

RESOLUTION NUMBER R- 269964

ADOPTED ON DEC 7 1987

WHEREAS, Penasquitos East is a community within The City of San Diego, the Penasquitos East Community Plan was adopted on October 17, 1978 by the City Council by Resolution No. 222052; and

WHEREAS, the Transportation and Land Use Committee (the "Committee") met on November 9, 1987 to discuss Rancho Penasquitos East traffic issues; and

WHEREAS, the Committee discussed concerns regarding the health and safety impact of the growth rate and traffic problems in the area of Rancho Penasquitos East including: Rancho Penasquitos Boulevard; the intersections of Carmel Mountain Road with Penasquitos Drive and Rancho Penasquitos Boulevard; the intersection of Black Mountain Road with Capricorn Street, Park Village, Oviedo Street, and Carmel Mountain Road; Black Mountain Road west to Carmel Valley Road between Canyonside Park and Mira Mesa Boulevard; Mercy Road between Black Mountain Road and Interstate 15; State Route 56; and traffic signals at the intersections of Carmel Mountain Road with Paseo Cardiel, and Paseo Valdear; and

WHEREAS, a publicly noticed hearing to consider the implementation by the Council for The City of San Diego ("Council") of a suspension of vesting units was held on December 7, 1987; and

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WHEREAS, in arriving at their decision, the Council considered public health and safety impact of a suspension of vesting units based on information and materials presented by staff, members of the Rancho Penasquitos Planning Board, the President of the Rancho Penasquitos Town Council, and residents of Rancho Penasquitos East; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Interim Development Ordinance is in full force and effect and that vesting of development rights in the Rancho Penasquitos East area is contingent on the fulfillment of certain transportation phasing conditions.

BE IT FURTHER RESOLVED, that a suspension is authorized by California Government Code Section 66498.1(c)(1):

Notwithstanding subdivision (b), the local agency may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:

- (1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

and California Government Code Section 66498.1(e):

Consistent with subdivision (b), an approved or conditionally approved vesting tentative map shall not limit a local agency from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies, and standards described in subdivision (b).

The suspension is conditioned on a transportation phasing plan which would immediately prohibit issuance of any additional building permits for dwelling units in the community beyond twelve thousand four hundred thirty-nine (12,439) units including vesting entitlements. This suspension will continue until the

following road improvements are completed and operational: State Route 56 from Rancho Penasquitos Boulevard to Interstate 15 - two (2) lanes, and the High Occupancy Vehicle ("HOV") lanes from Route 56 to Route 163.

BE IT FURTHER RESOLVED, that in reaching its decision, the Council made the following findings:

1. Penasquitos East is primarily a residential community. The residents of Penasquitos East commute to their employment sites. The substantial majority of residents of Penasquitos East commute along Interstate 15. There are presently three (3) access points through which residents of Penasquitos East may obtain access to Interstate 15: Carmel Mountain Road, Rancho Penasquitos Boulevard, and Black Mountain Road.

2. Presently, all three (3) access points are significantly overcapacity at peak hours. On both Carmel Mountain Road and Rancho Penasquitos Boulevard, overcapacity at peak hours results in delays of between thirty (30) and forty-five (45) minutes for commuters. The problem is aggravated by Carmel Mountain Road's reduction from two (2) lanes to one (1) lane shortly before it reaches the access point interchange with Interstate 15.

3. The third access road, Black Mountain Road, was planned for five thousand (5,000) average daily trips ("ADT"), but is presently operating at twenty thousand (20,000) ADT. Black Mountain Road is also subject to periodic closure because of flooding of the Los Penasquitos Creek.

4. Until the planned additional operation points are functional, the Penasquitos East community is placed in a

dangerous condition by the inadequacy of the present access points. The present overcapacity has delayed commuter ingress and egress into the Penasquitos East community an average of thirty (30) to forty-five (45) minutes. The traffic congestion at peak hours impedes the ability of emergency vehicles to enter or leave the Penasquitos East Community. This results in unreasonable delays in response time for ambulance, police and fire services with the Penasquitos East community. Such delays present a danger to the health and safety of the community.

5. The inadequacy of the present access points in the Penasquitos East community would be aggravated and magnified by the construction of additional residential dwellings in Penasquitos East.

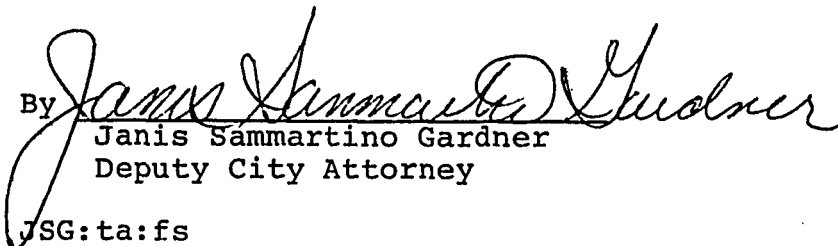
6. The additional issuance of building permits within the Penasquitos East community for development projects which possess vesting tentative maps would further aggravate the overcapacity and create a condition dangerous to the community's health and safety.

BE IT FURTHER RESOLVED, that failure by developers to adhere to the transportation phasing plan will preclude their ability to utilize vesting entitlements.

BE IT FURTHER RESOLVED, that the decision of the Council shall be final.

APPROVED: JOHN W. WITT, City Attorney

By


Janis Sammartino Gardner
Deputy City Attorney

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Passed and adopted by the Council of The City of San Diego on DEC 7 1987,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Bayard, Deputy.

Office of the City Clerk, San Diego, California	
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