
Owner/Permittee

By _____
Michael Bartell

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

Rev. 04/20/07 rh

000369

PLANNING COMMISSION RESOLUTION NO. PC-4290
DENIAL OF PLANNED DEVELOPMENT PERMIT NO. 265516

WHEREAS, on August 9, 2007, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering Planned Development Permit (PDP) No. 265516; and

WHEREAS, CLAIREMONT RENTAL PROPERTIES, a California general partnership, Owner/Permittee, and JAVA ACQUISITION COMPANY 0013, LLC, Lessee/Permittee, requested Planned Development Permit (PDP) No. 265516 to amend Planned Commercial Development Permit No. 48 and Planned Commercial Development Permit No. 30-048, and to rescind Planned Commercial Development Permit No. 30-048-2, Conditional Use Permit No. 454-PC and Conditional Use Permit No. 85-0628, to maintain an existing 15,300 square foot, single story office-retail center and to construct a 6,206 square foot building to include a 4,366 square foot shell retail space and a 1,840 square foot Starbucks Cafe with drive-up/drive through known as the Garfield Starbucks project, located at the southeast corner of Balboa Avenue and Clairemont Drive, and legally described as Parcel 1 of Parcel Map No. 8421, and Parcel 1 of Parcel Map No. 5331, in the Clairemont Mesa Community Plan area, in the CN-1-2 Zone, Clairemont Mesa Height Limit Overlay Zone; and

WHEREAS, the Planning Commission of the City of San Diego considered Planned Development Permit No. 265516 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED that Planned Development Permit No. 265516 is hereby DENIED by the Planning Commission of the City of San Diego on the basis of Planned Development Permit Finding No. 5:

“Any proposed deviations pursuant to Section 126.0602(b)(1) 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.”



LESLIE GOOSSENS
Development Project Manager
Development Services Department

Adopted on: August 9, 2007

Job Order No. 42-5262

cc: Legislative Recorder, Planning Department

000371

Item 13

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
AUGUST 9, 2007
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING: 9:10:03 AM

Vice-Chairperson Garcia called the meeting to order at 9:10 a.m. Commissioner Ontai adjourned the meeting at 4:51 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz- Not present
Vice-Chairperson Kathleen Garcia- present
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present
Commissioner Dennis Otsuji- present
Commissioner Eric Naslund- present
Commissioner Mike Smiley – present

Staff

Andrea Dixon, City Attorney- present
Bernie Turgeon, Planning Department – present
Mike Westlake, Development Services Department-present
Sabrina Curtin, Recorder-present

000372

Break for Lunch 12:43:23 PM to 1:18:28 PM

ITEM-12: *Continued from July 12, 2007:*

***NETTA TERRACE SUBDIVISION - PROJECT NO. 2250**

City Council District: 4 Plan Area: Southeastern San Diego Community Plan Area

COMMISSIONER ACTION:

CONSENT MOTION BY COMMISSIONER OTSUJI TO RECOMMEND TO CITY COUNCIL THAT THEY CERTIFY THE MITIGATED NEGATIVE DECLARATION NO. 2250.

RECOMMEND TO THE CITY COUNCIL TO APPROVE THE TENTATIVE MAP AND PUBLIC RIGHT-OF-WAY VACATION NO. 463163.

RECOMMEND TO THE CITY COUNCIL TO APPROVE PLANNED DEVELOPMENT PERMIT NO. 463165 AND SITE DEVELOPMENT PERMIT NO. 463166. Second by Commissioner Naslund. Passed by a vote of 6-0-1 with Chairperson Schultz not present.

ITEM-13: *Continued from June 21, 2007 to be heard September 27, 2007;
Re-noticed*

***GARFIELD STARBUCKS - PROJECT NO. 84191**

City Council District: 6; Plan Area: Clairemont Mesa

Leslie Goossens gave a brief update since the last heard by the commission.

Speaker slips submitted in favor by Cynthia Freels, Jeff Forrest, James Kainer, Alan Timmons, Sydnee Freeman, Billie Hame, Billy Paul, and Beverly Baip.

No one present to speak in opposition.

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COMMISSIONER ACTION:

Motion by Commissioner Naslund to deny the project due to the inability to make the findings to support the certification of the mitigated negative declaration no. 84191, and adoption of the mitigation, monitoring and reporting program, deny the planned development permit No.265516. Second by Commissioner Otsuji. Failed by a vote of 3-2-2 with Commissioners Griswold and Ontai voting nay, Commissioner Smiley recusing and Chairperson Schultz not present.

Since the item would have to trail to the next available hearing date, allowing for more commissioners to be present, the applicant requested that the commission reconsider a second vote to be taken allowing the applicant to possible receive a different vote.

Commissioner Naslund gave the same motion as the first one - MOTION BY COMMISSIONER NASLUND TO DENY THE PROJECT DUE TO THE INABILITY TO MAKE THE FINDINGS TO SUPPORT THE CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION NO. 84191, AND ADOPTION OF THE MITIGATION, MONITORING AND REPORTING PROGRAM, DENY THE PLANNED DEVELOPMENT PERMIT NO.265516. Second by Commissioner Otsuji. Passed by a vote of 4-1-2 with Commissioner Ontai voting nay, Commissioner Smiley recusing and Chairperson Schultz not present. Resolution No. 4290-PC

2:38:17 PM

ITEM-14: *Appeal of the Hearing Officers Decision:*

***HARTWELL RESIDENCE - PROJECT NO. 107139**

City Council District: 1; Plan Area: La Jolla

Edith Gutierrez presented Report No. PC-07-105 to the Planning Commission.

Speaker slips submitted in favor of the appeal by Sherri Lightner
Geoffrey Northrop, John Northrop.

Speaker slips opposed to the appeal Mark Christopher.

COMMISSIONER ACTION:

MOTION BY COMMISSIONER NASLUND TO DENY THE APPEAL AND APPROVE THE COASTAL DEVELOPMENT PERMIT NO. 356208. CERTIFY NEGATIVE DECLARATION NO. 107139 AS PRESENTED IN REPORT NO. PC-07-105. Second by Commissioner Griswold. Passed by a vote of 6-0-1 with Chairperson Shcultz not present.

336
9/11



501 West Broadway | 19th Floor | San Diego, CA 92101-3598
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August 1, 2007

Our File Number: 15TW-131925

VIA MESSENGER

Planning Commission of the City of San Diego
Chairman Barry Schultz
City Administration Building
202 C Street, 12th Floor
San Diego, CA 92101

Re: Project No. 84191 - Garfield Starbucks

Dear Chairman Schultz and Members of the Planning Commission:

On June 21, 2007, the Planning Commission voted to continue the Garfield Starbucks project with direction to evaluate locating the Starbucks building adjacent to the corner of Balboa Avenue and Clairemont Drive, with the objective of making the project more pedestrian friendly. The Commissioners also asked Starbucks Garfield to reexamine the proposed landscape plan and palette, to better accommodate local conditions and goals.

With the Commissioners' comments in mind, Starbucks Garfield brought in the urban planners and landscape architects from the San Diego office of Rick Engineering, and together the team reanalyzed the proposed site plan, location, landscaping and surrounding conditions. The result is a revised landscape plan and plant palette, redesigned in light of the Commissioners' concerns. In addition, the urban planners at Rick Engineering prepared a Pedestrian Circulation & Urban Design Analysis (Rick Engineering, 2007), a copy of which is attached hereto. As illustrated therein, in the context of this location, the proposed design turns out to be the pedestrian friendly one.

Urban design and planning principles generally place buildings rather than parking spaces closer to pedestrians. The building originally was set back from the sidewalk not to increase its pedestrian friendly nature, but rather for public safety. Starbucks' experience has been that locating its drive-through locations adjacent to the sidewalk creates a public safety hazard by placing pedestrians walking beside or behind the building to reach their automobiles too close to automobiles accessing the drive-through. Here, it turns out that the safest location also is the most pedestrian friendly from an urban design perspective as well.

Clairemont Drive and Balboa Avenue average 21,000 to 34,000 trips per day, respectively, all of which generate a substantial volume of noise and dust in the immediately adjacent area. At those traffic levels, the ambient noise, dust and wind at Starbucks' proposed outdoor eating area would make lingering there unappealing. The resulting outdoor space, and even the indoor dining area, would be overwhelmed by the constant drone, vibration and dust from traffic only a few feet away. With the building adjacent to the street, the opportunity to mitigate the outdoor diners' experience by means of landscaping and other noise and dust attenuation methods would be constrained, and Starbucks would be unlikely to attract pedestrians at all.

By setting back the building 65 feet, Starbucks is able to create an attractive sitting area for pedestrians who would like to linger over a coffee. The revised landscape and site plan incorporates a number of other features to enhance the pedestrian experience and draw pedestrians into the center of the lot. In particular, the project's pedestrian gateway entrance complete with water fountain, seating area, scored concrete and raised planter beds along with enhanced sidewalks that trisect the parking lot provide an attractive means of inviting people to relax and chat casually in this amiable "community living room," removed just far enough from the commotion at the corner of Balboa and Clairemont.

The Pedestrian Circulation and Urban Design Analysis concludes that:

With the building at the street there would be no opportunity to mitigate the outdoor diners from the ambient noise and dust with walls, plant materials, or distance. Outdoor dining is seen as an important component of "place making" and creating a communal social experience. Moving the building so close to the traffic would seriously impair the ability of the project to fully benefit the Clairemont Community and plan a meaningful role in creating a place to socialize and enjoy each other's company.

The cars parked in the spaces near the sidewalk will be adequately screened, and enhanced paving and other design features used to make the location as appealing as possible. The project as a whole also revitalizes a corner that has been vacant for more than seven years, and benefits the community by bringing a vibrant use to this area.

As the Pedestrian Circulation and Urban Design Analysis explains:

The proposed project is an honest attempt to create an inviting place of business, but also treats the sidewalk and street as a "public space" with a perimeter that includes convenience sitting walls, a double-row of large shade trees, and lush shrubbery – all culminating with an attractive plaza and fountain right at the corner of Balboa Avenue and Clairemont Drive....Pedestrians, even those who do not choose to patronize the restaurant, are free to enjoy the enhanced pedestrian sidewalks, and patrons are offered a place to dine and chat and meet in a community room atmosphere under shade and umbrellas....Wide and strategically placed pedestrian sidewalks radiate from the building and tie into the perimeter sidewalk system and invite those on foot to enjoy the food and beverages.

The applicant has worked with the Clairemont Mesa Community Planning Group for almost two years, making revisions to the plans to accommodate the Planning Group's concerns. As a result of the applicant's decision to actively talk with and respond to the Planning Group's issues, ultimately the Planning Group voted to approve the project 10-0-1. In fact, the Planning Group was even willing to support a rezone that would allow the drive through to exist. For too many years, the community has lived with a vacant lot. This project presents an opportunity to convert it into a social destination for the community. That is the ultimate goal of any urban design.

SHEPPARD MULLIN RICHTER & HAMPTON LLP

Planning Commission of the City of San Diego

August 1, 2007

Page 3

Please do not hesitate to contact me if I may provide any additional information regarding this project.

Very truly yours,



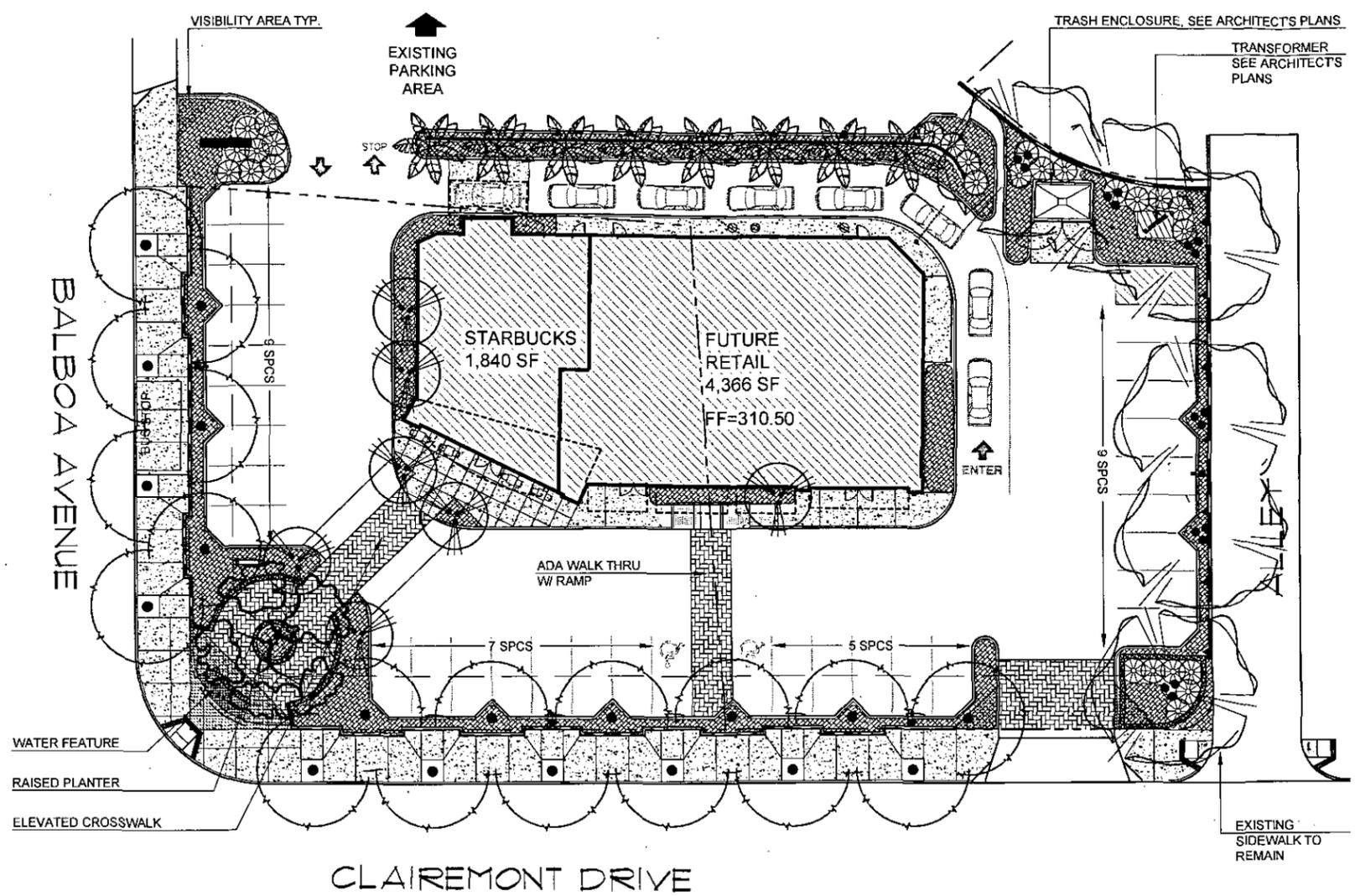
Donna D. Jones

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:8DDJ1400384504.1

Enclosures

cc: Leslie Goossens, Development Project Manager III, Entitlements, City of San Diego
Development Services Department
Tim Daly, Development Project Manager III, Entitlements, City of San Diego Development
Services Department
Brian Schoenfisch, Senior Planner, City of San Diego Planning & Community Investment
Sydnee Freeman
(w/enclosures)



PLANT LEGEND

- STREET TREE SUCH AS: (36" BOX)**
METROSIDEROS EXCELSUS / NEW ZEALAND CHRISTMAS TREE
QUERCUS SUBER / CORK OAK
TRISTANIA CONFERTA / BRISBANE BOX
- SCREEN / SHADE TREES SUCH AS: (36" BOX)**
PINUS CANARIENSIS / CANARY ISLAND PINE
PLATANUS ACERIFOLIA 'BLOODGOOD' / LONDON PLANE TREE
PINUS ELDARICA / MONDEL PINE
- ACCENT SHADE TREE SUCH AS: (48" BOX)**
JACARANDA MIMOSIFOLIA / JACARANDA
PHOENIX CANARIENSIS / CANARY ISLAND DATE PALM
PLATANUS RACEMOSA / CALIFORNIA SYCAMORE
QUERCUS AGRIFOLIA / COAST LIVE OAK
- VERTICAL PALM TREE SUCH AS: (10' BTH)**
WAHSINGTONIA FILIFERA / CALIFORNIA FAN PALM
SYAGRUS ROMANZOFFIANUM / QUEEN PALM
- FLOWERING ACCENT TREE SUCH AS: (MULTI TRUNK 36" BOX)**
CERCIS OCCIDENTALIS / WESTERN REDBUD
CASSIA LEPTOPHYLLA / CASSIA
ERIOBOTRYA DEFLEXA / BRONZE LOQUAT
LAGESTROMIA INDICA HYBRIDS / CRAPE MYRTLE
- SCREENING / ACCENT SHRUBS SUCH AS: (5 GAL)**
CEANOETHUS 'DARK STAR' / CEANOETHUS
PHORMIUM 'MAORI CHIEF' / NEW ZEALAND FLAX
MISCANTHUS OCCIDENTALIS 'ZEBRINUS' / ZEBRA GRASS
- LOW SHRUBS SUCH AS: (5 GAL @ 24" O.C.)**
ANIGOZANTHOS 'RED JUMPER' / KANGAROO PAW
CAREX DIVULSA / BERKELEY SEDGE
HELICHRYSUM THIANCHANCUM / LICORICE PLANT
LAVANDULA 'GOODWIN CREEK GRAY' / LAVENDER
LEYMUS 'CANYON PRINCE' / WILD RYE
PENNISETUM MESSIACUM / RED BUNNY TAILS
- CLIMBING VINE SUCH AS:**
HARDENBERGIA VIOLACEA / LILAC VINE

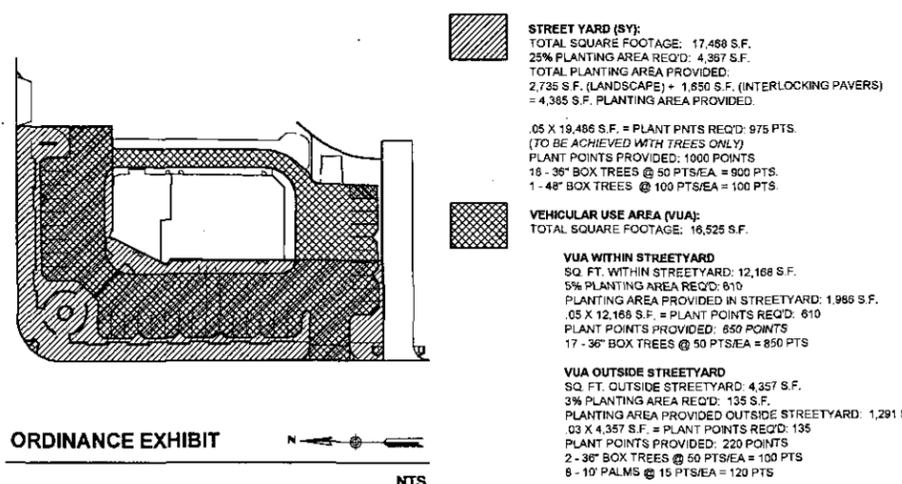
GENERAL NOTES:

- LANDSCAPE:**
THE LANDSCAPE CONCEPT PLAN WILL INCORPORATE THE CITY OF SAN DIEGO'S LANDSCAPE DEVELOPMENT GUIDELINES AND SPECIFICATIONS.
- ALL GRADED SLOPES SHALL BE PLANTED WITH TREES, SHRUBS, AND GROUND-COVERS OR COVERED W/ ROCK AGGREGATE. GROUND-COVERS SHALL BE PERMANENT SPECIES PLANTED FROM LINERS OR FLATS AT 12" O.C.
 - TREES AND SHRUBS SHALL BE PLANTED IN ACCORDANCE WITH SITE AESTHETICS AND OFF-SITE SCREENING REQUIREMENTS.
 - ALL PLANTING AREAS WILL BE AMENDED WITH ORGANIC MATERIAL DEPENDING UPON ON-SITE SOIL CONDITIONS PER SOIL REPORT.
 - ALL EXPOSED PLANTING AREAS WILL RECEIVE 2"-4" OF MULCH TO RETAIN SOIL MOISTURE, MAINTAIN COOLER SOIL TEMPS., AND MINIMIZE WEED GERMINATION.
 - ROOT BARRIER SHALL BE APPLIED ON ALL PLANTING BEDS WITHIN HARDSCAPE AREAS.
- IRRIGATION:**
- TYPICAL WATER CONSERVATION DESIGN FEATURES WOULD INCLUDE BUT WOULD NOT BE LIMITED TO, AN AUTOMATIC IRRIGATION SYSTEM INCORPORATING DRIP IRRIGATION, BUBBLERS, LOW PRECIPITATION HEADS, RAIN SHUT-OFF DEVICE, MOISTURE SENSING DEVICES, CHECK VALVES AND MASTER REMOTE CONTROL VALVE.
 - THE IRRIGATION SYSTEM SHALL BE DESIGNED TO AVOID RUNOFF, LOW HEAD DRAINAGE, OVERSPRAY, AND OTHER SIMILAR CONDITIONS WHERE WATER FLOWS ONTO ADJACENT PROPERTY, NON-IRRIGATED AREAS, WALKS, ROADWAYS, AND STRUCTURES.
 - PROPER IRRIGATION EQUIPMENT AND SCHEDULES, INCLUDING SUCH FEATURES AS REPEAT CYCLES, SHALL BE USED TO CLOSELY MATCH MAXIMUM APPLICATION RATES TO SITE-SPECIFIC INFILTRATION RATES. ADDITIONALLY, THE IRRIGATION SYSTEM WILL BE SENSITIVE TO THE VARIOUS SOLAR EXPOSURE THROUGHOUT THE YEAR.
 - ALL SITE IRRIGATION SHALL BE SERVICED BY A DEDICATED LANDSCAPE IRRIGATION METER.
- LANDSCAPE MAINTENANCE: ALL LANDSCAPE AREAS SHALL BE THE MAINTENANCE RESPONSIBILITY OF THE PROPERTY OWNER(S).

MINIMUM TREE SEPARATION DISTANCE
Improvement/Minimum Distance to Street Tree:
Traffic Signals (stop signs) - 20 feet
Underground utility lines - 5 feet (10 feet for sewer)
Above ground utility structures - 10 feet
Driveway (entries) - 10 feet
Intersections (intersecting curb lines of two streets) - 25 feet

PRELIMINARY NOT FOR CONSTRUCTION

LANDSCAPE ORDINANCE FOR SITE



STREET YARD (SY):
TOTAL SQUARE FOOTAGE: 17,488 S.F.
25% PLANTING AREA REQ'D: 4,367 S.F.
TOTAL PLANTING AREA PROVIDED:
2,735 S.F. (LANDSCAPE) + 1,850 S.F. (INTERLOCKING PAVERS)
= 4,365 S.F. PLANTING AREA PROVIDED.

.05 X 19,486 S.F. = PLANT PNTS REQ'D: 975 PTS
(TO BE ACHIEVED WITH TREES ONLY)
PLANT POINTS PROVIDED: 1000 POINTS
18 - 36" BOX TREES @ 50 PTS/EA = 900 PTS.
1 - 48" BOX TREES @ 100 PTS/EA = 100 PTS.

VEHICULAR USE AREA (VUA):
TOTAL SQUARE FOOTAGE: 16,525 S.F.

VUA WITHIN STREETYARD
SQ. FT. WITHIN STREETYARD: 12,168 S.F.
5% PLANTING AREA REQ'D: 610
PLANTING AREA PROVIDED IN STREETYARD: 1,960 S.F.
.05 X 12,168 S.F. = PLANT POINTS REQ'D: 610
PLANT POINTS PROVIDED: 850 POINTS
17 - 36" BOX TREES @ 50 PTS/EA = 850 PTS

VUA OUTSIDE STREETYARD
SQ. FT. OUTSIDE STREETYARD: 4,357 S.F.
3% PLANTING AREA REQ'D: 135 S.F.
PLANTING AREA PROVIDED OUTSIDE STREETYARD: 1,291 S.F.
03 X 4,357 S.F. = PLANT POINTS REQ'D: 135
PLANT POINTS PROVIDED: 220 POINTS
2 - 36" BOX TREES @ 50 PTS/EA = 100 PTS
8 - 10' PALMS @ 15 PTS/EA = 120 PTS

REMAINING YARD (RY):
DUE TO SITE CONSTRAINTS, THERE IS NO REMAINING YARD ON SITE.

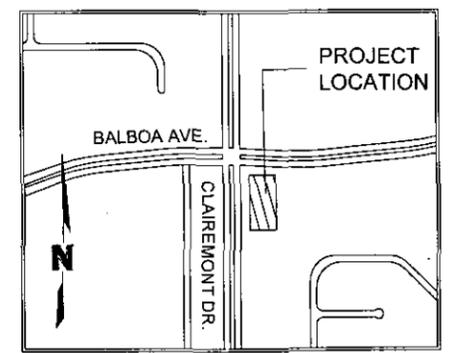
STREET TREE REQUIREMENT:
PER MUNICIPAL CODE 142.0409(a)(1), NUMBER OF REQUIRED STREET TREES EQUALS (1) TREE EVERY 30' OF STREET FRONTAGE.
STREET FRONTAGE FOR SITE = 385 L.F.
REQUIRED # OF STREET TREES = 13
STREET TREES PROVIDED = 10

CONSTRUCTION MATERIAL LEGEND

- | SYMBOL | DESCRIPTION |
|-----------|---|
| [Pattern] | NATURAL GREY CONCRETE PAVING |
| [Pattern] | INTERLOCKING PAVERS |
| [Pattern] | (3') RETAINING WALL (SCREEN PARKING LOT, TYP.) |
| [Pattern] | (6') FREESTANDING SCREEN WALL ADJACENT TO ALLEY |
| [Pattern] | RETAINING WALL W/ GUARDRAIL @ DRIVE-THRU LANE |
| [Pattern] | RAISED PLANTER W/ STONE VENEER |

LAND USE TABLE

PROPOSED USAGE	BUILDING AREA (SQ. FT.)	APPROXIMATE LAND AREA (AC.)	PARKING RATIO (STALLS/1000 S.F.)		PARKING STALLS	
			REQUIRED	PROPOSED	REQUIRED	PROPOSED
STARBUCKS/RETAIL	6,206	0.66	5.0	5.50	31	32
EXISTING RETAIL	16,300				77	86



SITE LOCATION MAP (NOT TO SCALE)

BISMARCK REAL ESTATE PARTNERS

GHA Architecture / Development
Parkway Plaza I
14110 Dallas Parkway
Suite 100
Dallas Texas 75254
Ph: (972) 239-8884
Fax: (972) 239-5054

CDS Consulting Development Services

THE HODGSON COMPANY

RICK ENGINEERING COMPANY
LANDSCAPE ARCHITECTURE DIVISION

PREPARED BY:
RICK ENGINEERING COMPANY
LANDSCAPE ARCHITECTURE DIVISION
5620 FRIARS ROAD
SAN DIEGO, CA 92110
PH: 619.291.0707
FAX: 619.908.3581
EMAIL: jkuhken@rickengineering.com

CONTACTS:
JIM KUHLEN
MICHAEL LEDBETTER

PROJECT ADDRESS:
3895 CLAIREMONT DRIVE
SAN DIEGO, CA 92117-5831

REVISION 14: _____
REVISION 13: _____
REVISION 12: _____
REVISION 11: _____
REVISION 10: _____
REVISION 9: _____
REVISION 8: _____
REVISION 7: _____
REVISION 6: _____
REVISION 5: _____
REVISION 4: CITY REVIEW 2/06/07
REVISION 3: ZONING 1/19/07
REVISION 2: CITY REVIEW 5/26/06
REVISION 1: CITY REVIEW 2/21/06

PROJECT NAME:
BISMARCK RETAIL DEVELOPMENT
PROJECT NUMBER #42-5262 #84191

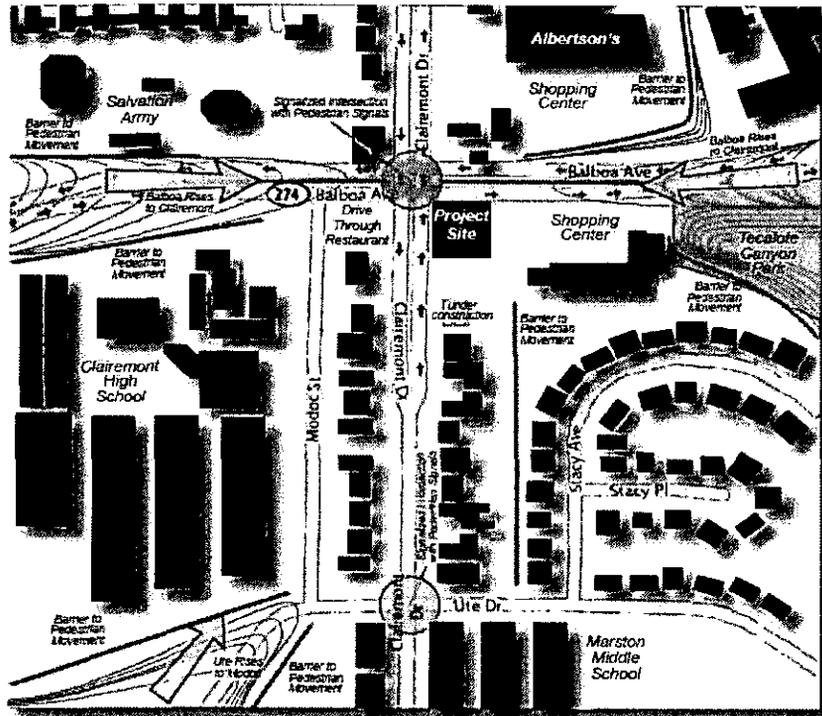
ORIGINAL DATE: 07/07/2005
CURRENT DATE: 07/30/2007

Pedestrian Circulation & Urban Design Analysis

Garfield Starbucks

Project No. 84191

Clairemont Drive at Balboa Avenue ~ San Diego California



August 08, 2007

2. Setting

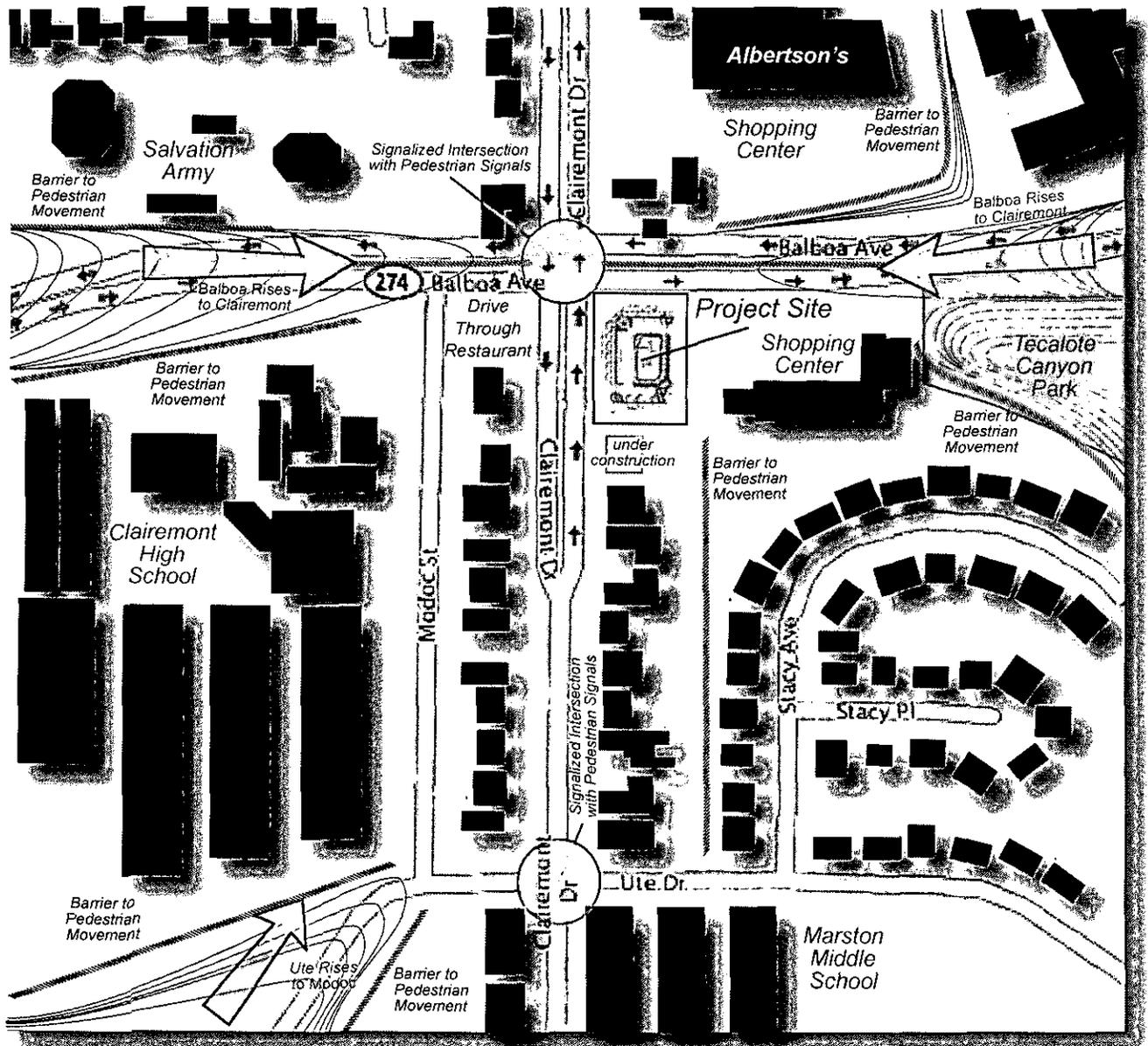
Land Form, Building Form & Pedestrian Flow

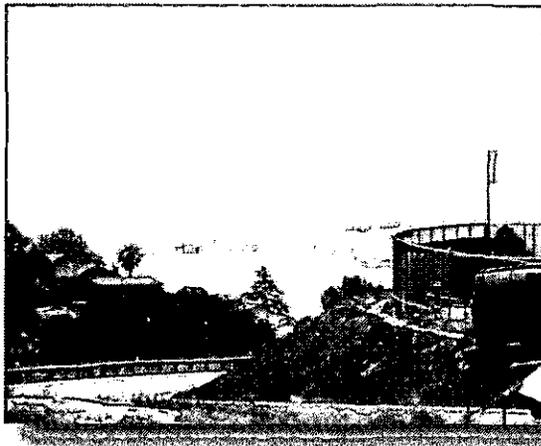
LAND FORM

The project site is level, as are properties immediately north and south of the site. Clairemont Drive travels along a ridge line and intersects Balboa Avenue at Balboa's highest point, rising from Mission Bay.

BUILDING FORM

Urban form at the site, and within the vicinity of the site, could be characterized as "Mid-Century Suburban" with nearly all structures dating from the mid 1950's until the present day. Though the building stock in the area is largely well maintained, there is no distinctive or significant architecture in the traditional sense. Contemporary Planning and Urban Design has come to recognize good examples of "Mid-Century Modern" as worthy of note, there are several fine buildings in the project area, but none appeared to be obvious examples of notable architecture.





View of Mission Bay from Ute Drive and Modoc Street



Users of the pedestrian system should never be forced into the street

Most of the buildings are single-story structures set back 20-50 feet from the curb. There are only a few exceptions to the low-profile character of the area - the most evident being an office/residential building on Clairemont Drive north of Balboa Avenue that rises to three stories. Otherwise the major buildings, and building complexes, such as Clairemont High School, Marston Middle School and the retail shopping centers, are all one story, though the single story Albertson's Store rises to over 25 feet, as do some of the Salvation Army chapels and assembly halls.

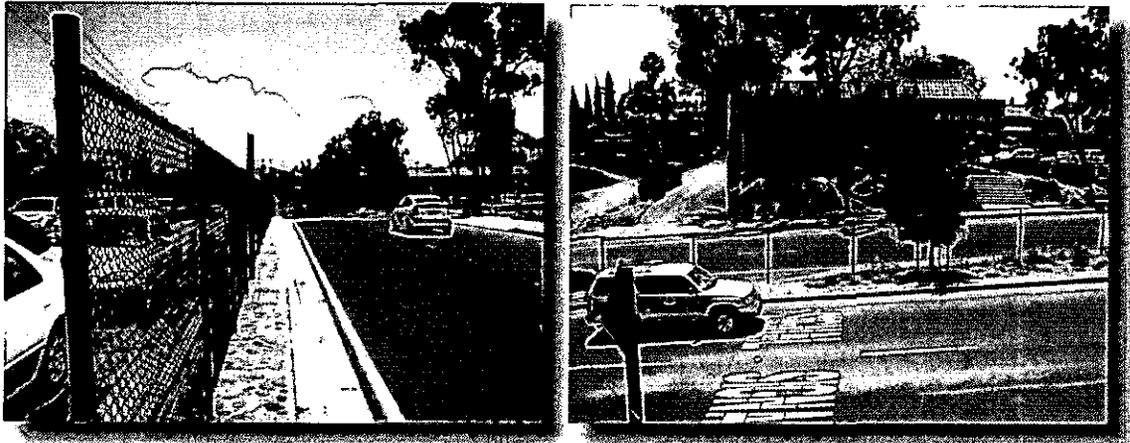


View of Project Site from Clairemont Drive at Balboa Avenue.

PEDESTRIAN MOVEMENT & IMPEDIMENTS

Sidewalks line both sides of all of the roadways, with the exception of the east side of Modoc Street, which has only rough bituminous paving. Most sidewalks do not exceed four-feet in width, the exception being the sidewalk in front of Clairemont High School on Modoc and some sidewalks on or about the intersection of Balboa Avenue and Clairemont Drive. The general project setting is that of a level mesa along a ridgeline, mostly level north to south, with sloping lands to the east and west. Fences and walls, as well as some lingering natural land forms and manufactured slopes for roadways, constitute barriers to pedestrian movement.

A black-coated six-foot-high chain link fence has been installed in the median of Balboa Avenue on both the west side and east side of the intersection with Clairemont Drive. The fence still allows pedestrian crossings of Balboa Avenue at Clairemont Drive. Black fence fabric was an attempt to reduce its visual impact, but it remains singularly and notably unattractive. Further, in some instances the fence is located within one and a half feet of the travel lanes. Thus, it is likely to sustain dents, scrapes and other damage over time, further eroding the overall design aesthetic of the intersection and diminish the look of this important community focus area. The Vision Plan appropriately calls for the removal of this fence.



A six-foot high black chain link fence is located in the Balboa Avenue median.

Pedestrians are aided by two completely signalized intersections with pedestrian crossing signals at Clairemont Drive / Balboa Avenue and Clairemont Drive / Ute Drive. However, these intersections do not have decorative pavers, or median islands wide enough or attractive enough to accommodate those who do not complete the crossing after one signal sequence.



Most of the sidewalks are no more than four-feet wide, even in areas where office and commercial uses are in place, or nearby. This discourages medium-to-heavy pedestrian use.

There is no on-street parking on Balboa Avenue. But there is limited on-street parking on Clairemont Drive beyond the intersection with Balboa Avenue.

CONCLUSION

The overall character of the area, as defined by land form, building form, and pedestrian flow is functional, but lacks alluring pedestrian environments, enticing central gathering places, and a landmark community center. There are no evident traffic-calming improvements. The public realm - parks, sidewalks, pathways, and streets - is strictly utilitarian and without quality enhanced paving (such as scored concrete, natural stone or ceramic tile), artwork, or community gateway signs. There are also two pointedly uninviting places that profoundly diminish the community character: 1) the alley parallel to Clairemont Drive, and 2) the unsightly east side of Modoc Street, across from Clairemont High School. These appear to be popular pedestrian pathways, which makes them more important to community perception and pride that is typically so. Fortunately these appear to be the exceptions, and should they be properly upgraded, the overall community self-image would appear to benefit significantly.



The alley parallel to Clairemont Drive is notably ramshackle and uninviting with a wide mix of dilapidated fencing materials, poorly applied paint colors, and evidence of many instances of tagging.

The alley serves as a direct route from Marston Middle School to Balboa Avenue and is likely a popular student/pedestrian pathway.



The area between the curb and the property lines along the east side of Modoc Street consists of loose asphaltic material, stones, and only periodic pavement.

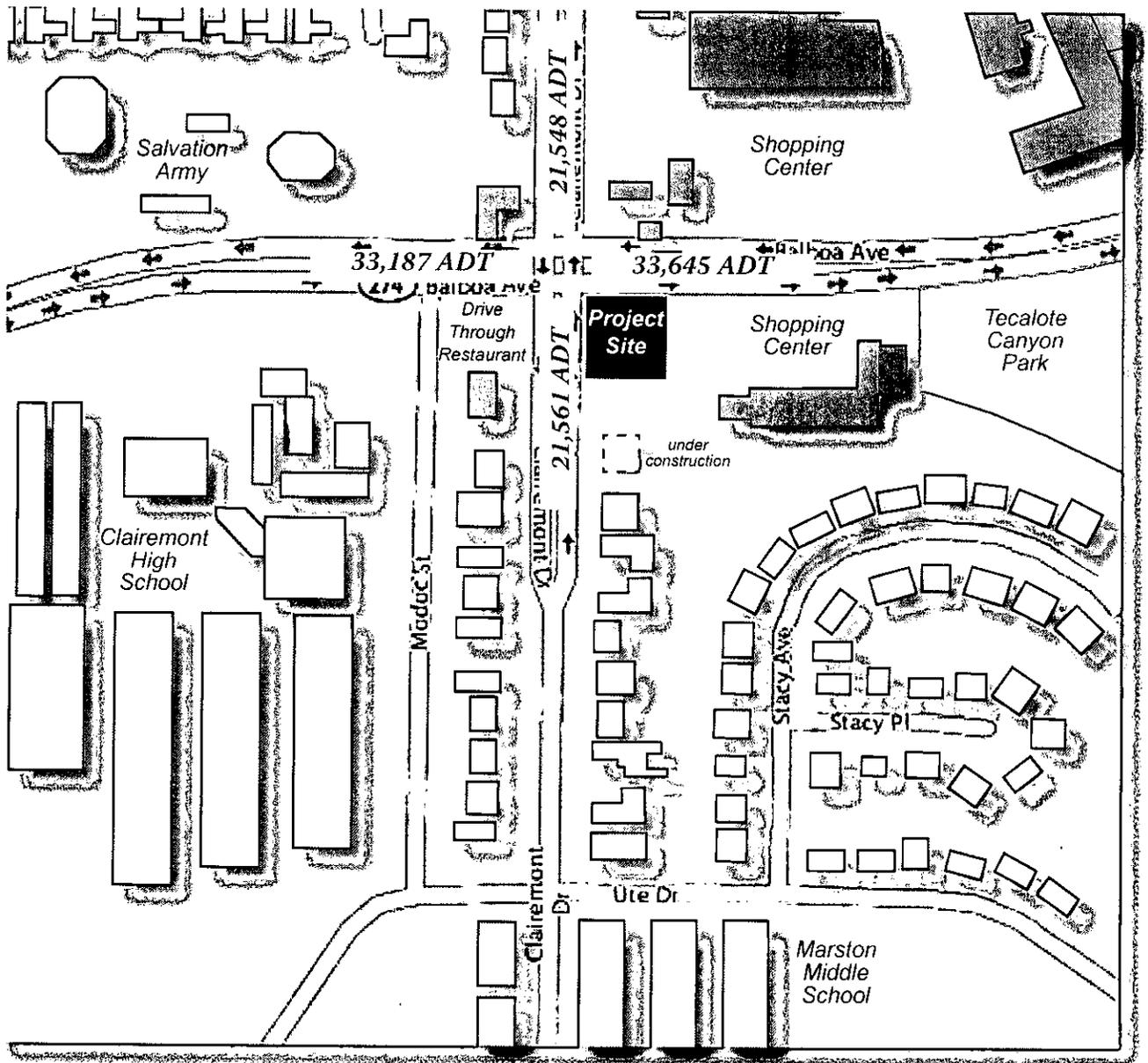
Cars parked in driveways interfere with pedestrian movement.



As is evident from the photo (*above*), and in contrast to the examples cited above (and in fairness to the neighborhood), most of the pedestrian circulation system is well maintained and functional. However, the persistent use of four-foot wide sidewalks is inconsistent with the stated desire to increase pedestrian activity. Sidewalks should be a minimum of six feet wide and additional bikeway striping at the street would also help separate uses and minimize conflicts. In general the sidewalk system in the project area is well maintained and complete, but it lacks special places, interesting junctures, and - at four feet in width - it is too narrow to accommodate the desired increase in pedestrian activity. The corner plaza proposed in the subject project could help create a rare special experience for pedestrians in Clairemont.

3. Land Use & Traffic Characteristics

-  General Retail
-  Office
-  Institutional / Church / School
-  Low Density Residential / Single Family / Duplex / Twinplex
-  Medium Density Multiple Family Residential
-  High Density Multiple Family / Senior Residential
-  Public Park



LAND USE

The project site is located at the intersection of Balboa Avenue and Clairemont Drive, where most uses immediately adjacent to the project site are general commercial. A drive-through Del Taco restaurant is located across Clairemont Drive to the west, an auto service business is located across Clairemont Drive to the northwest. To the east is a small shopping center and to the north is a larger community-level shopping center with an Albertson's Grocery Store as an anchor. A medical and professional office building is under construction to the south of the site.

Land uses in the general vicinity are clearly segregated by land use with neighborhoods of detached single-family homes to the north, and east, some detached single family and duplex residential buildings along Clairemont Drive to the south. Further outlying uses include Clairemont High School, Marston Middle School, and the campus of the Salvation Army.

Tecalote Canyon Park is east of the project site, beyond the adjacent shopping center.

TRAFFIC CHARACTERISTICS & THEIR IMPACT ON BUILDING POSITIONING

According to the traffic study for this project *GARFIELD STARBUCKS TRAFFIC IMPACT STUDY JANUARY 24, 2007* Prepared by: Katz, Okitsu & Associates, the Average Daily Traffic (ADT) for Clairemont Drive just north and south of Balboa Avenue is 21,548 and 21,561 vehicles per day, respectively. And, Balboa Avenue just east and west of Clairemont Drive has ADT's of 34,645 and 33,187 vehicles per day, respectively.

**Table 3-1
Existing Roadway Segment Conditions**

Roadway Segment	Lanes/Class	LOS E Capacity	Without Project		
			ADT	V/C	LOS
Balboa Avenue					
Clairemont Drive to Mt Everest Boulevard (east of project driveway)	4/Major	40,000	34,645	0.865	D
Clairemont Drive to Moraga Avenue	4/Major	40,000	33,187	0.830	D
Clairemont Drive					
Balboa Avenue to Ute Drive (south of project driveway)	4/Collector	30,000	21,561	0.719	D
Balboa Avenue to Clairemont Mesa Boulevard	4/Collector	30,000	21,548	0.718	D

GARFIELD STARBUCKS TRAFFIC IMPACT STUDY JANUARY 24, 2007 Prepared by: Katz, Okitsu & Associates

It stands to reason that at these traffic levels the ambient noise, dust and wind at the outside wall (or outdoor cafe) of a building placed at the street would be far worse than the noise level where the building is proposed - 65 feet from the curb. In addition, the landscape design is proposed to further mitigate/mask the noise with a fountain, low masonry walls, and plant material.

With the building at the street there would be no opportunity to mitigate the outdoor diners from the ambient noise, dust and wind with walls plant material, or distance. Outdoor dining is seen as an important component of "place making" and creating a communal social experience. Moving the building so close to the traffic would seriously impair the ability of the project to fully benefit the Clairemont Community and play a meaningful role in creating a place to socialize and enjoy each other's company.

3. Landscape Intent

The intent of the landscape and site plan approach for the project is to infuse one corner of a very busy intersection with an elevated urban design that creates a pleasant and attractive pedestrian setting, and a suitable venue for a coffee house with both indoor and outdoor dining choices.

The challenges of the project site are daunting. Over 55,000 Trucks, buses, automobiles and motorcycles travel through the intersection of Clairemont Drive and Balboa Avenue every day. During peak traffic hours an average of 85-90 vehicles a minute use this intersection. As a result the ambient noise levels at the sidewalk often approach or exceed that which most people are willing to tolerate for more than a few minutes. Thus, placing the building, and the outdoor dining facilities, at the sidewalk is counterintuitive to the community desire for a pleasant and rewarding café gathering place. The purpose of pedestrian oriented streetscapes is to encourage socialization among community members. Outdoor, or for that matter, indoor dining adjacent to such a busy intersection would be overwhelmed by the constant drone, vibration, and dust or traffic only a few feet away. By placing the building as it is shown, the dining experience, both indoor and outdoor, is more conducive to lingering, conversation, and general socialization. Obviously, there remains a desire to upgrade the sidewalk experience and to “urbanize” this key corner location. In the absence of placing the diners at the intersection for previously stated reasons, the proposed landscape seeks to improve the walking and wheelchair experience of people who are in motion on the sidewalk, or waiting to cross at the intersection.

Double rows of shade trees, shrubbery, pedestrian-level lighting, sitting walls, and a fountain/plaza are proposed to craft an urban design that suits the setting, serving as a pleasing pedestrian corridor, and creating a keystone community asset. Enhanced sidewalks that trisect the parking lot, bond the building to the streets with landscaping, enhanced paving, and visual access. Yet, patrons of the outdoor dining area will be removed enough from the commotion at Balboa and Clairemont, that they can remain, relax, chat casually in an amiable and subdued “community living room”.

Communities, such as Clairemont, can benefit from placemaking – the development of landmark elements that can define a neighborhood and promote civic pride and a sense of identity.

When school is in session this intersection is busy with middle school and high school students. Though the students may or may not patronize the Starbucks, they will be offered a fountain, shade, and sitting walls at the corner as a place to gather, meet and enjoy each other’s company. Thus the landscape intent serves both the patrons and businesses within the complex, as well as the passers-by and the general community.

Fountain and
Plaza at
corner of Balboa
and Clairemont

Double Row of Street Trees

BALBOA AVENUE

Outdoor
Dining Sitting
Wall

Sitting
Wall

STAIRS
UP
TO
2ND
FLOOR

CALL THE
FURNITURE
SERIES

Drive Through

Drive Through

Double Row of
Street Trees

CLAIREMONT DRIVE

SECTION
NUMBER
AREA

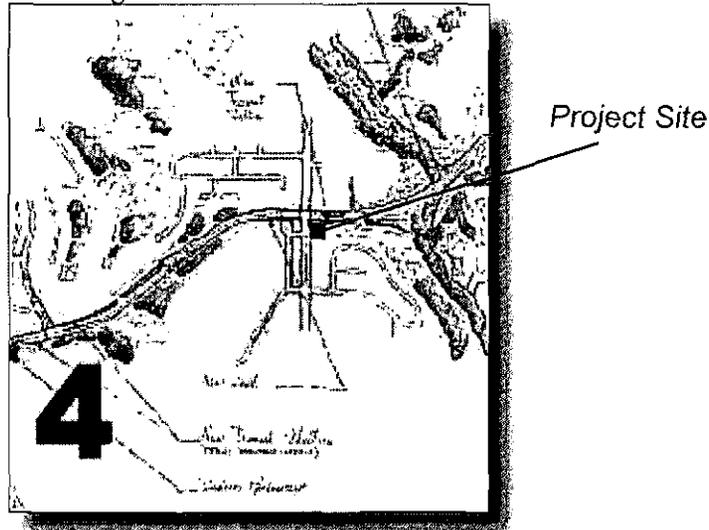
LANDSCAPE SITE PLAN

1964

LISTING
NUMBER
AREA

4. Balboa Avenue Revitalization Action Program (RAP)

The project site lies within the Segment 4 - Western Gateway planning area of the *Balboa Avenue Revitalization Action Program*



The *Balboa Avenue Revitalization Action Program* contains specific design concepts. It is the desire and the goal of the applicant to meet and exceed these design concepts:

Design Concepts



Balboa Avenue already has considerable foot traffic, as shown above. What's missing are the specific places where people meet and linger. People want to be buffered from traffic and have a choice of places to sit and talk.



Safety, especially that of people walking, emerged as the top issue for charrette participants. But a closer look at the input received during focus groups, walking audits, training sessions, and design tables reveals that the participants are seeking something more complex. They are seeking a community that feels inviting, cohesive, and connected to nature. They envision Balboa Avenue as an activity hub in the approximate center of Clairemont, and want others to readily identify the street as being a unique place, not just a passageway. They want a local street that serves people in adjacent neighborhoods as they access shopping, social gatherings, public space, recreation, schools and other public buildings, work centers, and mass transit by foot, bicycle, or auto. Indeed, the function of great streets for hundreds of years has been to help make community by linking people to goods, services, and other people.

This multiplicity of uses can be reconciled with the need to simply move vehicles from one point to another. Using design features that send a clear message about the space through which people are moving would help accommodate all the road's users. The street must be memorable and it must meet the needs of the community. The concepts that emerged from the charrette event to transform Balboa Avenue are discussed in general terms here.



These photos are examples of how sidewalk areas in some communities have been designed to provide space for people to gather and be social.

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- Balboa Avenue Revitalization Action Program

The proposed project is an honest attempt to create an inviting place of business, but also treats the sidewalk and street as a “*public space*” with a perimeter that includes convenient sitting walls, a double-row of large shade trees, and lush shrubbery - all culminating with an attractive plaza and fountain right at the corner of Balboa Avenue and Clairemont Drive. The building contains a restaurant with outdoor dining, and thus has been set back from the street to mitigate for noise and dust. Pedestrians, even those who do not choose to patronize the restaurant, are free to enjoy the enhanced pedestrian sidewalks, and patrons are offered a place to dine and chat and meet in a community room atmosphere under shade and umbrellas. A drive-through is included to serve the motoring public, as well. The drive through has been carefully designed to “wrap around the back” of the building in order to minimize pedestrian/vehicle conflicts. Therefore the outdoor cafe patrons can enjoy the front corner setting without idling cars cued up in line next to them.

Wide and strategically placed pedestrian sidewalks radiate from the building and tie into the perimeter sidewalk system and invite those on foot to enjoy the food and beverages.

The low sitting wall along the Clairemont Drive and Balboa Avenue sidewalks can be designed to accept decorative ceramic or cast bronze tiles created by art students at Clairemont High School or Marston Middle School (if that can be arranged) in order to reinforce the community character and to establish the project site as one of the gateways to Clairemont.