

(R-91-779)

RESOLUTION NUMBER R-276517

ADOPTED ON SEPTEMBER 11, 1990

WHEREAS, the Otay Mesa-Nestor Community Planning Committee by Ruth J. Schneider appealed the decision of the Planning Commission in approving Resource Protection Ordinance Permit No. 89-0790 submitted by Philip Chodur, Owner/Permittee, for the construction of 46 attached and detached dwelling units with common recreation facilities, located on the east side of 27th Street, between Grove and Iris Avenues, said property is more particularly described as a portion of Section 27, Township 18 South, Range 2 West, SBBM, in the Otay Mesa-Nestor Community Plan area, in the R1-10,000 (proposed R-3000) Zone; and

WHEREAS, the matter was set for public hearing on September 11, 1990, 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 this City Council adopts the following findings with respect to Resource Protection Ordinance Permit No. 89-0790:

1. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas. The proposed project is subject to the Resource Protection Ordinance because the property is partly located within the limits of the floodplain fringe of Nestor Creek as delineated on

the Federal Emergency Management Administration Maps. No sensitive biological resources exist on the site and the actual floodway is not on the premises. As such, the Resource Protection Ordinance allows the use of fill for the construction of permanent structures as long as the development is capable of withstanding periodic flooding. The Creekside Village project will be raised above the 100-year flood level and improvements are proposed to the Nestor Creek drainage channel which match the existing improvements on the opposite side. Final design of the improvements are subject to approval of Floodplain Management.

2. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent park and recreation areas and will provide adequate buffer areas to protect such resources. The Creekside Village project site does not contain any sensitive natural resources nor it is located adjacent to any parks or recreation areas. The project site will be separated from the creek area by being raised above the 100-year flood level. The side of the drainage channel adjacent to the property will be improved with a 1 1/2:1 concrete slope.

3. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards. The subject property was previously graded, leaving no natural landforms. The grading proposed consists of cut and fill which steps the project down toward Nestor Creek. The lowest level adjacent to the creek area is above the 100-year flood level and

improvements to the drainage channel will ensure that the project can withstand periodic flooding.

4. The proposed development will be visually compatible with the character of surrounding areas, and where feasible, will restore and enhance visual quality in visually degraded areas. The properties surrounding the Creekside Village project consist of apartments, single-family dwellings, and a mobile home park. The design of the proposed project, being duplexes and single-family homes, will create a transition between the various residential uses. The architecture and landscaping proposed will enhance this area of primarily older development.

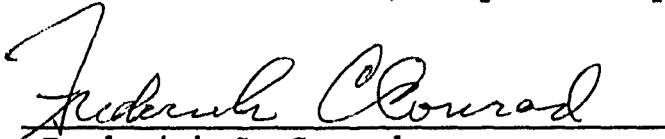
5. The proposed development will conform with The City of San Diego's Progress Guide and General Plan, and the Local Coastal Program. The proposed project conforms to the land use designation of the Otay Mesa-Nestor Community Plan which designates the site for low-medium density residential development. The existing zoning does not conform to that recommended by the community plan. The property is currently zoned R1-10,000. Both the proposed development and the community plan require the property to be rezoned from R1-10,000 to R-3000. The rezone was not granted; therefore all of the required findings cannot be made to grant this permit.

The above 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 the Otay Mesa-Nestor Community Planning Committee by Ruth J. Schneider is

granted; the decision of the Planning Commission is overruled,
and Resource Protection Ordinance Permit No. 89-0790 is hereby
denied.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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Or.Dept:Clerk
R-91-779
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Passed and adopted by the Council of The City of San Diego on.....
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<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"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input 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.

(Seal)

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

By *Maureen O'Connor* Deputy

Office of the City Clerk, San Diego, California

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