

## NAVAJO COMMUNITY PLANNERS, INC.

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

Meeting Agenda for Monday, January 28, 2013

*Back up materials relating to the agenda items may be reviewed online at [navajoplanners.org](http://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
- Modifications to Agenda (Informational items can be changed to action items by 2/3 vote before the agenda has been adopted)
- Approval of the December 17, 2012 Meeting Minutes

### **Officers Reports:** 7:05 p.m.

- Chair's Report:                      COW Self Reporting:

City of San Diego Electronic Community Orientation Workshop (E-COW) is an interactive online training that outlines the roles and responsibilities of the community planning volunteers as they relate to Citywide planning issues, community plan preparation, and the development and regulatory processes of the City. As a community planning group volunteer, it is essential that you understand your role and responsibilities as outlined in [Council Policy 600-24](#) (PDF) and this training.

One provision of Council Policy 600-24 calls for community planning group members to take this orientation workshop training as a prerequisite for legal indemnification and representation <http://www.sandiego.gov/planning/community/resources/cow/index.shtml>

### COMMUNITY PLANNING GROUP 2013 WORKSHOP SCHEDULE Miramar Information

- Vice Chair's Report:              Vacant
- Treasurer's Report

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

- Representative for Council member Scott Sherman
- Introducing – Eastern SDPD Community Service Officer Holland Tafoya

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

**Informational Presentations:** 7:25 p.m.

- NCPI Elections Schedule – Formation of January Elections Committee
  - Article 5. Section 1.
- 7-Eleven convenience store at 5829 Mission Gorge Rd., formerly Hot Springs Spa (a Jacuzzi sales and service business). Applied for a conditional use permit from the City for beer & wine sales, a discretionary process. Anticipate receiving an assessment letter and cycle issues report from the City.  
William A. Adams presenting.
- City Staff: presentation on the upcoming Sewer & Water Group Job 940  
Leila Nasrawi and Micheal Cook will be presenting.

**Consent Agenda:** 8:00 p.m.

none

**Action Items:** 8:25 p.m.

- Letter written by chair with regards to Grantville flooding challenges

**Information Items:** 8:25 p.m.

- Report on Community Planners Committee activities (Dan Smith)

**Community Group Reports:** 8:35 p.m.

- Grantville Stakeholders Group –Matt Adams
- Allied Gardens Community Council – Marilyn Reed
- Del Cerro Action Council – Jay Wilson
- San Carlos Area Council – John Pilch

**Old Business:** 8:45 p.m.

**New Business:** 8:45 p.m.

**Adjourn:** Next meeting: February 25, 2013 @ 7 PM

February Agenda :    INFORMATIONAL: City Staff presents the New College Ranch Hydro Pump Station to the Community Group. The project is approximately 30% design.

                          INFORMATIONAL: City Staff report on Grantville flooding issues.



Anthony Wagner <anthonyjohnwagner@gmail.com>

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**RE: FW: 7-Eleven @5829 Mission Gorge Rd.**

1 attachment

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**William A. Adams** <wadams@nortonadams.com>

Tue, Jan 22, 2013 at 3:18 PM

Reply-To: wadams@nortonadams.com

To: Anthony Wagner <anthonyjohnwagner@gmail.com>

Cc: "Sliwinski, Matthew" <Matthew.Sliwinski@lendlease.com>

Dear Mr. Wagner: thank you for a copy of the agenda. Attached are the floor plan and the site plan. As discussed, the CUP and ABC license will contain restrictions ("conditions"). The core conditions almost always include the following:

- ◆ Limited hours for alcohol sales
- ◆ No consumption on premises
- ◆ No single containers
- ◆ No fortified wines
- ◆ No video/coin operated games
- ◆ No Loitering rule
- ◆ Sign Restrictions
- ◆ Exterior lighting requirements/restrictions

– I look forward to meeting you and the group. Bill.

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7-ELEVEN  
&  
MISSION GORGE RD.  
FAIRMOUNT AVE.  
SAN DIEGO, CA  
JOB NUMBER: 12-12-00675

ISSUE BLOCK

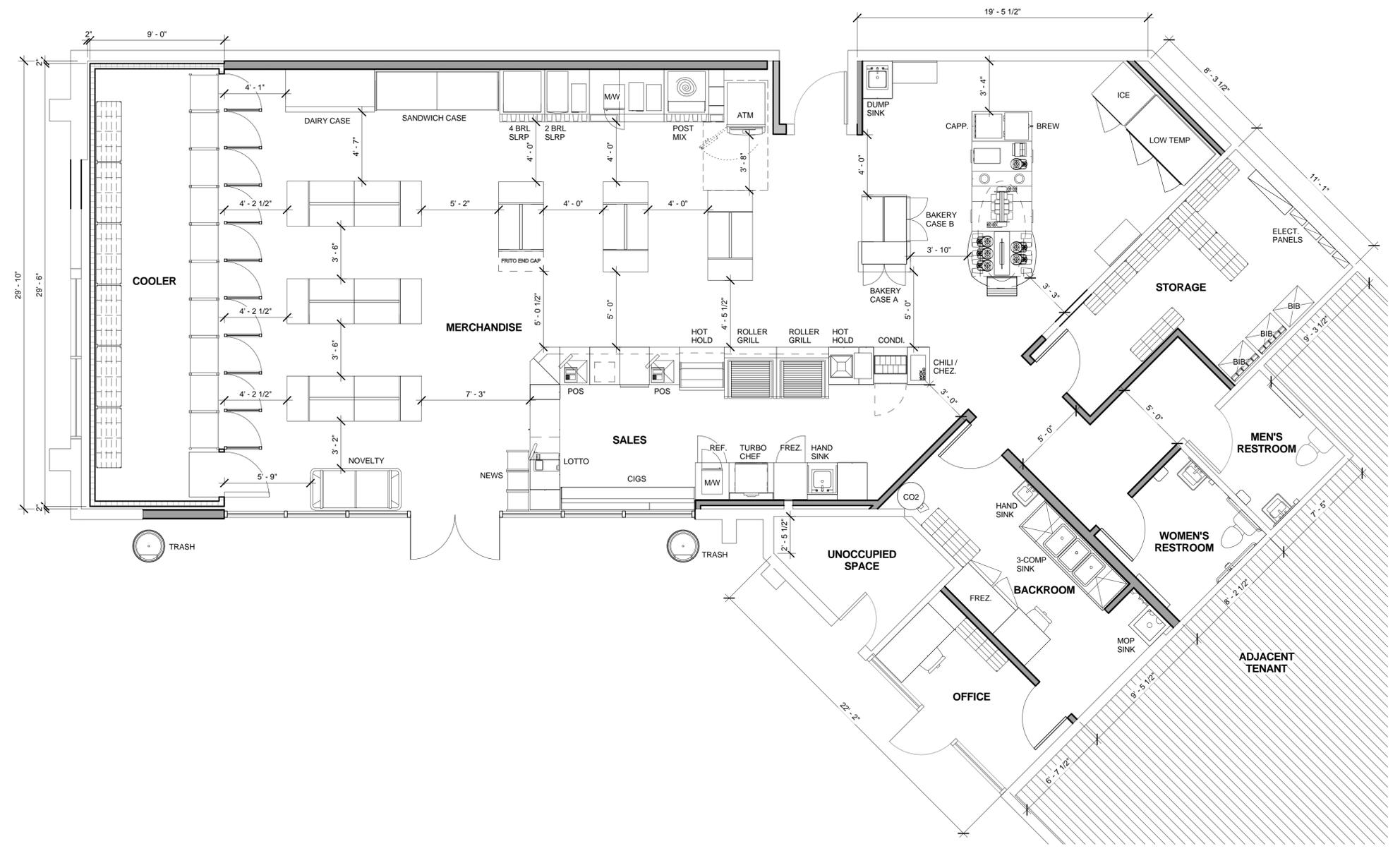
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STORE NO.: 36751  
DOCUMENT DATE: 1/14/13  
CHECKED BY: CS  
DRAWN BY: LS

FLOOR PLAN

SHEET:  
**A102**

|              |   |                 |
|--------------|---|-----------------|
| MERCHANDISE  | - | 1469 SF         |
| SALES        | - | 302 SF          |
| COOLER       | - | 315 SF          |
| STORAGE      | - | 189 SF          |
| RESTROOMS    | - | 135 SF          |
| CORRIDOR     | - | 108 SF          |
| BACKROOM     | - | 176 SF          |
| OFFICE       | - | 92 SF           |
| UNOCCUPIED   | - | 80 SF           |
| <b>TOTAL</b> | - | <b>2,866 SF</b> |



**1** PROPOSED FLOOR PLAN  
1/4" = 1'-0"

1/14/2013 4:55:23 PM  
C:\Users\vaursmith\Documents\12-00675\_Son\_Elgo\_Ck\_bars.mbd.rvt

STANLEY F. ZUBEL  
6793 Clear Sky Terrace  
San Diego, California 92120  
Telephone: (619) 265-2514

January 19, 2013

Allen Jones, President  
Navajo Community Planners, Inc.  
H.G. FENTON COMPANY  
7577 Mission Valley Rd., Ste. 200  
San Diego, California 92108

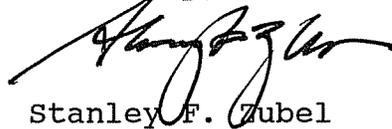
Re: Mismanagement of Open Space  
Brush Management Program in San  
Carlos: 6793 Clear Sky Terrace, San  
Diego, California 92120

Dear Mr. Jones:

Enclosed is a photocopy of a memorandum documenting my experience with the City's brush management program back in December. Several of my neighbors had similar experiences. This inspired me to generate the memorandum, in the hope that citizen feedback might inspire program improvements.

Copies have been sent to Stacey LoMedico, Scott Sherman and Bob Filner.

Sincerely,



Stanley F. Zubel

SFZ:hal  
Enclosure

## MEMORANDUM

TO: City of San Diego

FROM: Stanley F. Zobel

DATE: January 17, 2013

SUBJECT: Significant deficiencies in the management and operation of the City's Brush Management Program.

**SYNOPSIS:** The Open Space Division of the Park and Recreation Department is responsible for brush management on City open space adjacent to privately-owned lots. In December, 2012, the City and its contractor, Aztec Landscaping, conducted brush removal activities in the San Carlos area without notice to owners of adjacent lots; failed to competently conduct a biological survey to identify plants that should be preserved; destroyed erosion-controlling cultivated plants and trees on and within eight feet of property boundaries; failed to remove combustible native vegetation within 100 feet of dwellings; utilized private property for cut vegetation removal without first entering into the required Brush Management Access Agreement and failed to respond to citizen complaints in a professional manner. Not less than four privately-owned adjacent lots were variously affected. A detailed description of one citizen's experience at 6793 Clear Sky Terrace, along with suggested remedial action, is set forth below.

### I. HISTORY OF THE SUBJECT PROPERTY AND EROSION CONTROL EFFORTS.

I purchased 6793 Clear Sky Terrace in April, 1987. A month after moving in I noticed slippage of approximately 300 square feet of slope immediately below the fenced property line. Telephone calls to the City yielded neither interest nor any remedial response, the excuse being that the slippage zone was within the slope easement. Accordingly, since 1987, I have taken it upon myself to maintain the slope within the slope easement area by planting ice plant; cultivating and pruning pepper trees; and watering during the summer. As a result of my substantial personal effort, the area in question has, to this date, suffered no further slippage.

In addition to the above slippage, there was an ungraded portion of land within my lot that was seriously eroding into a ravine that receives the outflow from the Laurelridge Road storm drain. Here the slope was so steep that it was necessary to erect a 5-foot retaining wall of railroad ties to hold the soil back. At the base of the wall, on the property line, I planted yuccas, which over the past 20 years have grown up to buttress the wall and control slope erosion.

### II. DESTRUCTION OF PEPPER TREES AND AN IRRIGATION LINE WITHIN THE FORMER SLIPPAGE AREA BY AZTEC PERSONNEL.

On or about the morning of December 10, 2012, without notice, Aztec personnel cut down to ground level not less than 10 Brazilian Pepper trees within the above-described slippage area and within a few feet of my property line. These trees were healthy, green and not a fire hazard, having been pruned to a height of not greater than six feet by me within the past three months. In the process of cutting down my trees, an irrigation line was destroyed. Now what is left is bare soil and destroyed ice plant, creating a soil erosion risk similar to what existed back in 1987.

### III. DESTRUCTION OF GIANT YUCCAS BUTTRESSING THE RETAINING WALL.

On or about the afternoon of December 10, 2012, without notice, Aztec personnel cut down to ground level not less than 8 giant yuccas, located immediately below the railroad tie

retaining wall, some of which were on my property line. These plants were healthy, green and not a fire hazard. Now what is left is bare soil, creating a soil erosion risk similar to what existed back in 1987 and putting the retaining wall at risk.

#### IV. FAILURE TO REMOVE OR THIN NATIVE BRUSH WITHIN 50 FEET OF A RESIDENTIAL DWELLING.

Prior to December, 2012, the City had never cleared or managed native brush on its property adjacent to my lot. Since 1987, I have periodically removed and thinned brush to a sixty foot radius of my residence. After destroying noncombustible cultivated plants that controlled soil erosion, Aztec personnel failed and refused to remove or thin highly combustible native brush located within 50 feet of my dwelling. Under its Brush Management and Building Fire Safety Regulations, the City is responsible for thinning or removing combustible brush on City property located within 100 feet of a residential dwelling. The City, by and through its contractor Aztec, has failed to fulfill its responsibility to remove combustible dry brush within the required distance from my dwelling and consequently has perpetuated a wildfire hazard.

#### V. RUDE AND PROFESSIONALLY IGNORANT CITY PERSONNEL.

Several days after the above-described events, I met on site with Mark Jennings, whose business card identified him as a "Brush Management Planner" for the City. When I showed him the area where the pepper trees were cut down, he opined that exposed bare ground on a steep slope does not create an erosion problem. When I showed him the broken irrigation pipe he stated that the pipe was an encroachment on City property. As I started to object to his encroachment accusation he abruptly said "We're out of here;" turned his back on me and stalked off, refusing to even look at the destroyed yuccas.

As a matter of law, an above-ground irrigation pipe to water ice plant and small trees is not an encroachment upon any City rights, and to make such an accusation evidences an ignorance of real property law as well as an attitude more conducive to conflict than conflict resolution. Furthermore, I have been told by a neighbor, who also spoke with Mr. Jennings concerning cultivated plant destruction by Aztec, that he behaved in a similarly aggressive and nonresponsive manner toward her.

#### VI. ENTRY AND UTILIZATION OF PRIVATE PROPERTY WITHOUT A BRUSH MANAGEMENT ACCESS AGREEMENT.

Notwithstanding Mr. Jennings' rude behavior, I permitted eight of Aztec's workers to traverse 200 feet of my back, side and front yard for 5 hours over a two-day period so they could reach Clear Sky Terrace and efficiently cart off all the destroyed pepper trees and yuccas. However, at no time was I advised that this activity was supposed to be the subject of a signed Brush Management Access Agreement that contains a City indemnity clause in the event of a worker on-site injury. Thus, had a worker fallen and suffered an injury, I could have been sued and there would have been no express indemnity from the City.

#### VII. FAILURE TO CONDUCT A SUFFICIENT BIOLOGICAL SURVEY.

I have been informed by Aztec's Project Manager, Alberto Zapatero, that prior to commencement of the brush clearing operation, a "City biologist" had conducted a site survey and marked out what brush areas were to be removed or thinned. No competent biologist would have marked my pepper trees and yuccas for removal. No competent biologist would have failed to mark for removal combustible brush within 50 feet of a dwelling. Mr. Zapatero also told me that the City biologist had failed to identify and warn the workers about a large poison oak patch, causing two of the workers to suffer skin exposure serious enough to require medical attention. Clearly, the City biologist was not up to the task.

## VIII. SUGGESTED REMEDIAL ACTION.

All the preceding factual points establish that the City's brush management program is in disarray and in need of a top-to-bottom review of policies, procedures and effective management. Here are some suggestions:

A. Notify owners of canyon lots adjacent to City property in advance of any brush clearing operations at or near their property line.

B. Retain a competent biologist who can recognize cultivated plants that control slope erosion (not to mention poison oak), and then carefully mark out areas in need of brush clearing or thinning.

C. Work with owners of adjacent properties in advance of the brush clearing operation so that erosion-controlling green cultivated plants on or near the property line are not destroyed.

D. Prepare and execute the required Brush Management Access Agreement so that the property owner is protected by an express City indemnity in the event the brush removal contractor needs to traverse private property to facilitate removal of cut plant material.

E. Train City personnel assigned to respond to property owner complaints in the basics of customer service, so that rude, confrontational and nonresponsive behaviors are avoided.

I trust the foregoing will have a positive and constructive impact on the Brush Management Program. Photographs will be provided upon request.

-END-

A handwritten signature in black ink, appearing to read "Alvin J. Jones", written in a cursive style.