



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: August 24, 2017 REPORT NO. PC-17-072

HEARING DATE: August 31, 2017

SUBJECT: THE VILLAGE MISSION VALLEY. Process Five Decision

PROJECT NUMBER: [522479](#)

OWNER/APPLICANT: The Village Mission Valley, LLC/Latham & Watkins

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of an alcoholic beverage outlet in an existing market at the Village Mission Valley apartment complex within the Tierrasanta Community Plan area?

Staff Recommendations:

1. Recommend the City Council **Approve** Rezone Ordinance No. 1848685; and
2. Recommend the City Council **Approve** Conditional Use Permit No. 1848686.

Community Planning Group Recommendation: On February 15, 2017 the Tierrasanta Community Planning Group voted 9-0-0 to recommend approval of the project with no suggested conditions (Attachment 11).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on May 23, 2017 and the opportunity to appeal that determination ended June 6, 2017. (Attachment 9).

Fiscal Impact Statement: None. All costs associated with processing this application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The existing site does not include housing and there is no housing planned as part of the future development. The project would not decrease or

increase the amount of land designated for residential use, resulting in a neutral impact on housing.

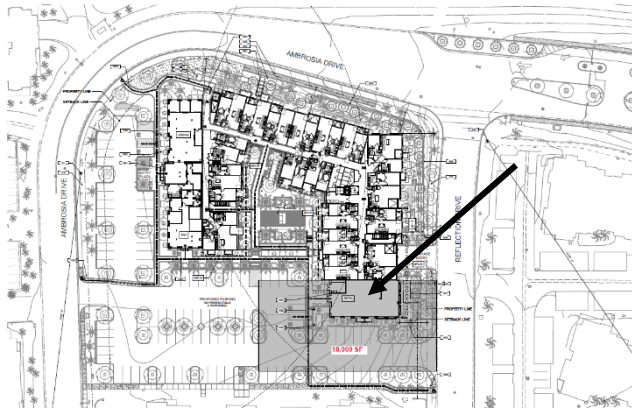
BACKGROUND

The approximately 0.41-acre site is located at 6555 Ambrosia Drive in the Tierrasanta Community Plan area, and is currently developed with a market within the Village Mission Valley apartment complex. (Attachments 1-3 and Site Plan below). The market presently provides convenience items for residents of the restricted access community. The development is isolated from other residential areas at the southernmost end of the Tierrasanta community. Access to the apartment complex is via Friars Road and a portion of Santo Road that does not connect to the Tierrasanta community to the north.

Project Site



The project site is located in the northern portion of the 77-acre Village at Mission Valley apartment complex and is currently zoned RM-2-5. Alcoholic Beverage Outlets are not allowed in residential zones. Therefore, the project is requesting a Rezone of the 0.41-acre project site from the RM-2-5 to CN-1-1.



The proposed Outlet will be located on the first floor of a northern portion of apartments within the existing development in an existing market (located in the gray area of the plan shown above left (to be rezoned from RM-2-5 to CN-1-1) and in the photo at right).

DISCUSSION

Project Description:

The Village Mission Valley Alcoholic Beverage Outlet (Outlet) project proposes the operation of a Type-21 Outlet allowing the Off-Sale of beer, wine and distilled spirits. This means these alcoholic beverages could be sold and taken away by a patron, but not consumed on the premises, unless seated at the adjacent patio area. The Outlet would create a convenience for apartment complex residents who would be able to walk to the market within the complex, purchase convenience items, including beer, wine or distilled spirits and walk back to their apartment.



Required Approvals:

All Alcoholic Beverage Outlets require a Conditional Use Permit (CUP). Due to the proposed Process 5 rezone, the CUP and Rezone decision would be made by the City Council of City of San Diego. Therefore, the Planning Commission must make a recommendation to the City Council on the project.

Community Plan Analysis:

The project site is located within the Tierrasanta Community Planning Area. The Tierrasanta Community Plan guides development with the overall goal to maintain Tierrasanta as a residential community with diverse housing options and residential supportive commercial uses, while protecting the natural environment. This project would meet the Community Plan's goal to provide properly located commercial areas to meet the present and future needs of the community. The project site is designated for Multi-Family residential development with Medium-high density. As the site is part of a mixed-use development, the proposed project would provide a convenience store use serving nearby residents. The proposed rezone from RM-2-5 to CN-1-1 and CUP for the sale of alcohol beverages for off-site consumption would allow for a residential supportive commercial use at this site.

Project-Related Issues:

The project site is located in Census Tract 95.09 which has a crime rate of 84.5% and an alcohol crime rate of 36.1%. There are 20 Off-Sale licenses in the tract where 5 are recommended. However, this would be the only Off-Sale license in the Village Mission Valley development.

The San Diego Police Department supports the proposed Outlet if the following restrictive conditions are implemented (Attachment 12):

1. Open containers of alcoholic beverage will not be allowed on the Off-Sale licensed portion of the premises at any time.
2. Alcoholic beverages for patron consumption will only be obtained from the Off-Sale premises by those same persons. Said alcoholic beverages cannot be opened until after patrons have seated themselves within the On-Sale licensed premises (see photo below).
3. There shall be no entertainment provided of any kind on the patio area at any time.
4. Signs shall be posted at the exit/entrance of the patio as depicted on Form ABC-257 dated 03/15/2016, stating: **"NO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BEYOND THIS POINT."** Said sign(s) shall be no less than 7" x 11" in size and contain lettering no less than 1" in height.



These conditions have been incorporated into the proposed Conditional Use Permit for the project (Attachment 6). Given the approvals will allow a convenience store within a restricted development, impacts to the safety of the general public will be minimized.

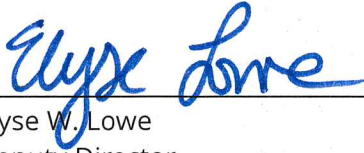
Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies, regulations of the Land Development Code, the General Plan and the Tierrasanta Community Plan. Staff has provided draft findings to support approval of the Project and draft conditions of approval. Staff recommends the Planning Commission recommend approval of the project as proposed.

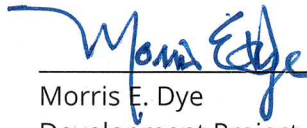
ALTERNATIVES

1. Recommend approval of the Village Mission Valley project Rezone No. 1848685 and Conditional Use Permit No. 1848686, with modifications.
2. Recommend denial of the Village Mission Valley project Rezone No. 1848685 and Conditional Use Permit No. 1848686, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Elyse W. Lowe
Deputy Director
Development Services Department



Morris E. Dye
Development Project Manager
Development Services Department

VACCHI: MDye

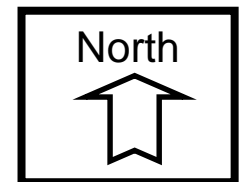
Attachments:

1. Aerial Photograph/Site Photos
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Ordinance
8. Rezone Exhibit
9. Environmental Exemption
10. Project Plans
11. Community Planning Group Recommendation
12. San Diego Police Department Recommendation
13. Ownership Disclosure Statement



Aerial Photo

Village Rezone 6555 Ambrosia Drive
PROJECT NO. 522479





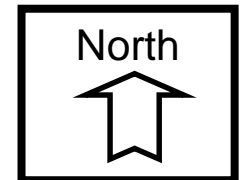
Project Site

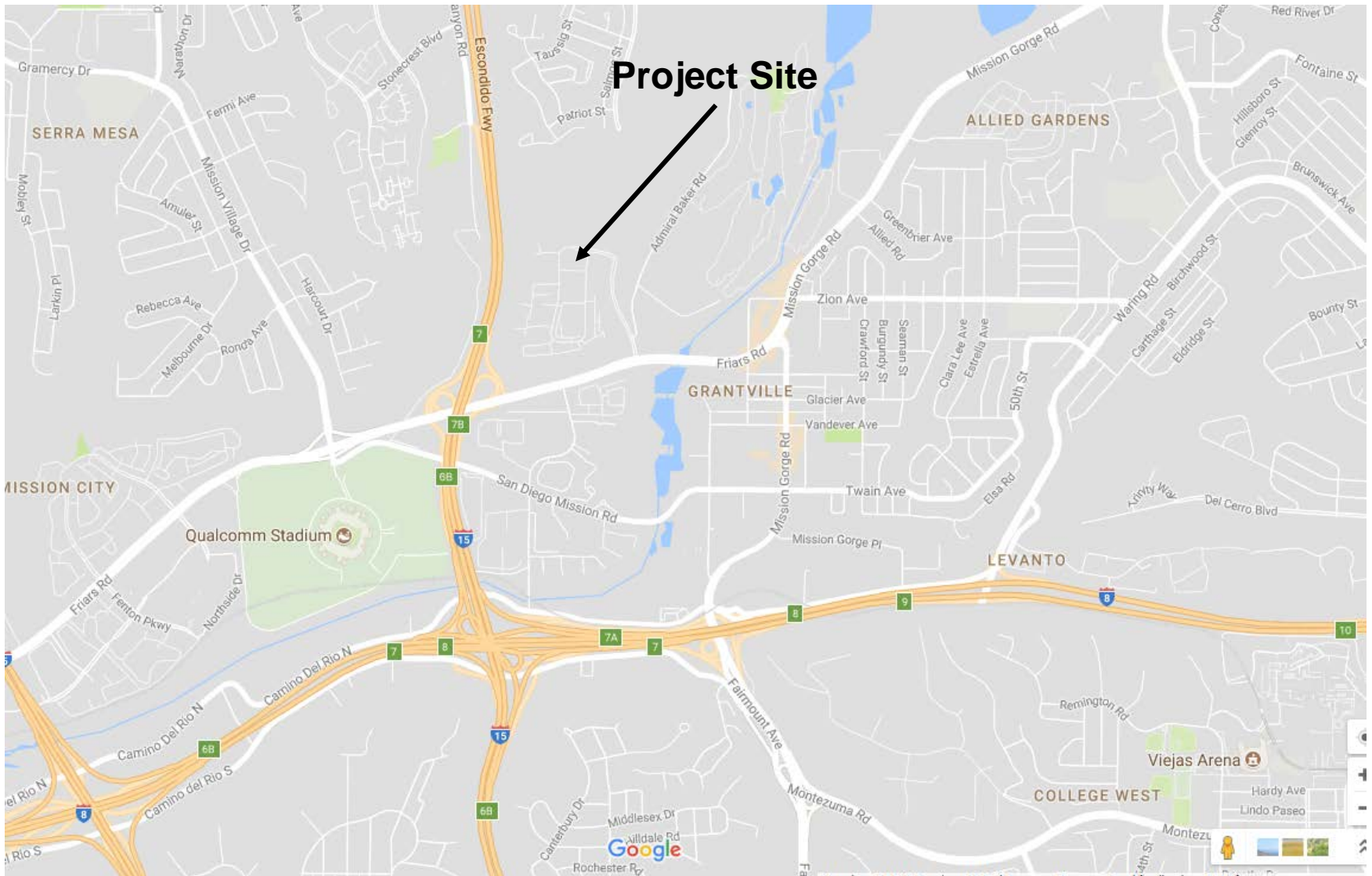
250 feet



Aerial Photo

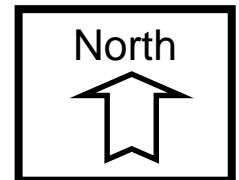
Village Rezone 6555 Ambrosia Drive
PROJECT NO. 522479





Project Location Map

Village Rezone/ 6555 Ambrosia Drive
PROJECT NO. 522479



PROJECT DATA SHEET

PROJECT NAME:	Village Rezone	
PROJECT DESCRIPTION:	Rezone and cup for an alcoholic beverage outlet within an existing market.	
COMMUNITY PLAN AREA:	Tierrasanta	
DISCRETIONARY ACTIONS:	Rezone, CUP	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential	
<p style="text-align: center;">ZONING INFORMATION:</p> <p>ZONE: From RM-2-5 to CN -1-1</p> <p>HEIGHT LIMIT: NA</p> <p>LOT SIZE: 0.41-acre</p> <p>FLOOR AREA RATIO: NA</p> <p>FRONT SETBACK: NA</p> <p>SIDE SETBACK: NA</p> <p>STREETSIDE SETBACK: NA</p> <p>REAR SETBACK: NA</p> <p>PARKING: NA</p>		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential/R-1-40	Residential
SOUTH:	Residential/R-1-40	Residential
EAST:	Residential/R-1-40	Residential
WEST:	Residential/R-1-40	Residential
DEVIATION REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On February 15, 2017, the Tierrasanta Community Council voted 9-0-0 to recommend approval of the project without conditions.	

ATTACHMENT 5

RESOLUTION NO. _____
CONDITIONAL USE PERMIT NO. 1848686
THE VILLAGE AT MISSION VALLEY

WHEREAS, The Village Mission Valley, LLC, filed an application with the City of San Diego for a Conditional Use Permit to operate an off-site alcoholic beverage outlet to sell beer, wine and distilled spirits from an existing retail convenience market; and

WHEREAS, the project site is located at 6555 Ambrosia Drive, and is an 18,000 square-foot area within the Village at Mission Valley apartment complex within the Tierrasanta Community Plan area; and

WHEREAS, the project site is legally described as Lot 2 of Hilltop, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9577, filed in the office of the County Recorder of San Diego County on February 26, 1980; and

WHEREAS, on May 23, 2017, the City of San Diego as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities); and there was no appeal of the Environmental Determination filed within the time period provided by the San Diego Municipal Code Section 112.0520;

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 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 the evidence presented; 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 the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 1848686:

Conditional Use Permit - Section 126.0305

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

The proposed alcoholic beverage outlet will be located within an existing marketplace within the Village at Mission Valley apartment complex. The General Plan is supportive of complementary neighborhood shops and services that address specific community needs. The General Plan recommends providing commercial development which uses land efficiently, offers flexibility to changing resident and business shopping needs, and improves environmental quality. General Plan policies are also supportive of creating mixed use areas where residential uses are complemented by neighborhood shops and services that address specific community needs. The proposed alcoholic beverage outlet will allow residents of the Village at Mission Valley apartment complex to walk to meet their shopping needs within the apartment complex. This will not only provide flexibility and create mixed uses, but will eliminate additional car trips and associated Green House Gas (GHG) emissions. The provision of alcohol sales for off-site consumption will allow residents to complete much of their convenience shopping needs within the apartment complex area consistent with General Plan and Tierrasanta Community Plan policies to provide commercial areas near residential areas. Therefore the proposed development will not adversely affect the applicable land use plan.

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

Providing an alcoholic beverage outlet within this restricted residential development will allow residents to access the outlet by foot, reducing traffic congestion and vehicle miles traveled. The apartment complex is gated, therefore, access to the marketplace from outside the development is restricted. As such, the likelihood that potential patrons from outside the residential complex would visit the outlet is remote. In addition, the apartment complex will not advertise the outlet outside of the Village complex. The restricted access, and provision for off-site sales only within the residential complex will protect the health and safety of apartment complex residents as well as the general public. The San Diego Police Department Vice Unit has reviewed the application and has approved the area for alcohol sales for off-site

consumption with restrictive conditions. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code;

This proposed alcoholic beverage outlet will be limited to off-site consumption and subjected to the limited use regulations as identified in Section 141.0502(b) and 141.0502(c). The permit controlling the development and continued use of the development for this site contains conditions addressing the project compliance with the San Diego Municipal Code and regional, state and federal regulations to prevent detrimental impacts to persons residing and/or working in the area. No deviations or variances are being requested. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The alcoholic beverage outlet will be located within an existing market currently serving the adjacent residential development with a variety of convenience products. The Village Mission Valley apartments is a large, isolated apartment complex with 1,500 units and over 3,000 residents. The General Plan and Tierrasanta Community Plan encourage locating community supporting services within close proximity to residential uses. Therefore, the alcoholic beverage outlet, located within an existing market, with a full range of convenience retail products and within walking distance of residential units, is an appropriate location. The alcoholic beverage outlet will be located within an apartment complex with restricted access and it will not be advertised outside the residential development. Therefore, alcohol sales from the market will not likely be made to those living outside of the apartment complex. The apartment complex is also patrolled by private security which will protect against negative impacts to area residents associated with alcohol sales. No expansion of the existing market is required to accommodate the alcoholic beverage outlet. Therefore, the proposed use is appropriate at the proposed location.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council of the City of San Diego, Conditional Use Permit No. 1848686 is hereby GRANTED by the City Council of the City of San Diego to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1848686, a copy of which is attached hereto and made a part hereof, contingent upon final passage of the O-_____ rezoning the project site to the CN-1-1 zone.

ATTACHMENT 5

APPROVED: Mara W. Elliott, City Attorney

By _____
Corrine L. Neuffer
Deputy City Attorney

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24007100

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1848686
THE VILLAGE AT MISSION VALLEY, PROJECT NO. 522479
CITY COUNCIL

This Conditional Use Permit No. 1848686 is granted by the City Council of the City of San Diego to The Village Mission Valley, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0303. The 0.41-acre site is located at 6554 Ambrosia Drive in the CN-1-1 zone of the Tierrasanta Community Plan area. The project site is legally described as: Lot 2 of Hilltop, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9577, filed in the office of the County Recorder of San Diego County on February 26, 1980.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate an alcoholic beverage outlet as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, 2020, on file in the Development Services Department.

The project shall include:

- a. Operation of an alcoholic beverage outlet for sales of beer, wine and spirits for off-sale consumption within an existing market conditioned upon the issuance of a Type 21 license from the California Department of Alcoholic Beverage Control;
- b. Sales of alcoholic beverages shall be permitted between the hours of 8 AM and 10 PM Sunday through Thursday, and 8 AM and 11 PM Friday and Saturday.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by _____, 2020.

2. The utilization of this CUP is contingent upon the approval of a Type-21 license to sell alcohol at this location by the California Department of Alcoholic Beverage Control (ABC). The issuance of this CUP does not guarantee that the ABC will grant an alcoholic beverage license for this location.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying

applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

PLANNING/DESIGN REQUIREMENTS:

12. Off-street parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision made in accordance with the SDMC.

POLICE DEPARTMENT REQUIREMENTS:

13. Open containers of alcoholic beverage will not be allowed on the Off-Sale licensed portion of the premises at any time.

14. Alcoholic beverage for patron consumption will only be obtained from the Off-Sale premises by those same persons. Said alcoholic beverages cannot be opened until after patrons have seated themselves within the On-Sale licensed premises.

15. There shall be no entertainment provided of any kind on the patio area at any time.

16. Signs shall be posted at the exit/entrance of the patio as depicted on Form ABC-257 dated 03/15/2016, stating: **"NO OPEN CONTAINERS OF ALCOHOLIC BEVERAGES BEYOND THIS POINT."** Said sign(s) shall be no less than 7" x 11" in size and contain lettering no less than 1" in height.

17. Wine shall not be sold in containers of less than 750 milliliters, with the exception of wine coolers sold in four-pack containers or more per sale.
18. Malt beverages shall not be sold in less than-six-pack containers per sale.
19. Wine shall not be sold with an alcoholic content greater than 15 percent by volume.
20. The premises shall be maintained as a convenience store, and the quarterly annual sales of alcoholic beverages shall not exceed 10 percent of the quarterly annual sales of all other products.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____ and Approved Resolution No. _____.

ATTACHMENT 6

Conditional Use Permit No. 1848686

Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Morris E. Dye
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

The Village Mission Valley, LLC
Owner/Permittee

By _____
Kevin Martin
Executive Director

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Rezone Ordinance

(O-2017-____)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REZONE OF 0.41 ACRES LOCATED AT 6555 AMBROSIA DRIVE, WITHIN THE TIERRASANTA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-2-5 ZONE INTO THE CN-1-1 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE CHAPTER 15 ARTICLE 14 DIVISION 3; AND REPEALING ORDINANCE NO. INSERT~ (NEW SERIES), ADOPTED DATE-call City Clerk for **adopted** dated~, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICTS HEREWITH.

WHEREAS, Village Mission Valley, LLC, Applicant, requested a rezone for the purpose of changing 0.41 acres, located at 6555 Ambrosia Drive, and legally described as Lot 2 of Hilltop, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9577, filed in the office of the County Recorder of San Diego County on February 26, 1980 in the Tierrasanta Community Plan area from the RM-2-1 Zone into the CN-1-1 Zone (Rezone No. _____, as shown on Zone Map Drawing No. _____, on file in the Office of the City Clerk as Document No. OO-_____); and

WHEREAS, on August 31, 2017, Planning Commission of the City of San Diego considered Rezone No. 1848685 and voted _____ to recommend City Council approval of Rezone No. 1848685; 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 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 the evidence presented;

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

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

Section 1. That 0.41 acres located at 6555 Ambrosia Drive, and legally described as Lot 2 of Hilltop, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9577, filed in the office of the County Recorder of San Diego County on February 26, 1980, in the Tierrasanta Community Plan area, as shown on Zone Map Drawing No. B-4326 on file in the office of the City Clerk as Document No. OO- _____, are rezoned from the RM-2-5 zone to the CN-1-1 zone, as the zone is described and defined by Chapter 15 Article 14 Division 3 of the San Diego Municipal Code. This action amends the Official Zoning Map adopted by Resolution R-_____.

Section 2. That Ordinance No. INSERT~ (New Series), adopted DATE~, of the ordinances of the City of San Diego is repealed insofar as the same conflicts with the rezoned uses of the land.

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.

APPROVED: Mara W. Elliott, City Attorney

By _____
Corrine Neuffer
Deputy City Attorney

Initials~
Date~
Or.Dept: INSERT~
Case No.INSERT PROJECT NUMBER~
O-INSERT~
Form=inloto.frm(61203wct)

Rev 10-05-09 hmd
document2



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



POR OF LOT 2 OF HILLTOP, PER MAP NO. 9577		CASE NO.
ORDINANCE NO. _____	REQUEST CN-1-1	
EFF. DATE ORD. _____	PLANNING COMM. RECOMMENDATION	DEVELOPMENT SERVICES MANAGER
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	B- 4326
BEFORE DATE _____		APN:43402051
EFF. DATE ZONING _____		(228-1734) 8-3-17 LDJ
MAP NAME AND NO. _____		

NOTICE OF EXEMPTION

(Check one or both)

TO: ☒ Recorder/County Clerk
 P.O. Box 1750, MS A-33
 1600 Pacific Hwy, Room 260
 San Diego, CA 92101-2400

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

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

Project Name: THE VILLAGE CUP & REZONE

Project No. / SCH No.: 522479

Project Location-Specific: 6555 Ambrosia Drive, Suite 1131, San Diego, CA 92124

Project Location-City/County: San Diego/San Diego

Description of nature and purpose of the Project: Rezone of an 18,000 square-foot portion of an existing apartment complex from RM-2-5 to CN-1-1 and Conditional Use Permit (CUP) for a Type 21 ABC License for the sale of alcoholic beverages for off-site consumption from an existing accessory market located at 6555 Ambrosia Drive, Suite 1131. The 18,000 square-foot portion to be rezoned is a portion of an existing apartment complex (the Village at Mission Valley). The proposed project is within a gated community and would only serve the properties included within that community. The area to be rezoned is currently developed with a 2,733 square foot market. There are 6 apartments constructed on top of the market. There will be no change in the existing environment, no construction, and no expansion of use.

Name of Public Agency Approving Project: City of San Diego

Name of Person or Agency Carrying Out Project: The Village Mission Valley LLC, 550 Newport Center Dr, Newport, CA 92660

Exempt Status: (CHECK ONE)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- ☒ Categorical Exemption: Section 15301 (Existing facilities)
- ☐ Statutory Exemptions:

Reasons why project is exempt: The City of San Diego determined that the project would qualify to be categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities). The exemption is appropriate because 15301 allows for the permitting of existing private facilities involving no expansion of use. Furthermore, the exceptions listed in CEQA Section 15300.2 would not apply in that no cumulative impacts were identified; no significant effects on the environment were identified; the project is not adjacent to a scenic highway; and the project was not identified on a list of hazardous waste sites pursuant to Section 65962.5 of the Government Code.

Lead Agency Contact Person: Courtney Holowach

Telephone: (619) 446-5187

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project? ☐ Yes ☐ No

It is hereby certified that the City of San Diego has determined the above activity to be exempt from CEQA

Jeff L. / SENIOR PLANNER
Signature/Title

5/23/2017
Date

Check One:

☒ (X) Signed By Lead Agency

☐ () Signed by Applicant

Date Received for Filing with County Clerk or OPR:



Dye, Morris

From: Clifton.Williams@lw.com
Sent: Friday, June 23, 2017 7:41 PM
To: Dye, Morris
Subject: FW: Tierrasanta Community Council Motion & Vote 2-15-2017

Here are the minutes from the chair.

Sent with BlackBerry Work
(www.blackberry.com)

From: Spehn, Deanna <Deanna.Spehn@sen.ca.gov<mailto:Deanna.Spehn@sen.ca.gov>>
Date: Friday, Jun 23, 2017, 7:28 PM
To: Williams, Clifton (SD) <Clifton.Williams@lw.com<mailto:Clifton.Williams@lw.com>>
Cc: Deanna at home <dspehn1@san.rr.com<mailto:dspehn1@san.rr.com>>
Subject: Tierrasanta Community Council Motion & Vote 2-15-2017

Wednesday, February 15, 2017 Tierrasanta Community Council & Planning Group

7:30 pm Time Certain Action Item 2 Project #522479 The Village at Mission Valley, Conditional Use Permit and Rezone, Process 5 in the Tierrasanta Community Plan Area. ?

An application was filed with the City of San Diego for a Process 5 Rezone and Conditional Use Permit to rezone a 0.41-acre portion of the Village at Mission Valley from RM-2-5 to CN-1-1 for a Type 21 ABC License for the sale of alcohol beverages for offsite consumption from an existing accessory market at 6554 Ambrosia Drive.

The 11.7 acre site is in the RM-2-5 zone of the Tierrasanta Community Plan Area within City Council District 7. Kevin Martin, Senior Manager, Development, Irvine Company Apartment Development will make the presentation. The Irvine Company bought the former La Mirage apartments at I-15 and Friars Road in 2013.

Attachment: 22656 Re Zone Exhibit-161220.pdf

Representative from Irvine Company gave presentation of requested change. Director Lazzaro moved to accept proposal. Director Oskow seconded. Discussion. Vote: Yes: 9, No: 0, Abstain: 0. The motion passed unanimously. (Spehn, Thesing, Oskow, Hasson, Lazzaro, Batchelder, Nielsen, Adair, Vinson voting yes)

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September 22, 2016

IN REPLYING PLEASE
GIVE OUR REF.NO.
1914141113

Village Market
C/O Ron Thorne
310 Gitano, Suite 20
Irvine, CA. 92618

Reference: PCN Application

THIS LETTER IS TIME SENSITIVE

Dear Mr. Thorne,

On July 22, 2016, you requested a Public Convenience or Necessity evaluation for Village Market, located at 6555 Ambrosia Suite 1131, San Diego, CA 92124, in consideration of a Type-21 license.

In accordance with Business and Professions Code, section 23958.4 your application is required to meet standards for public convenience and necessity. Further, it is your responsibility to ensure whether a Conditional Use Permit (CUP) is needed from the city.

Your application for Public Convenience or Necessity has been **approved**. However, please note that conditions will be applied to your Type 21 license.

Sincerely,

Sergeant Robert Stinson
San Diego Police Department
Vice Administration Unit



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

Ownership Disclosure Statement

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

Project Title

The Village Mission Valley CUP/Rezone

Project No. For City Use Only

522479

Project Address:

6554 Ambrosia Drive, San Diego, CA 92124

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency

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Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

