

(R-82-1504)

RESOLUTION NUMBER R- 255921

Adopted on MAR 2 1982

WHEREAS, VIRGINIA ULRICH appealed the decision of the Planning Commission in approving Tentative Subdivision Map TM-02-120-0 (RIDGEGATE LA JOLLA NO. 2) for a 42-lot subdivision of portions of La Jolla Heights, Abandoned Deed Book 364, Map-368 located on the east side of Soledad Mountain Road between Caminito Muirfield and Desert View Drive, in the R-1-20 (Hillside Review) Zone and within the boundaries of the La Jolla Community Plan; and

WHEREAS, on November 29, 1981, the Planning Commission voted 6 to 0 to deny the appeal and approve the tentative map, and filed said decision in the office of the City Clerk on November 6, 1981; and

WHEREAS, on November 5, 1981, pursuant to the provisions of Section 102.0308 of the San Diego Municipal Code, VIRGINIA ULRICH appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on March 2, 1982, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the City Council in considering said appeal is empowered by the provisions of Municipal Code, Section 102.0308, to affirm, reverse or modify in whole or in part any

determination of the Planning Commission subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

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

That the City Council adopts the findings of the Planning Commission as follows:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The City Council believes that this finding can be met. This proposed PRD is located in the La Jolla community planning area which indicates this area as open space with an alternative to develop at 0-5 dwelling units per acre. The amendment to this PRD results in an overall density of approximately 1.1 dwelling units per acre which would be consistent with the designation of 0-5 dwelling units per acre. In addition, the development is clustered on the westerly portion leaving the easterly portion undisturbed as the Planning Director is approving the dwelling units only on Lots 1-35. Lots 36, 37 and 38 shall be reserved as open space.

2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety, and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The City Council believes that this finding can be met. The applicant proposes to limit grading operations as well as

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additional conditions regarding the proposed grading plan as listed in the Conditional Negative Declaration. The Engineering and Development and Fire Departments have indicated that there is adequate access for vehicular traffic and emergency vehicles.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The City Council believes that this finding can be met. The PRD permit amendment proposes a total of 149.8 acres of open space where 46 are required. However, the application indicates that the proposed usable open space, which is land having a slope not exceeding 10 percent, is 6.5 acres where 23.5 acres is required. Three additional findings must be made to grant a deviation from the minimum standards in Paragraph M, Section 101.0910 of the Municipal Code. The first finding states that because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the requirements deprive such property of privileges enjoyed by other property in the vicinity under identical zone classification. The application shows that 89 percent of the PRD has a slope of 25 percent or greater. Additional grading would be required in order to create usable open space having a slope of less than 10 percent; therefore, the Council believes that this finding can be met. The second finding states that any deviation granted will assure that the adjustment thereby authorized does not constitute a grant of special privileges inconsistent with the limitation upon other properties in the

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vicinity and the zone in which the property is located because of the condition imposed. The applicant is proposing a total of 149 acres of open space which is three times the amount required under the existing R-1-10, R-1-20 and R-1-40 zones; therefore, the Council believes that this finding can be met. The third finding states that the granting of the deviation does not adversely affect the Progress Guide and General Plan for The City of San Diego or the adopted plan of any governmental agency. The Council believes that this finding can be met in that the Planned Residential Development amendment is consistent with the La Jolla Community Plan which shows this area for open space or, as an alternative, if the property cannot be purchased for open space, for a density of 0-5 dwelling units per acre. As a result of this project being approved, the dwelling units will be clustered in such a manner as to leave the majority of the property in open space with an open space easement granted on that property; therefore, the Council believes that this finding can be met.

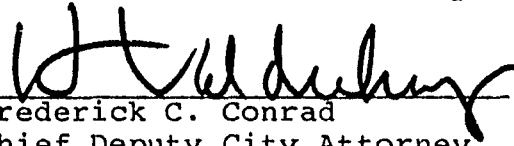
4. That said findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of VIRGINIA ULRICH is denied, the decision of the Planning Commission to deny the appeal and approve the tentative map is upheld, and said Tentative Subdivision Map TM-02-120-0 is hereby granted.

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APPROVED: John W. Witt, City Attorney

By

for 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:ps
3/24/82
Or.Dept:Clerk
TM-02-120-0
R-82-1504
Form=r.none

Passed and adopted by the Council of The City of San Diego on MAR 2 1982,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-255931 adopted MAR 2 1982