

DATE ISSUED: July 24, 2001 REPORT NO.: 01-152

ATTENTION: Honorable Mayor and City Council
Docket of July 31, 2001.

SUBJECT: Extraordinary appeal of the Planning Commission's approval of the proposed **Chevron Gas Station - Sorrento Hills** project; Planned Commercial Development Permit and Conditional Use Permit No. 99-1200. (Process 3)

REFERENCE: City Council agenda of April 17, 2001, which resulted in the granting of a continuance of this project to today's agenda in order for staff to prepare a "health risk assessment" for the proposed gas station use on this site (Attachment 15).

APPLICANT/
OWNER: Chevron Products Company

SUMMARY

Issues - Consideration of an appeal of the decision of the Planning Commission approving a proposal to construct and operate a self-service gas station, convenience store, and car wash on a vacant 2.5-acre site located within the Sorrento Hills Community at the intersection of East Ocean Air Drive and Carmel Mountain Road.

Manager's Recommendations -

.....1. State for the record that the information contained in final Mitigated Negative Declaration No. 99-1200 has been reviewed and considered prior to approving this project/permit; and

.....2. Deny both the appeals of the applicant and the Torrey Hills Community Coalition and Approve Conditional Use and Planned Commercial Development Permit 99-1200, subject to the specific conditions of approval (Attachment 4) which were recommended for this project by the Planning Commission.

Environmental Impact - The final Mitigated Negative Declaration (MND 99-1200) prepared for the project (previously certified by both the Hearing Officer and the Planning Commission) concluded that specific measures would need to be incorporated into the project design in order to mitigate impacts associated with exterior water quality/hydrology, noise, and paleontological resources to a less than significant level.

Hearing Officer Recommendation - On December 13, 2000, the Hearing Officer approved the proposed project, subject to specific conditions of approval. That decision was

subsequently appealed to the Planning Commission by the Sorrento Hills Community Planning Board.

Planning Commission Recommendation - On February 1, 2001, the Planning Commission voted (6-0-0) to deny the Sorrento Hills Community Planning Board's appeal and upheld the previous decision of the Hearing Officer approving the project. However, the Commission conditioned their approval of this project upon the following modifications:

.....a. Limit the hours of operation for the proposed gas station and convenience store from 6:00 a.m. to 10:00 p.m.

.....b. Eliminate Chevron's standard "blue stripe" and "Chevron" wordmark from the side panel of the steel canopy proposed above the fuel pump area.

.....c. Establish and maintain a 3-foot high landscape berm along the edge of the new building pad fronting on Carmel Mountain Road.

.....d. Modify the landscape plan to replace all deciduous trees with non-deciduous species (minimum 24-inch box size "broad leaf evergreen"); and install double-rows of evergreen shrubs (minimum 4- to 5-foot high) along the project's Carmel Mountain Road frontage to provide increased screening of the proposed commercial uses on this site from existing residences to the north.

.....e. Modify the size of the monument sign proposed along the project frontage on Carmel Mountain Road to be the same size as the monument sign proposed on East Ocean Air Drive (maximum 3-feet high and 8-feet long).

Additionally, the Planning Commission directed staff to incorporate the following information into the project's environmental document (MND 99-1200):

..... *"During the public testimony, the appellants raised the issue of a possible linkage between adverse health effects and the ionization of benzene and/or other gas station emissions, and stated that studies of such a linkage have been done at Bristol University in England. The ionization is a site-specific concern of the appellants, due to the proximity of the gas station fuel dispensers and tanks to the SDG&E transmission lines located to the southwest (the fuel dispensing area is approximately 300 feet from the SDG&E parcel). Gas stations and their vapor recovery standards are regulated by the San Diego Air Pollution Control District (APCD). A site-specific risk assessment must be performed by the APCD and air quality standards must be met before the gas station is allowed to operate. The CEQA analysis contained in this document does not identify any air quality or health impacts related to the Chevron project because the responsibility for ensuring that such effects do not occur is assigned to another regulatory agency. This information does not affect the analysis or conclusions of this document."*

Community Planning Group Recommendation: On October 17, 2000, the Sorrento Hills Community Planning Board voted unanimously (8-0) to recommend denial of the proposed project (Attachment 10). The Board cited inconsistencies of the project design with the Community Plan's existing neighborhood-commercial designation, potential environmental

impacts (pertaining to air quality, transportation, neighborhood character, public safety), and the applicant's proposal to operate a 24-hour commercial use on the site as the primary reasons for their unfavorable recommendation. Further, the Planning Board recommended the following modifications to the project design:

.....a.Limit the hours of operation for the commercial uses on the site from 6:00 a.m. to 9:00 p.m.

.....b.Eliminate the car wash use.

.....c.Modify the design of the monument signs proposed along the project frontage to comply with signage standards of the "Carmel Valley Community Plan".

.....d.Modify the project's landscape plan to provide for more mature trees and shrubs.

Fiscal Impact - None anticipated with this project.

Housing Affordability Impact - None anticipated with this project.

Code Enforcement Impact - None with this project.

BACKGROUND:

The 2.48-acre project site (Attachments 1 and 2) is located at the southwest corner of Carmel Mountain Road and East Ocean Air Drive within the CC-1-3 (formerly the CA) zone of the Sorrento Hills Community Plan. The Community Plan currently designates this site for neighborhood-commercial development; and includes specific language (and an accompanying illustration) in the plan text (Attachment 12) which identifies a gas station and car wash as permitted uses on the subject property (with approval of a Conditional Use Permit). The community plan also states that this site, which is identified in the plan text as part of a planned neighborhood-commercial center, should be developed as a Planned Commercial Development; hence the requirement for a PCD permit.

The entire site is vacant and has been graded in accordance with a previous tentative map approved for the area and; as a result, the majority of the site is relatively flat. The site is surrounded by vacant property designated for neighborhood-commercial development to the east; and vacant, steeply sloped property adjacent to the south which is designated for open space; and existing multi- and single-family development to the north (across Carmel Mountain Road). An existing SDG&E utility easement is located further to the southwest of the subject property (above the existing steep slope).

On March 17, 1997, the City Council approved an amendment to the Sorrento Hills Community Plan (CPA/RZ 95-0554 - "Torrey Hills") which, in part, redesignated the subject property from light-industrial to neighborhood-commercial; and amended the plan text to include specific language and an accompanying illustration in the amended plan text (pages 48-49 - Attachment 12) identifying a gas station and car wash as permitted uses on the project site. The 1997 plan amendment also included a corresponding rezone of the project site from M-1B to CA (now the CC-1-3 zone per the Land Development Code).

The CUP/PCD application for this project was submitted to and deemed complete by staff in December, 1999; and is therefore subject to the ordinance provisions of the Municipal Code applicable to this site prior to effectuation of the City's Land Development Code (January, 2000). In accordance with those code provisions, the proposed project is subject to the land use and development regulations of the (then-existing) CA zone, and requires approval of a combination Planned Commercial Development/Conditional Use Permit.

On December 13, 2000, the Hearing Officer approved the proposed project. That decision was subsequently appealed to the Planning Commission by the Sorrento Hills Community Planning Board.

On February 1, 2001, the Planning Commission voted unanimously (6-0-0) to deny the Planning Board's appeal and upheld the previous decision of the Hearing Officer approving the project, subject to specific modifications of the project design and hours of operation for the proposed commercial uses on this site. There was a considerable amount of testimony presented in opposition to the project at this hearing and the decision of the Planning Commission was subsequently appealed to the City Council by both the applicant (Chevron Corporation) and the Torrey Hills Community Coalition (Attachment 9).

On April 17, 2001, the City Council considered the extraordinary appeal of the previous decision of the Planning Commission approving this project. At that hearing, there was a considerable amount of public testimony presented to the Council by area residents regarding potential air quality impacts associated with the proposed gas station use on this site; and specifically, potentially harmful impacts pertaining to human exposure to benzene ionization which may result from the operation of the proposed gas station use proximate to existing high voltage power lines to the south.

As a result of this testimony, the Council voted to continue this project and directed staff to prepare a "site specific health risk assessment", to be prepared by an independent toxicologist selected by staff. The Council requested that such an analysis be prepared in order to evaluate the project's potential adverse effects (if any) associated with human exposure to the ionization of benzene molecules which, as alleged by the scientific studies referenced by the Torrey Hills Community Coalition in their appeal, may occur as a result of contact (and subsequent ionization) of benzene emissions from the proposed gas station with existing high voltage power lines located south of this site (*refer to "Discussion" section pertaining to Air Quality*).

PROJECT DESCRIPTION:

In summary, the project proposes to construct and operate a self-service gasoline station, convenience store, and an automated car wash on the subject property (Attachments 2, 3 and 6). Following is a description of the various building and site improvements proposed for this project:

Gas station: Construct a self-service gas station in the central portion of the property (Attachment 2); including the installation of two (20,000 gallon) underground fuel storage tanks, six fuel pump islands (totaling 12 fuel dispensers), and construction of a 23-foot high steel frame canopy above the fuel pump area. This phase of the project requires approval of a Planned Commercial Development Permit and a Conditional Use Permit (per Municipal Code section 101.0510) to

authorize the proposed gas station land use on the site.

Convenience store: Construct a one-story (3,000 square-foot) convenience store in the northeast portion of the property (Attachments 2 and 6). This building (maximum height of 26-feet) would be constructed with natural stone, painted stucco walls, and a clay tile roof. In addition to the retail sale of food, fuel and general merchandise items, the applicant is also proposing to sell alcoholic beverages (beer and wine only) in the convenience store; which requires a Conditional Use Permit (per Municipal Code section 101.0515).

Carwash: Construct a one-story automated car wash in the southeastern portion of the site, behind the proposed fuel pump area (Attachments 2 and 6). The plans indicate that the design of this structure (maximum height of 16-feet, 6-inches) would match the architectural style of the convenience store.

Parking: A total of 16 parking spaces would be provided on site for customers and employees of the development. The amount and location of these parking spaces is consistent with requirements of the City Engineer.

Access: Vehicle access to the site would be provided via the construction of three commercial driveways; including two (30-foot wide) driveways along the eastern project frontage on East Ocean Air Drive, and one (35-foot wide) driveway along the project's Carmel Mountain Road frontage.

Landscaping: The project's landscape plan (Attachment 3) includes a variety of street trees, shrubs and groundcovers which were selected by the applicant to achieve compliance with the City's Landscape Technical Manual and the Sorrento Hills Community Plan; and features the installation of a number of trees and decorative shrubs along the perimeter of both street frontages; and at various locations within the site's interior.

In accordance with the Planning Commission's approval of this project, and prior to the recordation of any permits with the County Recorder's Office, the applicant will be required to modify the project's landscape plan to replace all deciduous trees with non-deciduous species (24-inch box "broad leaf evergreen"); and install double-rows of evergreen shrubs (4- to 5-foot high) along the project frontage on Carmel Mountain Road to provide increased screening of the proposed commercial uses.

Exterior Lighting: Given the site's proximity to existing residential development to the north (across Carmel Mountain Road), the applicant has designed an exterior lighting plan for the project to minimize off-site lighting impacts; and which features the use of low-pressure sodium lights to minimize light emanating outside of the project boundary. Additionally, external lights proposed on the walls of the convenience store and service station canopy will be aligned and shielded to refract only upon the hardscape surfaces below to minimize lighting glare from these "activity areas" on adjacent properties.

Hours of Operation: The applicant is proposing to operate the gas station and convenience store on this site between the hours of 5:00 a.m. - midnight; and the automated car wash between 7:00 a.m. - 10:00 p.m. The hours of operation proposed for the gas station / convenience store are inconsistent with the maximum hours (5:00 a.m. - midnight) approved by the Planning

Commission this project.

PROJECT DATA:

DEVELOPMENT STANDARDS	REQUIRED	PROPOSED
Community Plan	Sorrento Hills	Sorrento Hills
Land Use Designation	Neighborhood Commercial	Neighborhood Commercial
Existing Zone	CA	CA
Lot Area	10,000 square-feet (minimum)	108,000 square-feet
Building Floor Area	216,000 square-feet (maximum)	3,900 square-feet
Floor Area Ratio	2.0 (maximum)	0.04
Building Coverage	60 % (maximum)	4 %
Front Yard Setback	10 - Feet	44 - Feet
Street Yard Setback	10 - Feet	32 - Feet
Interior Side Yard Setback	0 - Feet	N/A
Rear Yard Setback	0 - Feet	40 - Feet
Parking	15 spaces	16 spaces

APPEAL ISSUES / PROJECT ANALYSIS:

Both the applicant (Chevron Corporation) and the Torrey Hills Community Coalition (THCC) have appealed (Attachment 9) the February 1, 2001 decision of the Planning Commission approving this project based upon the following issues:

Issue: air quality impacts - On April 17, 2001, the City Council voted to continue this project and directed staff to prepare an independent “*site specific health risk assessment*” for the proposed gas station use on this site. Specifically, it was the Council’s intention that this assessment (to be funded by the applicant - Chevron Corporation) be designed primarily to evaluate the project’s potential public health impacts (if any) associated with human exposure to hydrocarbon fuel emissions and in particular, the ionization of benzene molecules which, as alleged by the scientific studies referenced by the Torrey Hills Community Coalition in their appeal, may occur as a result of contact (and subsequent ionization) of benzene particulates emitted into the air from the proposed gas station with SDG&E’s existing power lines located south of this site.

In accordance with the Council’s direction, staff has solicited Dr. Neal Langerman to prepare the health risk assessment for this project (Attachment 15). Dr. Langerman is a board-certified chemist specializing in chemical safety and environmental protection; and was recommended to City staff by John Dawsey (Safety, Health and Emergency Services Department, SDG&E) and Russell Vernon (Chemistry Professor, with an emphasis in environmental contaminants, University of California at Riverside) as a qualified candidate with extensive professional experience in the field of toxic chemical safety.

The following is a brief summary of Dr. Langerman’s educational background and professional credentials (*refer also to Attachment 15*):

.....Dr. Neal Langerman received his bachelors degree in Chemistry from Franklin and

Marshall College in Lancaster, PA; and his Ph.D. in Physical Chemistry and Thermodynamics from Northwestern University. In 1980, after fifteen years teaching chemistry and biochemistry, he helped establish Chemical Safety Associates, Inc. In 1997, he established a new firm, "Advanced Chemical Safety", which is specifically dedicated to the prevention of workplace injuries, illnesses and environmental damage. His areas of expertise include chemical safety, environmental protection, regulatory compliance, and training.

.....Dr. Langerman has been providing safety, health, and environmental consultation to the semiconductor industry since 1980; and is a Registered Environmental Assessor and a Certified Environmental Inspector. He is experienced with air modeling and environmental remediation. He also provides litigation support and expert testimony related to chemical accident investigations, and prepares Material Safety Data Sheets for chemical products. ..

Dr. Langerman has acknowledged that he has no past or present association (either on a personal or professional basis) with neither the Chevron Corporation or those individuals representing the Torrey Hills Community Coalition. As such, staff has no reason to assume that the conclusions disclosed in Dr. Langerman's assessment for this project are biased in any manner with respect to the health risk opinions of the project proponents or opponents (as presented to the Council via public testimony at the previous April 17, 2001 hearing).

Overall, Dr. Langerman was selected by staff to prepare the assessment for this project because of his educational credentials; extensive professional experience in the field of chemical safety and environmental protection; and ability to prepare an unbiased, credible analysis relevant to the project's potential public health impacts associated with hydrocarbon fuel emissions and in particular, benzene ionization.

Summary of Health Risk Assessment: - The scope of review, analysis, and subsequent conclusions of the "site specific health risk assessment" conducted for this project by Dr. Langerman (dated June 21, 2001) are disclosed in Attachment 15.

In summary, the health risk assessment concluded that the opponents claims of an ionization phenomenon associated with the proximity of high voltage power lines and the proposed gas station site are not supported by the scientific literature referenced by the Torrey Hills Coalition. The assessment further concluded that there is no scientifically supported argument which validates the Coalition's concern that the project will induce an adverse public health impact(s) associated with human exposure to harmful levels of hydrocarbon fuel emissions or the "ionization" of benzene.

Dr. Langerman's assessment further concluded the following (*refer also to Attachment 15*):

..... * The published reports of the University of Bristol scientist (as referenced by the Torrey Hills Coalition) do not apply to the proposed Sorrento Hills gas station project.

..... * If a "benzene-corona ion species" is assumed to exist, it's total contribution to the

health risk impact of the proposed gas station would be insignificant.

..... * The overall cancer risk of the proposed Sorrento Hills gas station is estimated to be less than 10 per million.

Issue: hours of operation - The Chevron appellant (applicant) proposes to operate the gas station and convenience store between the hours of 5:00 a.m. - midnight. The THCC appellant is recommending that the hours of operation for this project be more restrictive to achieve compatibility with the neighborhood character of this portion of the community, possibly between 6:00 a.m. - 9:00 p.m (as recommended for this project by the Sorrento Hills Planning Board).

STAFF RESPONSE:

Chevron's original proposal was to operate the gas station and convenience store 24 hours/day, which is permitted by the existing CA zone. In an effort to address the noise concerns of surrounding residents, the applicant has since modified the proposed hours of operation for the gas station / store to 5:00 a.m. - midnight. However, these revised hours are inconsistent with the Planning Commission's approval of this project (condition 40 - Attachment 4), which limited the hours of operation from 6:00 a.m. to 10:00 p.m.

In their appeal letter, Chevron cites financial viability and anticipated service station demands during both peak and off-peak hours as the primary justification for their proposal to operate the gas station and convenience store between 5:00 a.m. - midnight. Although the applicant's proposal is consistent with the existing zone (which allows 24-hour uses), staff believes that the hours of operation approved by the Planning Commission (6:00 a.m. to 10:00 p.m.) would achieve a greater level of consistency with the Community Plan's neighborhood-commercial designation for this site.

Staff therefore recommends that the City Council adopt the Planning Commission's recommended hours of operation for this project (6:00 a.m. to 10:00 p.m.), and has incorporated the Commission's recommendation as a specific requirement of the project's CUP permit (Attachment 4).

Issue: land use - The THCC appellant has indicated that the proposed gas station/car wash land use is inconsistent with the applicable Land Use Plan (Sorrento Hills Community Plan) for this site.

STAFF RESPONSE:

The City Council approved an amendment to the Sorrento Hills Community Plan in 1997 (CPA 95-0554 - "Torrey Hills") which, in part, redesignated the subject property from light-industrial to neighborhood-commercial (Attachment 13), and amended the Community Plan text to include specific language (page 48) and an accompanying illustration (page 49) identifying a gas station and car wash as permitted uses on the subject property (Attachment 12). Therefore, staff has determined that the project is consistent with the Community Plan's land use designation for this site.

Issue: zoning - The THCC appellant alleges that there are errors in the existing zoning of this site, and implies that the actual zoning should be CN (neighborhood-commercial), and not CA

(area-commercial) as indicated by staff.

STAFF RESPONSE:

Staff has researched the available files and City Council documents which were approved in association with the 1997 amendment to the Sorrento Hills Community Plan (CPA 95-0554 - "Torrey Hills"), and staff has confirmed that the Council action regarding this plan amendment involved the rezoning of the project site from M1-B to CA (not CN as alleged by the appellant).

Staff acknowledges that the existing CA zoning on this site does not specifically implement the Community Plan's neighborhood-commercial designation and; consequently, is currently processing a separate rezoning of the subject property from CA to CN to bring the existing zoning into compliance with the Community Plan's neighborhood-commercial designation. However, staff's processing of this rezone application would have no impact on the proposed project because of the following:

- a) The Sorrento Hills Community Plan specifically identifies a gas station and car wash as permitted land uses on the site and;
-b) Pursuant to the pre- Land Development Code provisions in effect for this site, a gas station is permitted in both the CA and CN zones, subject to approval of a Conditional Use Permit (as proposed).

Issue: traffic impacts- The THCC appellant indicates that the overall average daily trip's (ADT) generated by the proposed project will result in significant traffic impacts within the surrounding area.

STAFF RESPONSE:

The project's final environmental document included a response (comment # 40 of MND 99-1200) to an inquiry received regarding this issue during the public review period for this document. In summary, the MND concluded that the project would generate approximately 959 cumulative daily trips to the site, which is consistent with the projected 20,000 ADT for Carmel Mountain Road and 8,000 ADT for East Ocean Air Drive, both of which front the site.

Further, the project's MND concluded that the total ADT's projected to be generated by this project would be consistent with the transportation element of the Sorrento Hills Community Plan, and is not anticipated to result in adverse traffic impacts within this portion of the community (refer also to Attachment 14 - Project Traffic Information).

Issue: exterior lighting impacts - In the previous appeal of this project to the Planning Commission (February 1, 2001), the Sorrento Hills Planning Board has stated that headlight glare from vehicles exiting the site's Carmel Mountain Road driveway will adversely impact existing residences located across the street to the north and northwest.

STAFF RESPONSE:

According to the project design, vehicles exiting the western end of the site would follow a drive aisle which would be aligned in a northwesterly direction from the gas pump/convenience store area to the projects's new driveway on Carmel Mountain Road. Headlight glare from vehicles

exiting the site in this direction is not considered significant due to the distance (approximately 190-feet) between the proposed driveway and existing residences further northwest of the project site.

At the point of exiting the site at the end of the project's driveway on Carmel Mountain Road, vehicles would be positioned on a 4% - 6% downgrade (perpendicular to the existing travel lanes on Carmel Mountain Road) as they await to make a right turn onto Carmel Mountain Road. From this location, the headlight glare of the vehicles exiting the site would emanate onto the existing Carmel Mountain Road pavement, and not upon the existing residences to the north, which are partially shielded by an existing (approximately 6-foot high) masonry wall.

The applicant has designed an exterior lighting (i.e. photometric) plan for the project to minimize off-site lighting impacts; and which features the use of low-pressure sodium lights to minimize light emanating outside of the project boundary. Additionally, the lighting plan indicates that external lights proposed on the walls of the convenience store and service station canopy will be aligned and shielded to refract only upon the hardscape surfaces below to minimize lighting glare from these "activity areas" on adjacent properties, which are approximately 190- to 200-feet away. The City's Inspection Services Division has reviewed the project's photometric plan and has determined that the proposed lighting plan exceeds the minimum light pollution prevention requirements for a CUP permit, and would adequately mitigate impacts associated with glare on existing residences to the north.

Issue: noxious odors - In the previous appeal of this project to the Planning Commission (February 1, 2001), the Sorrento Hills Planning Board indicated that the project's environmental document did not provide an analysis of potential impacts concerning gas station odor, and particularly, odors associated with the fuel additive MTBE.

STAFF RESPONSE:

Staff concurs with the appellant in that MTBE has been associated with objectionable odors at other gas station locations. However, in accordance with State law, the MTBE additive is scheduled to be eliminated from California gasoline by January, 2002. The applicant has indicated that the proposed project will not likely be completed and operational until August or October, 2001, which mitigates the appellant's concern regarding this particular issue.

Issue: geological impacts- The THCC appellant indicates that the project's environmental document (MND 99-1200) failed to adequately address project related issues associated with potentially adverse geologic conditions and landslides.

STAFF RESPONSE:

The applicant's geotechnical consultant has prepared a geotechnical report for the proposed project ("Preliminary Foundation Soils Exploration and Pavement Design Recommendations," prepared by Geo-Etka, Inc, dated November 2, 1999) and a response to City Geology review ("Response to City Geology Review Questions, Station Number 20-8020, Southwest Corner of Carmel Mountain Avenue and East Ocean Air Drive, San Diego," prepared by Geo-Ekta, dated July 5, 2000). The applicants geotechnical consultant performed additional geologic mapping of the subject cut slope and stated "no existing landslide deposits are present at the site."

On July 25, 2000, the City Geologist accepted the conclusions identified in the referenced geotechnical report and response, and determined that the proposed development would not result in project-induced impacts associated with adverse geologic impacts, landslides, or landform erosion.

However, prior to the issuance of any grading permits for this project, the applicant will be required to submit detailed construction plans and an updated geotechnical report for review/approval by the City Geologist as necessary to confirm the conclusions identified in the project's "Preliminary Foundation Soils Exploration and Pavement Design Recommendations" and "Response to City Geology Review Questions" documents.

Issue: completion check - The THCC appellant alleges that the project's initial permit application (submitted in November, 1999) failed to include a number of items which should have been submitted prior to the City deeming this application "complete", and that these items were not provided to staff until after effectuation of the City's Land Development Code (LDC) on January 1, 2000. Consequently, the appellant claims that this project should be subject to the land use provisions of the LDC.

STAFF RESPONSE:

The specific submittal items identified as "missing" by the appellant were not required as part of staff's initial completion check process, but were identified by the various staff reviewers as requested plan information in the project's first assessment letter (dated January 28, 2000). Similarly, the "Extended Initial Study" letter prepared for this project by the City's Environmental Analysis Section (dated February 8, 2000) requested specific information from the applicant which was not required as part of the City's completion check process for the CUP permit application, but was requested as necessary for staff to collect the technical studies required to initiate the project's environmental review process.

On December 3, 1999, staff determined (via computer entry in the City's Process 2000 system - P2K # 96003528-P-1) that the application for this project was "complete" in terms of the minimum plan and document submittal information required for staff to begin their initial review of the proposed development and; therefore, has determined that the project is subject to the ordinance provisions in effect for this site (i.e. CA zone) prior to effectuation of the LDC.

Issue: SDG&E concurrence - In the previous appeal of this project to the Planning Commission (February 1, 2001), the Sorrento Hills Planning Board indicated that SDG&E did not have an opportunity to review the currently proposed plans for this project (which included revisions to the project's original site plan).

STAFF RESPONSE:

Copies of the revised plans for this project were distributed to SDG&E on March 24, 2000. On March 13, 2001, staff received a letter from Kathy Babcock, Land Management Representative, Sempra Energy confirming that SDG&E had completed it's analysis of Chevron's proposed development plans for this site, and had determined that no adverse impacts to the existing overhead electric facilities located within SDG&E's existing easement to the south are anticipated to occur as a result of the construction of a gas station on the project site.

Issue: canopy signage - The Chevron appellant (applicant) has indicated an objection to the Planning Commission's requirement that Chevron's standard "blue stripe" and "Chevron" wordmark be eliminated from the steel canopy proposed above the fuel pump area (condition 45.a - Attachment 4).

STAFF RESPONSE:

The Planning Commission recommended this change based primarily upon testimony provided by residents in the area who indicated their concern that the standard blue paint stripe and "Chevron" name proposed on the side panel of the 29-foot tall canopy would create a visual impact, and would be inconsistent with the canopy signage of existing gas stations located within the Carmel Valley Community.

The applicant argues in their appeal that the canopy's side panel, which proposes the blue paint stripe and wordmark, would not face the northern frontage (in the direction of the existing homes across Carmel Mountain Road), and that these elements of the canopy design are consistent with signage requirements of the City's Sign Code. Although these canopy features comply with the requirements of the Sign Code standards, staff believes that eliminating the "blue stripe" and "Chevron" wordmark from the canopy (as approved by the Planning Commission) would achieve a greater level of consistency with the Community Plan's existing neighborhood-commercial designation for this site.

Staff therefore recommends that the City Council adopt the Planning Commission's recommendation to eliminate the blue stripe and wordmark from the gas station canopy, and has incorporated the Commission's recommendation as a specific requirement of the project's CUP permit (Attachment 4).

CONCLUSION:

Staff supports the intensity, siting, and design of the commercial uses proposed on this site and has determined (via the draft "Findings of Approval" - Attachment 5) that the project is consistent with the purpose and intent of the Sorrento Hills Community Plan, which identifies a gas station and car wash as permitted uses on this site, subject to discretionary approval of a CUP and PCD Permit (as proposed by this project).

Further, the "site specific health risk assessment" which was prepared for this project (Attachment 15) concluded that there does not appear to be any conclusive argument in support of the appellant's concern that the proposed gas station on this site will threaten the public health of residents within the surrounding area.

ALTERNATIVES:

1. Approve the proposed project with modified or additional conditions as may be deemed necessary by the City Council to adopt the “Findings of Approval” in Attachment 5.
2. Deny the proposed project.

Respectfully submitted,

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

Approved: George I. Loveland
Senior Deputy City Manager

KZS: Sullivan: 446-5225

Note: The attachments are not available in electronic format, with the exception of Attachment 15. A copy is available for review in the Office of the City Clerk.

Attachments:

-1. Location Map
-2. Site Plan
3. Landscape Plan
-4. Draft CUP/PCD Permit
-5. Draft CUP/PCD Findings
-6. Building Elevations
-7. Ownership Disclosure
8. Project Chronology
9. Letters of Appeal
10. Community Group Recommendation
11. Sign Plan
12. Community Plan text
13. Community Plan Land Use Map
14. Project Traffic Information
15. Site Specific Health Risk Assessment