



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 18, 2013 **REPORT NO.** PC-13-089

ATTENTION: Planning Commission, Agenda of July 25, 2013

SUBJECT: Mission Gorge Rezone
PROJECT NO. 278133. PROCESS 5.

**OWNERS/
APPLICANTS:** IRAJ KESHA VARZI AND TOUBA N. VARZI

SUMMARY

Issue: Should the Planning Commission recommend approval of a rezone from RS-1-1 to RM-3-7 on a 0.43-acre site located at 6736 Mission Gorge Road within the Navajo Community Plan Area?

Staff Recommendations:

1. Recommend that the City Council **Certify** Mitigated Negative Declaration No. 278133 and **Adopt** Mitigation Monitoring and Reporting Program (MMRP); and
2. Recommend that the City Council **Approve** Rezone No. 977263.

Community Planning Group Recommendation: On August 20, 2012 the Navajo Community Planners Inc., voted 13-0-0 to recommend denial of the proposed Rezone (Attachment 8). See the Discussion section of this report for more on this recommendation.

Environmental Review: A Mitigated Negative Declaration, Project No. 278133, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: All review and processing costs are covered by the applicant through a deposit account.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The project is located on a 0.43-acre vacant lot within the Navajo Community Planning Area and is designated for Medium-High Density Residential development at 30-43 dwelling units per acre. The RS-1-1 zoning for the site currently allows for one single dwelling unit. The project proposes to rezone the site from RS-1-1 to RM-3-7 which would allow for one unit per 1,000 square feet of lot area or a maximum of 18 dwelling units, consistent with the Medium-High Density Residential land use designation.

BACKGROUND/DISCUSSION

The site is located on a 0.43-acre vacant lot at 6736 Mission Gorge Road within the Navajo Community Plan Area and is currently zoned RS-1-1. The Navajo Community Plan designates the site for Multi-Family Residential development (Attachment 2). The RS-1-1 zoning for the site currently allows for one single dwelling unit on this 0.43-acre site. The project proposes to rezone the site from RS-1-1 to RM-3-7 allowing for multi-family development at one unit per 1,000 square feet of lot area or a maximum of 18 dwelling units. No development is proposed with this application and future development may be processed ministerially if no deviations are required. Approving the rezone would align the zoning of the property with the land use designation in the Navajo Community Plan. As such, a Community Plan Amendment is not required. The project site is adjacent to Multi-Family development to the north and to the east across Mission Gorge Road, with Admiral Baker Field Golf Course to the west and south (Attachment 1).

Community Plan Analysis:

The Land Use Element of the City's General Plan provides policies to guide the City's growth and implement the City of Villages Strategy within the context of San Diego's community planning program. Section F. of the Land Use Element discusses consistency between land use designations in community plans and zoning to implement those land uses. Although state law exempts charter cities such as San Diego from zoning consistency, it is the City's practice to apply zoning that is consistent with the community plan land use designations to ensure designation implementation. The project site is designated for Multi-Family residential development at the Medium-High density range of 30-43 dwelling units per acre. The proposed rezone from RS-1-1 to RM-3-7 would align the project site's zoning with the existing land use designation.

The proposed rezone also implements two General Plan policies regarding Plan Implementation. They are: 1) Maintain or increase the City's supply of land designated for various residential densities, as community plans are prepared, updated, or amended, and; 2) Ensure efficient use of remaining land available for residential development by requiring that new development meet the density minimums of applicable plan designations. The proposed rezone creates an opportunity for new residential development on a vacant parcel in an otherwise built out area and the rezone to RM-3-7 ensures that the minimum density of subsequent development will be consistent with the Medium-High density range of 30-43 dwelling units per acre.

Environmental Analysis:

A Mitigated Negative Declaration, Project No. 278133, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines for potential noise impacts and for possible impacts to paleontological resources. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to below a level of significance, all potential impacts identified in the environmental review process. For CEQA review, staff analyzed the site based on a build-out scenario of a maximum of 18 units allowed with the proposed rezone. Paleontological resources may be impacted with a future residential development. The site is underlain by the Friars Formation which has a high resource potential. CEQA significance thresholds require paleontological monitoring for grading activities that exceed 10 feet in depth and 1,000 cubic yards of excavation. If at a future date proposed construction exceeds this threshold, the MMRP would reduce potential impacts to sensitive resources to below a level of significance.

A noise analysis was prepared for the rezone to determine the potential for the traffic along Mission Gorge Road to have significant noise impacts at any proposed residential structures. The report indicates that the traffic noise along Mission Gorge Road would exceed a City of San Diego CEQA Significance Determination Threshold of 65 Community Noise Equivalent Level (CNEL) at exterior usable areas. To mitigate to below the threshold, any future residential development would be required to construct exterior use areas six feet below the adjacent ground level, and balconies and ground level exterior use areas would be constructed facing away from the roadway. These measures would reduce any potential noise impacts to below a level of significance.

Community Planning Group Recommendation

On August 20, 2012, the Navajo Community Planners, Inc. (NCPI) voted to recommend denial of the proposed rezone, and indicated it could support a rezone with eight units if approved through a Planned Residential Development Permit. If approved the rezoned site would be allowed up to a maximum of 18 units. The applicant has indicated he intends to build only eight units and provided conceptual plans reflecting that configuration to a subsequent community planning group meeting. These plans are not required to approve a rezone. Notwithstanding this information, the NCPI did not act to reconsider its prior vote on the project.

The proposed rezone would bring the zoning for the site into compliance with the Multi-Family land use designation in the Navajo Community Plan. In addition to aligning the zoning with the adopted Navajo Plan land use designation, the proposed rezone to Multi-Family would complement the existing Multi-Family residential located immediately adjacent to the site to the north, east and south.

Conclusion:

The zoning for the project site is currently not consistent with Navajo Community Plan land use designation. The proposed rezone would rectify that inconsistency. Noise impacts associated with the proposal would be reduced to below a level of significance by implementing the required mitigation measures. Therefore, staff is recommending that the Planning Commission

recommend that the City Council approve the proposed Rezone.

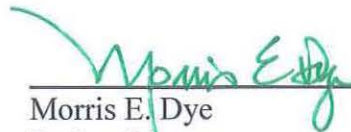
ALTERNATIVES

1. Recommend the City Council **Approve** Rezone No. 977263, **with modifications.**
2. Recommend the City Council **Deny** Rezone No.977263, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Acting Deputy Director
Development Services Department

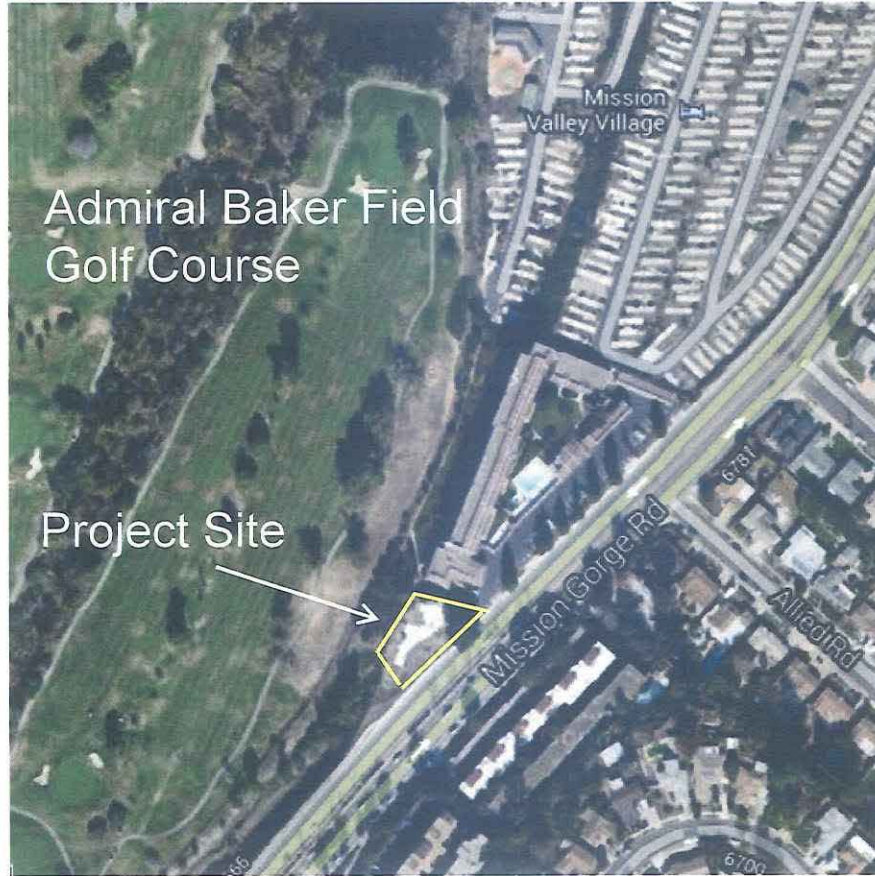


Morris E. Dye
Project Manager
Development Services Department

TOMLINSON/MED

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Environmental Resolution with MMRP
6. Draft Ordinance
7. Rezone B Sheet
8. Community Planning Group Recommendation
9. Ownership Disclosure Statement



Admiral Baker Field
Golf Course

Project Site

Mission
Valley Village

Mission Gorge Rd

6701

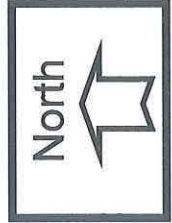
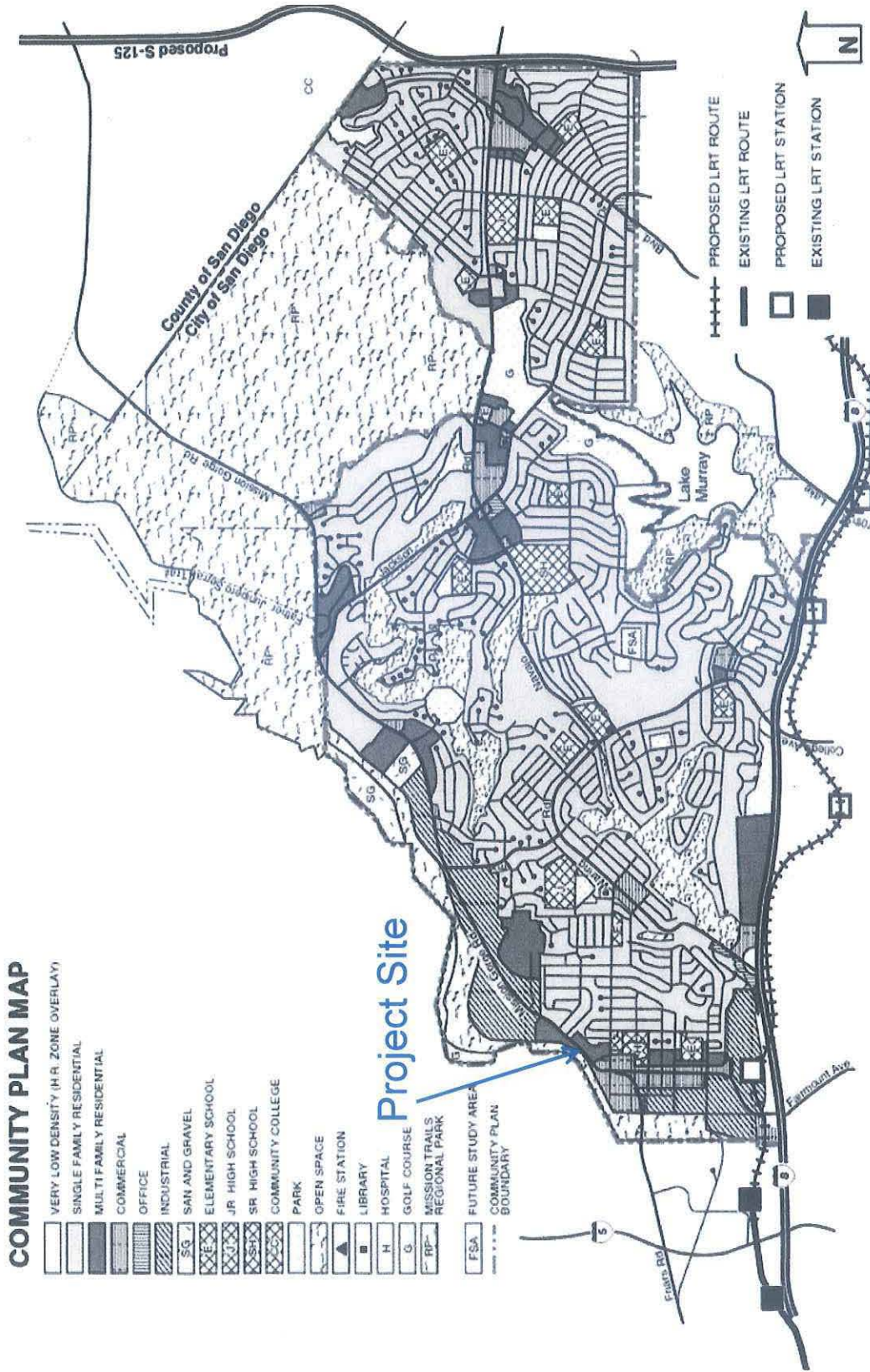
Allied Rd



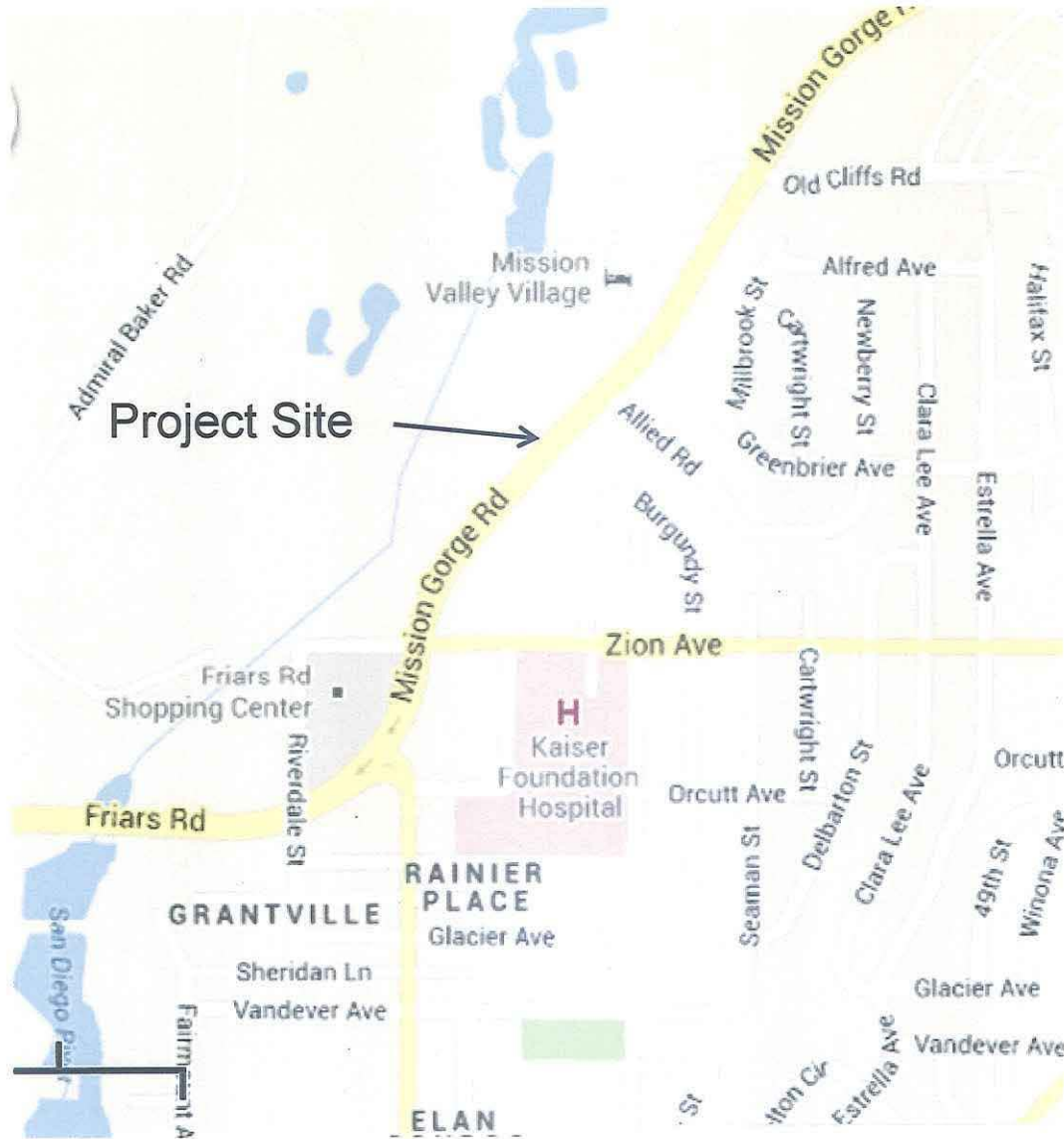
Location Aerial Photo

Mission Gorge Rezone- 6736 Mission Gorge Road
PROJECT NO. 278133





Land Use Map
Mission Gorge Rezone 6736 Mission Gorge Road
 PROJECT NO. 278133



Project Location Map

Mission Gorge Rezone- 6736 Mission Gorge Road
 PROJECT NO. 278133



PROJECT DATA SHEET

PROJECT NAME:	Mission Gorge Rezone – PTS#278133	
PROJECT DESCRIPTION:	Rezone from RS-1-1 to RM-3-7 on a vacant site at 6736 Mission Gorge Rd	
COMMUNITY PLAN AREA:	Navajo	
DISCRETIONARY ACTIONS:	Rezone	
COMMUNITY PLAN LAND USE DESIGNATION:	Medium-High Multi-Family Residential	
<u>ZONING INFORMATION:</u>		
ZONE: RM-3-7		
HEIGHT LIMIT: 40 foot maximum height limit.		
LOT SIZE: 7,000 square-foot minimum lot size.		
FLOOR AREA RATIO: 1.8 (one third must be reserved required parking)		
FRONT SETBACK: 10/20 feet		
SIDE SETBACK: 5 feet		
STREETSIDE SETBACK: N/A		
REAR SETBACK: 5 feet		
PARKING:		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Multi-Family Residential/RM-3-7	Multi-Family Residential
SOUTH:	Single Family/ RS-1-7	Retail Trade & Strip Commercial
EAST:	Multi-Family Residential/RM-3-7	Multi-Family Residential
WEST:	Agriculture/ AR-1-1	Golf Course
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On August 20, 2013, the Navajo Community Planners Inc. voted 13-0-0 to recommend denial of the proposed rezone.	

RESOLUTION NUMBER R- _____
DATE OF FINAL PASSAGE _____

WHEREAS, on May 22, 2012, Iraj Kesha Varzi and Touba N. Varzi submitted an application to the Development Services Department for a rezone of a 0.43-acre site at 6736 Mission Gorge Road from RS-1-1 to RM-3-7; and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration (MND) No. 278133 prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the City Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the City Clerk, 202 C Street San Diego, CA 92101.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project after final passage of O-_____ rezoning the site from the existing RS-1-1 Zone into the RM 3-7 Zone.

APPROVED: JAN GOLDSMITH, City Attorney

By: _____
[NAME], Deputy City Attorney

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

[INSERT PERMITS/APPROVALS/ENTITLEMENTS/ACTIONS]

PROJECT NO. 278133

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 278133 shall be made conditions of Rezone as may be further described below.

Noise

The applicant shall mitigate exterior noise impacts for the proposed project as follows:

I. Prior to Permit Issuance – Plan Check

- A. Prior to issuance of the bldg permit, the Permit Holder shall incorporate the requirements for environmental noise mitigation on the appropriate construction documents as described in the *6736 Mission Gorge Road Project*, Helix Environmental Planning, Prepared by December 12, 2012 report.
- B. Prior to issuance of the building permit, the Assistant Deputy Director (ADD) Environmental designee shall verify the following sound attenuation measures have been incorporated into the design of the proposed development to reduce exterior noise levels to below 65 dB CNEL:
 - 1. The outdoor recreational area shall be sunk six feet below the existing adjacent ground level.
 - 2. The building balconies and ground level exterior use areas shall be constructed facing away from the roadways

II. Post Construction – Prior to Final Inspection

- A. The Permit Holder shall submit one copy of the final Acoustical Analysis with construction documents to the BI, and one copy to MMC.
- B. MMC to verify the sound attenuation barrier has been constructed in accordance with the Construction documents.

PALEONTOLOGICAL RESOURCES

I. **Prior to Permit Issuance**

A. Entitlements Plan Check

- 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting,

whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring 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 paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - 3. Prior to the start of work, the applicant shall 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 has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution 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.
- 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 paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological 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

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME 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 conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, 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 as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
3. The monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV'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.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological 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 shall evaluate the significance of the resource.
 - 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. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) 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 (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The

Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend 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 and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - 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 on the next business day 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.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum 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 Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 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 two copies of the Final Monitoring Report 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.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

(O-2013-)

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE_____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REZONE OF 0.43 ACRES LOCATED AT 6736 MISSION GORGE ROAD, WITHIN THE NAVAJO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE EXISTING RS-1-1 ZONE INTO THE RM-3-7 ZONE AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406 REZONE NO. 977263; AND REPEALING ORDINANCE NO. O-12155 NS (NEW SERIES), ADOPTED ON OCTOBER 21, 1977, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, Iraj Kesha Varzi and Touba N. Varzi, Applicants, requested a rezone for the purpose of changing 0.43 acres, located at 6736 Mission Gorge Road, and legally described as all that portion of Lot 65 of the partition of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to partition map of Rancho Mission of San Diego, in the case of Juan M. Luco et al, vs. the Commercial Bank of San Diego et al Case No. 348 of Superior Court, San Diego, and on file in the Office of the County Clerk of San Diego, lying northwesterly of the centerline of the County of San Diego and County Road Survey No. 627 as described in Deed to the County of San Diego and recorded January 22, 1935, in Book 375, Page 115 of official records, and all that portion of Lot 64 of Rancho Mission of San Diego, in the County of San Diego, State of California, according to partition map thereof on file in the Office of the County Clerk in action No. 348, in Superior Court of San Diego County, entitled Juan M. Luco, et al, vs. the Commercial Bank of San Diego, et al, being a portion of Section 9, township 16 south, Range 2 west, San Bernardino meridian, in the County of San Diego, State of California in the Navajo Community Plan Area from the RS-1-1 zone to the RM-3-7 zone

(Rezone No. 977263) as shown on Zone Map Drawing No. 4191, on file in the Office of the City Clerk as Document No. OO- _____ (Property); and

WHEREAS, on July 25, 2013 the Planning Commission of the City of San Diego considered Rezone No. 977263 and voted _____ to recommend City Council approval of Rezone No. 977263; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted and the City Council having fully considered matter and being fully advised concerning the same; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Property is rezoned from the RS-1-1 zone to the RM-3-7 zone as the zone is described and defined by Chapter 13 Article 1 Division 4 of the San Diego Municipal Code. That the Official Zoning Map, adopted by Resolution R-301263 on February 28, 2006, is amended to reflect Rezone No. 977263 to the extent it conflicts with Rezone No. 977263.

Section 2. That Ordinance No. 12155 NS (New Series), adopted October 21, 1977, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the Rezone No. 977263.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. That the Applicant and/or Applicant's successors shall implement the mitigation measures identified in the MMRP.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued.

APPROVED: JAN GOLDSMITH, City Attorney

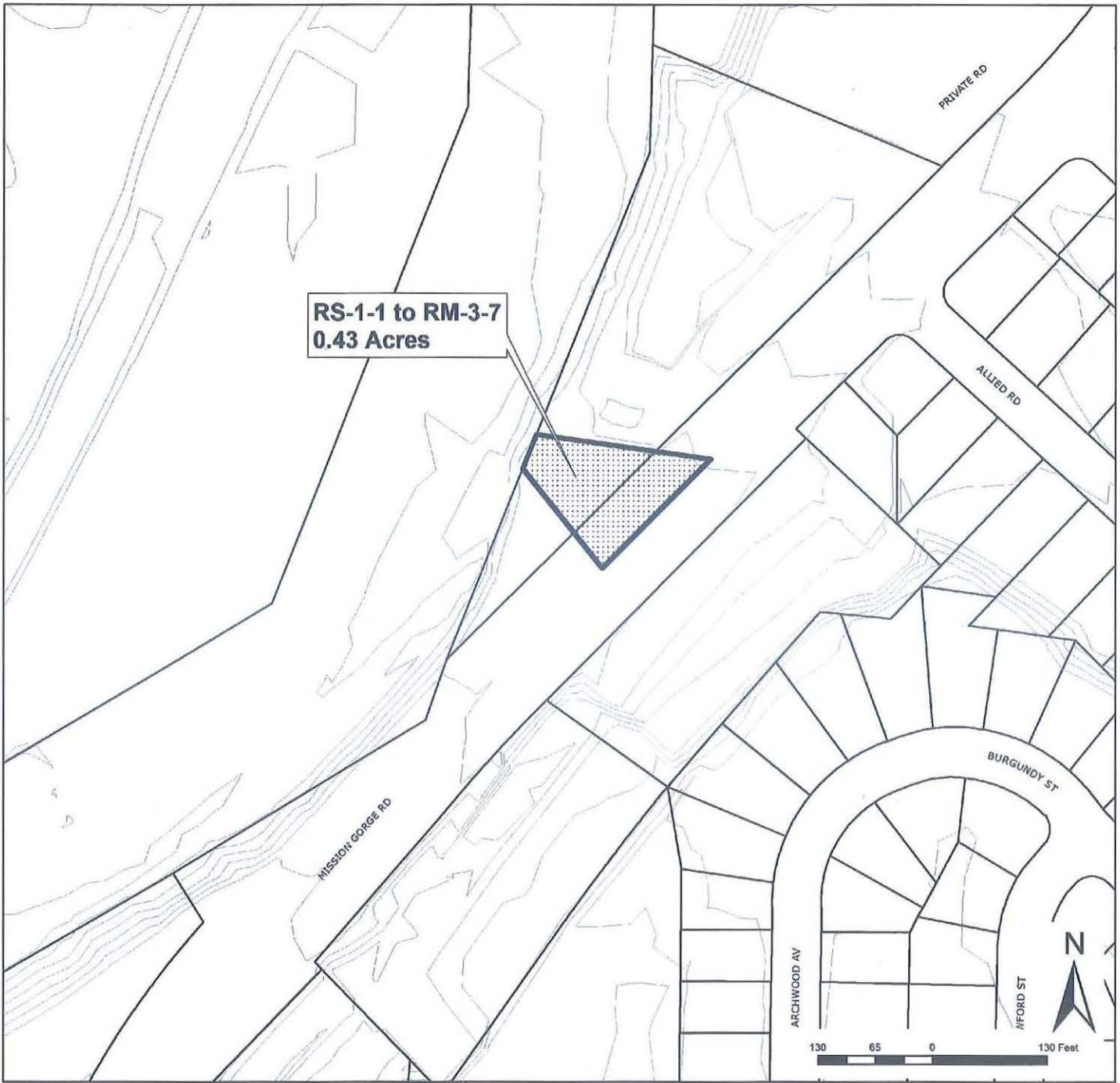
By _____
Corrine Neuffer
Deputy City Attorney

CLN::
7/25/13
Or. Dept: DSD
Document No.



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



LOTS 64 & 65*POR* DOC 195768

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST **RM-3-7**
 PLANNING COMM.
 RECOMMENDATION
 CITY COUNCIL
 ACTION

CASE NO. **PTS 278133**

DEVELOPMENT SERVICES MANAGER

B- 4298

APN:458-03-018

(226-1737) 6-26-13 LDJ

NAVAJO COMMUNITY PLANNERS, INC.

Zion Avenue Community Church
4880 Zion Avenue
San Diego, CA 92120

Meeting Agenda for Monday, May 20, 2013

Back up materials relating to the agenda items may be reviewed online at navajoplanners.org

*Note: All times listed for agenda items are estimates only;
items may be heard earlier or later than listed.*

Call To Order: 7:00 p.m.

- Roll Call of Board Members

Anthony Wagner (Allied Gardens)	March 2014
Richard Burg (San Carlos)	March 2015
Lynn Murray (Allied Gardens)	March 2014
Matthew Adams (San Carlos)	March 2015 arrived 7:07
Sherry Kelly (Grantville)	March 2014
Steve Grimes (Del Cerro)	March 2015
Douglas Livingston (Del Cerro)	March 2014
Terry Cords (Allied Gardens)	March 2015
Michael McSweeney (Del Cerro)	March 2014
Marilyn Reed (Allied Gardens)	March 2015
Dan Smith (Grantville)	March 2014
Daron Teemsma (Grantville)	March 2015
Jay Wilson (Del Cerro)	March 2015
Dale Peterson (San Carlos)	March 2014
Mary Miller (San Carlos)	March 2014
John LaRaia (Grantville)	March 2015

- Modifications to Agenda (Informational items can be changed to action items by 2/3 vote before the agenda has been adopted)
- Approval of the April 15th, 2013 Meeting Minutes: Update Marilyn Reed's NCPI Board date to 2015. M. McSweeney motions S. Grimes seconds unanimous approval.

Officers Reports: 7:05 p.m.

- Chair's Report: Superior Ready Mix Meeting
- Vice Chair's Report: Mr. Matt Adams: Not currently present. SD City council adopted Master River Plan unanimous vote. Changed language in reference to Alvarado Creek.
- Treasurer's Report Ms. Lynn Murray: \$27.00 verified by D. Peterson

Elected Officials' Reports: 7:10 p.m.

- Representative for Council member Scott Sherman: Councilman Sherman issued Certificates commending the Urban Corps workers for their work restoring the Cowles Mountain Trail at Mission

Trails Regional Park. Councilman Sherman was the Grand Marshall at this years Allied Gardens SpringFest Parade; Councilman Sherman was present at Tierrefest; Funds requested for construction of new San Carlos library branch and Mission Gorge widening; Sinkhole filled in; Revised city budget coming out week of May 20th; Newsletter available online; John Staab moving to Ohio to join Army.

- Eastern SDPD Community Service Officer Holland Tafoya: Incident at 900 Camino de la Reina where female victim was approached by 2 Hispanic males who grabbed her, victim ran away. Both males approx. 20-25 6 ft. 180 lbs. Lake Murray bike trail woman jogging grabbed by male. 5/23 neighborhood watch training at Mission Trails Visitor Center movie room. Nextdoor.com for neighborhood watch blog. T. Cords comments on stabbing along Mission Gorge Rd. and homeless at Lake Murray. Vandalize restroom facilities and San Carlos little league fields and equipment. Officer Tafoya requests you email her with any of this type of activities. S. Kelly mentions pedestrian/traffic conflicts on Camino del Rio South.

Public Comment on Non-Agenda Items (3 minutes each): 7:15 p.m.

M. McSweeney: Went on tour with Metropolitan Water District to Las Vegas to Hoover Dam Lake Havasu and traced California aqueduct across the desert to San Vicente Dam.

Mr. Pilch: Stop signs to be installed on Boulder Lake and Cowles Mountain Blvd. week of May 27th. Mission Trails main trail reopened. Springfest went very well.

Jay Wilson: Funding to reopen Kumeyaay campground on 2014 budget. Mr. Wilson urges you to contact mayor's office and Councilman Sherman office to show support. M. Adams agrees. 3,500 people at Mission Trails Day and it went very well.

Steve Grimes: He had heard that this year's Springfest may be the last. S Kelly mentions permit issues and lack of volunteer may doom Springfest.

Informational Presentations: None

- Update - Information item on Mission Gorge Project Latitude 33

Mission Gorge Rd. just north of Marjerum Ave. Rezone has been approved by City Council. Retail site has struggled. Site tough for retail due to traffic circulation issues. Go to city for site development permit next step then back to NCPI Board. Tony Kutry states: initial concepts designs. Project located on flat portion of property currently. Building half the allowable density. Wishes to create facade friendly to street and neighborhood using stoops and front porches. There will be approx. 22 parking spaces below grade. Energy efficient project. M. McSweeney asks about west elevation roof and if false rooftops are proposed (Yes)? J. Wilson asks what max height is proposed at (40ft max height). Photo arrays flat. J. LaRaia asks if parking spaces can be seen while driving along Mission Gorge Rd (No). M. Adams asks traffic comparison to residential traffic (No traffic study completed yet). J LaRaia asks distance to current residential housing behind proposed site (50-80 ft.). S. Grimes asks if housing behind being blocked by project design. M. Reed asks if residential community notified or spoken to (Not yet but some individuals spoken to). M. Reed would like to hear from residential community. T. Cords ask how many units under current design (About 144 unit total which is half allowable density). A. Wagner asks about center medium (Non-native tree species currently planned on being planted). M. Miller asks if left hand turn lane is present (None currently and no turn lame proposed). J. Wilson asks how wide will medium will be. J. Pilch asks if condos or apts. (Both options currently on table). T. Cords asks if thought given to office building versus residential (Retail not viable on site economically).

Consent Agenda: None

Action Items: 7:15 TIME CERTAIN – to accommodate City Staff.

- **Varzi Condo Project – 6736 Mission Gorge Road, San Diego, CAZ 92120. Potential Reconsideration by NCPI Board**

Prior Vote by NCPI

On August 20, 2012 the NCPI Board voted, motion by Jay Wilson and seconded by Daron Teemsma to OPPOSE the proposed rezoning but “support the rezoning and construction of 8 residential units if accompanied by a Planned Residential Development Permit to provide the community with confidence on the quality and character of building design.” That motion was unanimously passed.

BACKGROUND

The community plan amendment for the Archstone at Mission Gorge project which was adopted by City Council several years back, removed the Mobile Home Park Overlay from several properties which no longer housed mobile homes. This included Mr. Varzi’s property. The underlying land use designation for those properties where the Mobile Home Park Overlay was removed is Multi-Family Residential.

The Navajo Community Plan designates the subject site Multi-Family Residential. The proposed rezone from RS-1-1 to RM-3-7 is consistent with and would properly implement the existing land use designation for the site.

According to City staff, “Section F of the General Plan's Land Use Element includes two goals aimed at ensuring consistency between zoning and community plan land use designations to better implement community plans. The proposed rezone from RS-1-1 to RM-3-7 would be consistent with the Navajo Community Plan's land use designation for the site and would achieve the General Plan's goals for consistency between zoning and community plan land use designations.”

Currently, any support of a RM-3-7 rezone would allow for the construction of a maximum 18 residential units.

Requested Motion

Mr. Varzi is requesting the following:

“We would agree to the construction of a maximum of 8 residential units on our property, if the group would agree to support the re-zoning to RM3-7. Our agreement would be binding on our successors and assignees.”

Mr. Varzi states: Was going to be 18 units. Impossible to make 18 unit structure due to excavation issues and the size of parking lot would be to be and distance from SD River. Ready to sign binding agreement not to go past 8 units. Trying to keep property.

City Staff Representative – Morris Dye is available to aide in the discussion.

Mr. Dye states: Cannot guarantee if property sold new owner would be held to agreement. Plan development permit not appropriate. Zoning should be changed to comply with community plan or change plan to accommodate zoning change. Standalone rezone (no project) when project first came in. Dr. Varzi submitted plan and 8 units plus parking fits on site OK. MND examined 18 unit proposal. Noise on Mission Gorge Rd. only major impact. Mr. Dye believe plan in applicant best interest and plan would work on site. Rezone is a rezone no time limitations. Current plan fits with SD River Master Park Plan. Rezone would allow owner to build according to rezone code. No guarantee that new owner could

not develop property at higher number of units. City planners to review project and NCPI Board could track proposed project that way.

NCPI: M. McSweeney asks if there is another zone that would only allow 8 units. Mr. Dye states no. 2nd question – 8 surface parking spots plus a 2 car garage for each unit. Seems high. D. Peterson – asks about meeting with applicant and NCPI members M. Adams and A. Wagner. A. Wagner states Mr. Varzi ask to meet at Starbucks. NCPI vote had already happened so he saw no harm in meeting. A. Wagner stated (at the meeting) that Mr. Varzi should discuss with entire Board. M. Adams agrees with A. Wagner as to meeting highlights with applicant. L. Murray asks if property becomes RM 3-7 become reality anyway. 2nd question – if he goes thru with this is there any note that goes into city paperwork. Mr. Dye states yes and NCPI votes goes into Council Report. No, note not a difference maker all depends on city zoning code. J. LaRaia asks about condo code and discretionary process back to NCPI Board. M. Reed, thanks for plan and states design (front view) very similar to August 2012 meeting and no character difference. Mr. Varzi states less windows on front side to cut vehicle noise from Mission Gorge Rd. M. Reed concerned with lack of info in concept and design as mentioned in August 2012. M. Reed would rather see a more definitive design. M. Adams states motion to reconsider simple means NCPI Board reopens the issue. **No new motion submitted by the NCPI Board.**

- **Proposed Amendment to the NCPI By-Laws with regards to approved excused absences either by the Chair or a majority vote of the NCPI Board.**

Currently the NCPI By-Laws read:

Article iv Vacancies

Section 1. NCPI shall find that a vacancy shall exist upon receipt of a resignation in writing from one of its members or upon receipt of a written report from the planning group's secretary reporting the **third consecutive absence or fourth absence in the 12-month period of April through March of each year**, of a member(s) from the planning groups regular meetings.

Suggested change:

“Attendance:

All NCPI members are volunteers and are required to attend all regularly scheduled monthly meetings of NCPI.

If a member has 3 unexcused absences, from regularly scheduled monthly meetings, within a 12 month period, that member is considered to have resigned their seat on NCPI. The chair shall announce the vacancy at the next regularly scheduled NCPI meeting. The vacancy will be filled at the next following regularly scheduled monthly meeting of NCPI.

If a member is out of the County or is ill, that member shall be responsible for notifying the Chair before the meeting to request an excused absence. A member may only request 3 excused absences in any 12 month period.”

Article II Purpose of the Community Planning Group and General Provisions

Section 7. The NCPI may propose amendments to these bylaws by a majority vote of the elected members of the planning group. Proposed amendments shall be submitted to the offices of the Mayor and City Attorney for review and approval. Any proposed amendments that are inconsistent with Council Policy 600-24 shall not be approved by the Mayor and City

Attorney and shall be forwarded to the City Council President who shall docket the matter for Council consideration. Bylaw amendments are not valid until approved by the City.

M. McSweeney: Wanted to bring forth an easily understood change. M. Adams asks if replace existing structure in entirety? 6 absences in one yr. are excessive. 3 excused for year is OK. A. Wagner would like to see greater latitude for NCPI members. L. Murray asks about previous bylaw rules. M. Adams said excused absences were allowed. J. Wilson states NCPI only meets 10 times a yr. and more than 3 absences would be excessive. T Cords asks why by-laws changed in 2007. M. Adams said by-laws we reviewed and shell by-laws adopted by planning groups per SD City Council suggestions and city attorney written. M. Adams does not believe we have a problem with this issue to warrant discussion. M. Miller states some travel comes up unexpectedly and cannot be helped due to Board member day job. S. Grimes asks about applying for re-instatement with Board voting yes or no. M. McSweeney mentions legitimate reasons vs. blowing off meeting. J. Pilch states he sat on committee 600-24 and by-law shell and new proposal is wheel spinning and does not match up with 300-24. A. Wagner states there are inconsistencies with council policy 600-24. J. Pilch states by missing 4 meetings and you are not representing your community. **S Grimes makes motion utilizing existing article as it reads allowing an individual to apply for reinstatement with explanation of mitigating circumstances upon majority vote from NCPI Board. J. LaRaia seconds.** S. Kelly states if your position keeps you away from meeting this may not be the position for you. Discussion follows with the current motion and its intent. M. Adams likes motion. M. Reed asks about 3 consecutive absences. If not here 3 months in a row that is a problem. **Burg, Wilson, Kelly, Reed, Peterson vote no. All other Board members present vote yes.**

Information Items: 8:35 p.m.

- (3 min total) Report on Community Planners Committee activities (Dan Smith): **Not Present**

Community Group Reports: 8:40 p.m.

- Grantville Stakeholders Group –Matt Adams: **Will be meeting but no date given but likely in June.**
- Allied Gardens Community Council – Anthony Wagner: **Website redo, making progress in disseminating communication and advertises.**
- Del Cerro Action Council – Jay Wilson: **7/25 meeting with Mayor Bob Filner guest speaker**
- San Carlos Area Council: **No June meeting not sure about July meeting.**

Old Business: 8:45 p.m.

New Business: 8:45 p.m.

Adjourn: Next meeting: June 17, 2013 @ 7 PM

Meetings of the Navajo Community Planners are held on the 3rd Monday of each month 7pm-9pm.



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

Ownership Disclosure Statement

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

Project Title *Mission Gorge Rezone* **Project No. For City Use Only**

Project Address:
6736 Mission Gorge Road San Diego, CA

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):
IRAJ K VARZI
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: *2176 EL AMIGO RD*
 City/State/Zip: *DEL MAR, CA 92014*
 Phone No: *858-7208257* Fax No:
 Signature: *[Signature]* Date: *4/2/12*

Name of Individual (type or print):
TOUBA N VARZI
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: *2176 EL AMIGO RD*
 City/State/Zip: *Del Mar CA 92014*
 Phone No: *858-7208257* Fax No:
 Signature: *[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: