

RESOLUTION NUMBER R-298825

ADOPTED ON JANUARY 27, 2004

WHEREAS, Ramon and Marina Elizondo, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit No. 8555 and Neighborhood Use Permit No. 26044 to redevelop an existing structure with retail and residential uses known as the Elichondos project, located at 3546 Euclid Avenue, and legally described as Lots 32 through 37, Block No. 4, Bungalow Park Subdivision, Map No. 1175, in the Mid-City Community Plan area, in the CU-1-2 Zone of the Central Urbanized Planned District; and

WHEREAS, on September 11, 2003, the Planning Commission of the City of San Diego considered Planned Development Permit No. 8555 and Neighborhood Use Permit 26044, and pursuant to Resolution No. 3422-PC voted to recommend approval of the Permit; and

WHEREAS, Euclid Avenue RAP Committee appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on January 27, 2004, 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 Planned Development Permit No. 8555 and Neighborhood Use Permit 26044:

## A. PLANNED DEVELOPMENT PERMIT

**1. The proposed development would adversely affect the applicable land use Plan.** The Mid-City Communities Plan, City Heights Neighborhood Element designates the project site for mixed-use residential and commercial land use. However, the proposed development does not provide the required ratio of residential and commercial uses and the redevelopment of the existing structure for commercial retail sales is not consistent with the CU-1-2 Zone. Additionally, the project would not be consistent with all of the goals and recommendations of the Euclid Avenue Revitalization Action Program. Therefore, the proposed development would adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development will not be detrimental to the public health, safety or welfare because the proposed project would redevelop a previously abandoned and blighted property with a potentially productive business venture. The vacant site has been cleaned of trash and debris and facade work has been accomplished to improve the outward appearance of the structure. The project would provide public improvements including a new curb, gutter and sidewalk where currently none exist. The project would provide ample off-street parking as well as landscape improvements on the property and in the public right-of-way. Planned Development Permit No. 8555 includes conditions regulating outdoor storage and sales of merchandise and the maintenance of the property. An Environmental Initial Study in accordance with the California Environmental Quality Act determined that the proposed project would have no environmental impacts on the surrounding community. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

**3. The proposed development would not comply with the regulations of the Land Development Code.** The proposed development would not comply with the regulations of the Land Development Code. The project is requesting a Planned Development Permit in accordance with the Central Urbanized Planned District Ordinance to allow for a non-residential use (commercial retail sales) to occur within an existing structure exceeding 2,500 square-feet of floor area, and to reduce the residential requirement for a mixed use project below the 50% threshold as established by the CU-1-2 zone. Both of these deviations are inconsistent with the Central Urbanized Planned District Ordinance.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed development would not be beneficial to the City Heights Community because the project would not provide the required ratio of commercial development and residential floor area. The proposed development would not implement the goals and recommendations of the Euclid Avenue Rap to provide tailored sequential development in conformance with the Planned District Ordinance. Therefore, the proposed development, when considered as a whole, would not be beneficial to the community.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate at this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.**

The proposed deviations are not appropriate for this location since the project as proposed would provide limited residential development, contrary to the Euclid Avenue Revitalization Action Program and the PDO. The deviation to operate any business occupying more than the maximum 2,500 square-feet of floor area pursuant to the Central Urbanized Planned District Ordinance is necessary to redevelop the site utilizing the existing structure. The nearly half acre site is larger than anticipated by the Planned District and conducive to both a larger structure and a higher intensity commercial development. The deviation to reduce the residential element of the site is necessary because the site and existing structure does not lend itself to mixed-use residential development. Retrofitting the existing structure to provide additional residential units would be cost prohibitive. Likewise, placing residential units on the ground floor would be disruptive to both the commercial element and to the occupants of the residential units. These alternatives were considered and it was determined that the proposed deviations result in a better overall project than would be achieved with the strict application of the CU-1-2 zoning regulations.

## **B. NEIGHBORHOOD USE PERMIT**

**1. The proposed development would adversely affect the applicable land use plan.** As stated in Planned Development Permit Finding No. 1 above the proposed development would adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** As stated in Planned Development Permit Finding No. 2 above the proposed development would not be detrimental to the public health, safety and welfare.

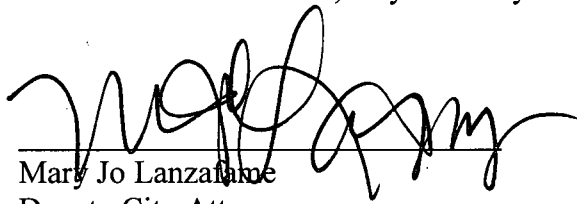
**3. The proposed development will not comply with the applicable regulations of the Land Development Code.** As stated in Planned Development Permit Finding No. 3 above the proposed development would not comply with the applicable regulations of the Land Development Code.

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 Euclid Avenue RAP Committee is granted; the decision of the Planning Commission is overruled; and Planned Development Permit No. 8555 and Neighborhood Use Permit No. 26044 is denied.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzetta  
Deputy City Attorney

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