

RESOLUTION NUMBER R- 305311
DATE OF FINAL PASSAGE OCT 06 2009

RESOLUTION DENYING THE TUCKER SELF-STORAGE
PROJECT, PROJECT NO. 141881.

WHEREAS, the City of San Diego, Owner, and Andrew Krutzsch, Permittee, filed an application with the City of San Diego for a site development permit, a re-zone, and a summary vacation of a public right-of-way in order to construct a 90,116 square-foot self-storage facility known as the Tucker Self-Storage project, located at 9765 Clairemont Mesa Boulevard, and legally described as Parcels A and B of Lot 2 of Map No. 825, filed in the Office of the County Recorder, City of San Diego, County of San Diego, State of California, according to official plat thereof, in the Tierrasanta Community Plan area, currently zoned as RS-1-1 (Residential-Single Unit), IP-2-1(Industrial-Park) and IH-2-1(Industrial-Heavy); and

WHEREAS, the proposed project requires a re-zone from RS-1-1 (Residential-Single Unit), IP-2-1(Industrial-Park) and IH-2-1(Industrial-Heavy) to IL-2-1(Industrial-Light); 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; and

WHEREAS, the matter was set for public hearing on OCT 06 2009, 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 Council must find that re-zoning the site must be rationally related to the public welfare; and

WHEREAS, according to San Diego Municipal Code [SDMC] section 126.0504(a), the Council must find that the proposed project will not affect the applicable land use plan in order to grant a site development permit; and

WHEREAS, according to SDMC section 126.0504(b), the Council must find that the proposed project will not be detrimental to the public health, safety and welfare in order to grant a site development permit; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it denies the Tucker Self-Storage Project, Project No. 141881, because the requested re-zone from RS-1-1 (Residential-Single Unit), IP-2-1(Industrial-Park) and IH-2-1(Industrial-Heavy) to IL-2- 1(Industrial-Light) is not rationally related to the public welfare; and

BE IT FURTHER RESOLVED, that the re-zone of the residential zone in particular is in contradiction to the community plan, which focuses on the largely residential character of the community, and encourages minimization of commercial and industrial uses; and

BE IT FURTHER RESOLVED, that the goals and objectives of the community plan are to preserve open space through the use of cluster housing development in and around canyon areas, therefore re-zoning the residential zone to light industrial would defeat one of the goals and objectives of the community plan; and

BE IT FURTHER RESOLVED, that one of the goals and objectives of the community plan is to encourage development to maintain the natural topography of the area and granting a re-zone of the residential zone to industrial will not maintain the natural topography of the area, therefore defeating another goal and objective of the community plan; and

BE IT FURTHER RESOLVED, that granting the re-zone of a residential zone would not be rationally related to the public welfare because, as many testified at the hearing on the matter, the identity and character of Tierrasanta is residential, and the proposed project requires an industrial zone; and

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that it denies the Tucker Self-Storage Project, Project No. 141881, because the Council cannot make the finding that the proposed development will not affect the applicable land use plan, as is required by SDMC section 126.0504(a); and

BE IT FURTHER RESOLVED, that the Tierrasanta Community Plan requires that development of the proposed project site should meet objectives for protecting surrounding uses from visual impacts or other disruptions, as well as for protecting and enhancing the physical environment, visual appearance, identity, and character of the Tierrasanta community; and

BE IT FURTHER RESOLVED, the proposed project fails to protect surrounding uses from visual impacts or other disruptions because the site for the proposed project is the gateway to Tierrasanta, primarily a residential community, and a self-storage facility at the gateway does not protect those surrounding residential uses from visual impact; and

BE IT FURTHER RESOLVED, the proposed project fails to protect and enhance the physical environment because it degrades open space and sensitive resources; and

BE IT FURTHER RESOLVED, the proposed project's signage fails to protect the residential community from visual impacts or other disruptions; and

BE IT FURTHER RESOLVED, the proposed project will generate trash or dumping in the surrounding sensitive resource areas and therefore the project does not protect or enhance the physical environment; and

BE IT FURTHER RESOLVED, the proposed project would permanently ruin the community character of Tierrasanta by increasing industrial uses in an overwhelmingly residential area; and

BE IT FURTHER RESOLVED, the proposed project would violate the identity of the community by placing an industrial site at the gateway of a residential community, causing blight; and

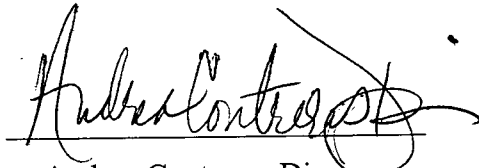
BE IT FURTHER RESOLVED, the proposed project violates the tenets of the community plan through "spot zoning"; and

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Council cannot make the finding that the proposed development will not be detrimental to the public health safety and welfare, as is required by SDMC section 126.0504(b), because the proposed project will have no security personnel on site, leaving the site virtually empty and a magnet for crime; and the proposed project cannot guarantee that hazardous materials will not be stored in the storage units, leaving surrounding residents vulnerable to unknown hazardous disasters; and

BE IT FURTHER RESOLVED, for the above reasons and those matters recorded in the documents and minutes related to this application, that Site Development Permit No. 495993, and the accompanying entitlements to the application are hereby denied.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:



Andrea Contreras Dixon
Deputy City Attorney

ACD:cw:jb
09/28/09
10/05/09 COR.COPY
Or.Dept:DSD
R-2010-232
MMS: #9896