

DATE ISSUED: April 11, 2001 REPORT NO. 01-065

ATTENTION: Honorable Mayor and City Council
Docket of April 17, 2001

SUBJECT: FANUEL STREET REZONE AND LOCAL COASTAL PROGRAM
AMENDMENT. Council District 2. Process Five

REFERENCE: Report to the Planning Commission No. P-00-213

OWNER/
APPLICANT: Mathew R. Aron. Douglas M. Gates

SUMMARY

Issue - Should the City Council approve a request to rezone a 0.29-acre property located at 4527, 4545-4547 Fanuel Street within Pacific Beach from CO-1-2 (commercial-office) to CC-3-4 (commercial-community)?

Manager's Recommendation - Approve the rezone.

Planning Commission Recommendation - On February 15, 2001, the Planning Commission recommended (by a vote of 5-1) that the City Council approve the proposed rezone. The Planning Commission indicated that the proposed rezone was consistent with the Pacific Beach Community Plan, and believed that the applicant had made good faith efforts towards resolving issues identified by the opposition.

Community Planning Group Recommendation - On three separate occasions the Pacific Beach Community Planning Committee recommended denial of the proposed rezone.

Environmental Impact - This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

Fiscal Impact - None.

Code Enforcement Impact - On September 24, 1999, in response to a complaint, Neighborhood Code Compliance determined that the existing motorcycle shop and hair salon uses are not permitted within the underlying CO-1-2 zone. This zoning violation case is on hold pending the outcome of this rezone. If the City Council approves the Manager's and Planning Commission's recommendation, the hair salon will become a legal use, and the motorcycle repair and parts shop will be relocated as it is not an allowed use in the proposed zone.

BACKGROUND

The project site is a 0.29-acre property located at the southeast corner of Fanuel Street and Felspar Street, within Pacific Beach (Attachment 1). The property is developed with three existing commercial buildings, parking, and landscaping. The buildings are currently occupied by a Dentist Office, a Motorcycle sales and service shop, a Hair Salon, and one 2-bedroom apartment unit upstairs.

The property is currently zoned CO-1-2 (Commercial-Office). This zone allows a mix of office

and residential uses, but does not allow commercial services such as the hair salon, nor does it allow vehicle sales and service such as the motorcycle shop. The dentist office is an allowed use.

In September of 1999, the City's Code Compliance Department investigated the site in response to complaints from the neighborhood. After inspecting the site, Code Compliance determined that both the hair salon and motorcycle shop uses were not permitted in the CO-1-2 zone, and were thus in violation of the City's Municipal Code. The Code Enforcement Case against the property has been held in abeyance to allow the property owner to seek City Council approval of a rezone that would permit both the hair salon and motorcycle shop to continue to operate on the premises.

In April of 2000, the owner submitted to the City a rezone application requesting the CC-1-1 (Commercial-Regional) zone. This zone would allow a wide variety of retail and commercial uses, including vehicle and vehicle equipment sales and service (motorcycle shop).

On July 24, 2000, the Pacific Beach Community Planning Committee took formal action on the Fanuel Rezone proposal from CO-1-2 to CC-1-1, and voted (8-1-5) to recommend denial of the rezone request. The committee's action was based primarily on public testimony and opposition provided by residents in the surrounding neighborhood. Most of the complaints centered around the noise and vibration generated or caused by the existing motorcycle shop, including noise impacts associated with motorcycle repair activities (dynamometer), motorcycle noise from customers arriving and leaving the property, and extraneous motorcycle-related activities on the site (parties and road rallies).

Based primarily on opposition from the planning group and surrounding neighbors, the applicant agreed to revise the rezone application to request the CC-3-4 zone, which is a community commercial zone intended to accommodate development with a pedestrian orientation. The CC-3-4 zone prohibits vehicle and vehicle equipment sales and service. Therefore, the sales, rental, service, repair, or maintenance of motorcycles or motorcycle equipment would not be permitted on the property. The CC-3-4 zone would however, allow the hair salon to continue to operate.

On November 27, 2000, the applicant presented the revised rezone request to the Pacific Beach Community Planning Committee. Before voting on the revised rezone request, the Planning Committee chair determined that the committee would have to reconsider and rescind their previous vote (by a two-thirds majority). That motion to rescind their previous vote failed, and no further action was taken by the Committee on the requested CC-3-4 zone.

On December 14, 2000, this proposed rezone request was considered by the Planning Commission. During that hearing, considerable concern was expressed by neighbors regarding several uses permitted under the proposed CC-3-4 zone.

In an effort to prohibit certain uses permitted by the proposed zone but deemed inappropriate by neighbors, the applicant volunteered to restrict uses through a recorded deed restriction. The Planning Commission hearing was continued in order to provide the applicant the opportunity to both record the deed restriction, and allow the Pacific Beach Community Planning Committee to review and consider the deed restriction. On January 22, 2001, the Pacific Beach Community Planning Committee rejected the rezone request and deed restriction.

Finally, on February 15, 2001, the Planning Commission approved the proposed rezone (without the deed restriction).

DISCUSSION

The existing CO-1-2 zone is a commercial-office zone that allows a mix of office and residential

uses with a neighborhood scale and orientation. The proposed CC-3-4 zone is a community serving commercial zone that is intended to accommodate development with a pedestrian orientation.

The primary difference between the two zones is that the CC-3-4 zone allows a wider variety of retail sales uses and commercial services. The following list of uses include those that would be permitted by right under the CC-3-4 zone, that are not currently allowed on the site pursuant to the CO-1-2 zone.

Uses permitted by right in the CC-3-4 zone, but prohibited in the CO-1-2 zone

1. **Pets & Pet Supplies:** Uses that provide household pets and pet supplies for sale; grooming services.
2. **Assembly & Entertainment:** Uses that provide gathering places for large numbers of people for recreation, physical fitness, entertainment, or other assembly.
3. **Wearing Apparel & Accessories:** Uses that provide goods to cover, protect, or visually enhance the human form.
4. **Radio & Television Studios:** Uses that provide for the production, recording, and broadcasting of radio and television shows and motion pictures.
5. **Visitor Accommodations:** Uses that provide lodging, or a combination of lodging, food, and entertainment, primarily to visitors and tourists.
6. **Personal Services:** Uses that provide a variety of services associated with personal grooming and the maintenance of health and well being.
7. **Funeral & Mortuary Services:** Uses that provide services related to the death of a human.
8. **Bed & Breakfast Establishments:** Visitor accommodations within a residential structure where breakfast is typically provided for guests.
9. **Plant Nurseries.**
10. **Permanent parking facilities.**
11. **Theater marquees.**

Although many uses are allowed by both the CO-1-2 and CC-3-4 zones, based upon the limited site area and the limited available onsite parking, many of the uses permitted in the CC-3-4 zone, including those in the above list, could not be accommodated at this location.

CONCLUSION

In conclusion, the staff's recommendation to approve a rezone to the CC-3-4 zone is based on the following factors:

1. The proposed rezone is consistent with the Pacific Beach Community Plan which designates this site for Community Commercial land uses;
2. The proposed community commercial zone conforms with existing land use and zoning designations in the neighborhood. Properties immediately surrounding the project site to the north, east and west are designated and zoned for multi-family development at densities up to 29 units to the acre. Properties immediately to the south abut Garnet Avenue, and are designated and zoned for high intensity strip commercial uses. Therefore, the proposed CC-3-4 zone provides an appropriate buffer between the two areas;

3. The proposed CC-3-4 zone represents a City staff recommended compromise. The applicant's initial application would have permitted the motorcycle shop. However due to significant community opposition to this use, City staff recommended, and the applicant agreed to pursue a much more restrictive zone that would prohibit the motorcycle shop but allow the existing uses, including the hair salon and apartment unit, to remain.

This proposed rezone is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this rezone will be made by the California Coastal Commission. City staff will submit this as an amendment for certification to the Coastal Commission should the Council approve the Manager's recommendation. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment.

ALTERNATIVES

Deny the rezone request and require the relocation of both the hair salon and motorcycle shop.

Respectfully submitted,

Tina P. Christiansen, A.I.A.
Development Services Director

Approved: George I. Loveland
Assistant City Manager

CHRISTIANSEN: MJW

Attachments: 1. Community Plan Land Use Map/Project Location Map
2. B-Sheet Rezoning Map
3. Draft Rezoning Ordinance