

DATE ISSUED: May 18, 2005 REPORT NO. 05-114

ATTENTION: Honorable Mayor and City Council
Docket of May 24, 2005

SUBJECT: Appeal of the Del Cerro Heights Upper Gate Project; Planned Development Permit, Amending Planned Residential Development Permit No. 15, Project No. 5937, Council District 7, Process 4.

REFERENCE: Planning Commission Report No. PC-04-194. Project Denied by the Planning Commission on February 3, 2005.

OWNER/
APPLICANT: Del Cerro Heights Homeowners Association (HOA), Owner(s)
Charles V. Rose, President (Attachment 14).

SUMMARY

Issue - Should the City Council approve or deny the appeals of the Planning Commission's decision to deny an amendment to Planned Residential Development (PRD) Permit No. 15, to allow controlled access by residents of the Del Cerro Heights development of an existing emergency access only entry/exit gate?

Staff's Recommendation:

1. **APPROVE** the appeal from the Del Cerro Heights HOA, thereby granting an amendment to PRD NO. 15;
2. **CERTIFY** Negative Declaration No. 5937; and
2. **APPROVE** Planned Development Permit (PDP) No. 9812, amending PRD Permit No. 15, to allow controlled access by residents.

Planning Commission Decision - On February 3, 2005, the Planning Commission voted 5-0 to deny Staff's recommendation, concluding that the Del Cerro Heights Homeowner's Association currently has the ability to install an emergency access gate, providing ingress and egress, as required by the existing PRD (Attachment 15).

Community Planning Group Recommendation - On April 21, 2003, the Navajo Community Planners voted 13-2-0 to recommend approval of the application (Attachment 12).

Other Recommendations – None with this action.

Environmental Review - Staff reviewed this application for compliance with provisions of the California Environmental Quality Act (CEQA). Staff determined that the project will not have a significant environmental effect and has prepared a Negative Declaration No. 5937.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the Applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - There are no housing impacts with this project.

Water Quality Impact Statement – The subject gate will remain in the same location therefore, there will be no water quality issues resulting from the requested action.

BACKGROUND

The Del Cerro Heights Upper Gate PDP, Amending PRD No. 15, proposes to permit the modification of an existing gated entry for controlled access by residents. The development is located south of Camino Rico, west of Pasatiempo Avenue and east of Bernadette Lane, within the Navajo Community Plan Area.

In 1971, the City Council approved PRD No. 15, which allowed development of 230 dwelling units in the RS-1-7 and Hillside Review Overlay Zones. This development was approved with two access points which include a main entry gate, "Lower Gate", at Camino Rico, and a second gated access, "Upper Gate", at Rancho Park Drive west of Pasatiempo Avenue. Due to neighborhood concerns regarding traffic impacts on existing streets, the Upper Gate was restricted for use to emergency vehicles only.

In 1976, the City Council denied a request to allow use of the Upper Gate by residents, finding that no material change in circumstances had occurred since approval of the original permit, and that the opening of the Upper Gate would create more traffic on neighboring streets. In 1978 and 1979, amendments to PRD 15 allowed revisions in housing product types and resulted in a reduction of the total number of dwelling units from 230 to 179. These 179 units are existing.

In 1987, the Del Cerro Heights HOA filed an application to Amend PRD 15 to allow modification of the Upper Gate to allow general ingress and egress by residents of the development. The Planning Director's decision to deny the request was appealed to the Planning Commission. The Planning Commission denied the appeal of the Planning Director's decision, and the Upper Gate was required to remain available for emergency use only. The Planning Commission's decision was appealed to the City Council which determined that there was no material change in circumstance and affirmed the Planning Commission's decision to deny the appeal. The Upper Gate has remained restricted to emergency use only.

In 2003, the Del Cerro Heights HOA filed the current application for a PDP, again requesting that controlled access of the Upper Gate be permitted for residents. Guests and delivery vehicles would be restricted to using the Lower Gate located at the main entrance. The Applicant's request indicates that since the PRD was approved, there have been changes in circumstances which warrant modification of the Upper Gate to allow controlled access. A copy of this information is included as Attachment 10.

On February 3, 2005, the Planning Commission voted 5-0 to deny the application for amendment. The Commissioners concluded that the property owner currently has the ability to install an emergency access gate providing ingress and egress, which would serve their needs as required by the existing PRD. Copies of the resolution of denial and the approved meeting minutes are included as Attachments 15 and 16 respectively.

On February 3, 2005, an adjacent property owner filed an appeal indicating that a gate associated with an 18-foot wide access easement leading to an existing City Reservoir has been locked. The easement is off-site to the PRD 15 boundary. This access easement has been improved with an asphalt roadway and leads from the terminus of Rockhurst Court public right-of-way (cul-de-sac), upward to an existing reservoir. This roadway is adjacent to an existing cul-de-sac within the Del Cerro Heights development (Caminito de la Taza) and is unrelated to the access issue from the Upper Gate. A copy of this appeal is included as Attachment 17.

On February 16, 2005, the Del Cerro Heights HOA filed a separate appeal indicating that the findings to deny the request were not supported. A copy of this appeal is included as Attachment 17.

DISCUSSION

Project Description

The Del Cerro Heights HOA has requested that the Upper Gate be modified to permit controlled access by residents for general ingress and egress. The gate is located on the uppermost level of the site on Rancho Park Drive west of Pasatiempo Avenue. When the City first considered this project in 1971, the developers were attempting to get approval for a second access point, the Upper Gate, to serve the development. The community's concern dealt primarily with traffic and after lengthy discussion by the City Council, the Upper Gate was approved for emergency vehicle use only, with the developers agreeing to this provision.

The development has one existing controlled/gated access point, the Lower Gate, for general use located on Caminito Estrellado south of Camino Rico. This access point is near the major intersection of Navajo Road, College Avenue and Waring Road.

A traffic analysis examined the existing traffic conditions surrounding the project areas as well as the potential impacts of opening the Upper Gate. Six street segments and one intersection were analyzed. In all cases, Level-Of-Service (LOS) was considered acceptable. Three streets currently operate at LOS A, two at LOS C, and the busiest, Madra Avenue south of Linda Lane, at LOS D. In order to determine the traffic impact on the existing streets by opening the Upper Gate, the amount of traffic that would use that entry/exit was projected. When the existing traffic volume on these streets was combined with a conservative projected estimate of 40 percent of all Del Cerro Heights' residential traffic, the LOS remained unchanged for all the streets in the analysis. Consequently, no significant traffic impacts would be expected to occur as a result of opening the Upper Gate.

Council Policy

City Council Policy 600-42, Limited and Controlled Access Development (Gated Communities), dated November 26, 1996 (www.clerkdoc.sannet.gov/Website/council-policy), discusses limited and controlled access for both existing and new development. Among the purposes of the Policy is to minimize the impact on surrounding neighborhoods while ensuring appropriate public and emergency vehicle access. The Policy establishes several criteria to be evaluated in the formulation of any recommendation. These criteria and a staff response are included below.

1. The controlled access project provides a community and/or internal project benefit or satisfies a specific internal community need, such as but not limited to enhancing community safety and security, improving existing or project traffic impacts, promoting community cooperation or identify, or significantly enhancing the quality of life.

Staff Response – A total of 179 single-family residential units have been developed pursuant to the Planned Residential Development, approved in 1971. The PRD was approved with the Upper Gate access point which was designed as part of the circulation system for the development. Some residents of the development could be expected to regularly utilize the Upper Gate for access and egress to the Navajo Community. This would provide an internal project benefit, satisfy an internal community need, and enhance the quality of life for some residents. In addition, the utilization of the Upper Gate could be expected to alleviate some of the traffic currently using the entrance at Rancho Park Drive, west of Pasatiempo Avenue.

2. The limited access project includes alternative means of reducing traffic impacts as described in the Street Design Manual, as well as gateways, bollards, median-chokers, curb pop-outs, channelization of intersections, left/right turn only directional signs, one-way streets and parking restrictions.

Staff Response – The 169 residential units are served by private residential streets that are

operating at an acceptable level-of-service. Because this proposal is identified as the “controlled access” type and not the “limited access” type, the alternative means of reducing traffic impacts is not needed.

3. The limited or controlled access project does not significantly displace the existing or projected traffic circulation or parking impacts to adjacent streets.

Staff Response – A site visit to the Upper Gate indicates that the gate is set back from the public street, approximately 210-feet. This distance allows for a stacking/queuing distance which would accommodate approximately 10-11 cars. Therefore, it is unlikely that traffic utilizing the gate for ingress would queue onto Pasatiempo Avenue, thereby creating traffic circulation concerns. Residential units of the current development are developed with two-car garages, which fulfill the off-street parking requirement of the Land Development Code.

4. Public access is not denied to open spaces, beaches, parks, trails, commercial areas, transit stops, major streets, schools, or public facilities which are available for public use or access.

Staff Response – The Del Cerro Heights Planned Residential Development is an approved gated development that has been developed for approximately 34 years. There is no public access provided through the development. There are no open spaces, beaches, parks, trails, commercial areas, transit stops, major streets, schools, or public facilities nearby which are available for public use or access, which would be negatively impacted by permitting controlled access through the Upper Gate.

5. The street system, gated entry, and premises identification meet all criteria established in state regulations, city ordinances, policies, and design manuals.

Staff Response – The street system, gated entry, and premises identification were established in the 1970’s and met the state regulations, city ordinances, policies and design manuals in effect at that time. Conditions have been included in the draft permit which requires mechanical devices utilized for the gate operation to be operable for emergency personnel which would respond in the event of an emergency. Residents will utilize approved devices programmed for gate operation during periods of ingress/egress.

6. Street access to gated projects has been provided for police, fire, and other emergency vehicles by means that are acceptable to the providers of those services.

Staff Response – This proposal has been reviewed by emergency services personnel and draft conditions have been included in the permit which requires use of approved electronic and mechanical devices to access the gate, as well as to allow for emergency access.

7. Access will be provided for postal, trash pick-up, and school busses. Pursuant to the Municipal Code, the City will not collect trash on private property.

Staff Response – Access to the development is currently provided to accommodate postal, trash, and school buses via the Lower Gate. No changes are anticipated to accommodate these concerns.

8. The City shall be granted general utility and utility access easements on private streets.

Staff Response – General utility and utility access easements were acquired with the initial development of the PRD. No additional easements or modifications to existing easements are required.

9. The location of gates shall provide adequate stacking areas to accommodate traffic to the project. Stacking shall not adversely impact circulation on any public street.

Staff Response – A site visit has determined that a stacking distance of approximately 160-feet currently exists. This distance is adequate to accommodate traffic entering the development from Pasatiempo Avenue and no adverse impacts to circulation on any public street are anticipated.

10. Walls or other enclosures attached to gates should use setbacks, landscaping, human-scale articulation and/or other design features. The enclosures will be governed by relevant sections of the zoning code.

Staff Response – Existing walls or other enclosures are currently in place as provided with approval of the PRD. These features include landscaping and are located appropriately to allow adequate setbacks, human articulation and design considerations.

Community Planning Group Recommendation

The Navajo Community Planning Group recommended approval of the request provided that the four issues as stated below were addressed:

1. Traffic impact on neighboring streets.

Staff Response – A traffic study was prepared using a conservative estimate that 40% of Del Cerro Heights traffic would use the Upper Gate. This study showed that no significant impact would be expected on the neighboring streets if the Upper Gate were utilized as proposed.

2. Safety issues if project is not approved, especially if main (and only), Lower Gate, malfunctions or becomes inoperable due to earthquake, etc.

Staff Response – Fire Department Policy requires that projects which contain more than 100 residential units maintain a minimum of two, separate points of ingress/egress in operation. If either access gate becomes inoperable or otherwise unusable, the remaining access gate would provide entry to the site for emergency personnel. In the event that both gates should become inoperable, emergency personnel would force entry, cutting/opening the gate(s) and accessing the site to address the emergency.

3. Alternate routes available, if any, for evacuation of the complex.

Staff Response – Currently there are no alternate routes. Utilization of the second gate would provide an alternate route for evacuation of the complex, as well as a second means of access for emergency vehicles and personnel.

4. Access for emergency and life safety services, especially with Fire Station #31 being temporarily relocated from Camino Rico to Pasatiempo Avenue, which is within 500 yards of the upper gate.

Staff Response – Assuming that an emergency response is from Temporary Fire Station No. 31 located on Pasatiempo Avenue, the Upper Gate would be more accessible. However, if the fire apparatus was in the field or otherwise away from the Station, emergency access might be preferable from the Lower Gate. Also, the remainder of the responding units would most likely originate from south of Interstate 8, and the Lower Gate would provide a faster and more direct response to the site than would the Upper Gate.

Planning Commission Hearing

On February 3, 2005, the Planning Commission heard the request and voted 5-0 to deny staff's recommendation. The Planning Commission determined that the property owner currently has the ability to install an emergency access providing ingress and egress, which would serve their needs as required by the existing PRD. Copies of the resolution of denial and the approved meeting minutes are included as Attachments 15 and 16 respectively.

Appeals

1. Appeal No. 1 – This appeal was filed by a resident adjacent to the Del Cerro Heights PRD and concerns a lack of private access through a gate associated with an 18-foot wide access easement leading to an existing City Reservoir.

Staff Response - This easement was granted to the City of San Diego when the Del Cerro Heights subdivision was created and is unrelated to the utilization of the Upper Gate. The access gate has been locked for security purposes. Ingress/egress is limited to City staff for purposes related to operation and maintenance of the reservoir.

2. Appeal No. 2 – This appeal was filed by the Del Cerro Heights HOA and cites that the findings made by the Planning Commission to deny the request are not supported. The appeal cites a traffic study prepared for the applicant and reviewed by City staff.

Staff Response - City staff review of this information determined that use of the Upper Gate for controlled access and egress by residents of Del Cerro Heights would not create a significant traffic related impact. This information is included with Negative Declaration No. 5937.

Conclusion

Staff has reviewed the record regarding the history of discretionary actions relative to PRD No. 15, as well as updated information regarding traffic. This information includes an analysis of the potential traffic impacts that would result from unlocking and operation of the Upper Gate. This analysis concluded that the Level-of-Service (LOS) both within the subdivision and on nearby streets, would not be impacted and therefore no significant traffic impacts would be expected as a result of opening the Upper Gate. The utilization of the Upper Gate is consistent with policies of the Navajo Community Plan regarding interconnected street networks. Therefore, staff can support the opening of the gate and has included draft findings of approval in Attachment 6.

ALTERNATIVE

1. DENY the appeal and DENY Planned Development Permit No. 9812 (Denying the Amendment to PRD No. 15) maintaining utilization of the gate for emergency access only, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Gary W. Halbert

Approved: Patricia T. Frazier

Development Services Director

Deputy City Manager

HALBERT/WCT

Note: Attachments 5, 6, and 14 are available in electronic format. A complete copy for review is available in the Office of the City Clerk.

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Plans
 - a. PRD 15
 - b. Upper Gate
5. [Draft Permit with Conditions](#)
6. [Draft Resolution with Findings](#)
7. Copy of Recorded PRD 15, and Council Resolution No. 203962, dated October 14, 1971
8. Planning Commission Resolution No. 7080 dated June 11, 1987
9. Planning Director Resolution No. 6981, dated May 8, 1987
10. Applicant's Request
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology
14. [Planning Commission Resolution of Denial No. 3650](#)
15. Approved Meeting Minutes
16. Appeals