

Resolution for Approving/Denying Permits

(R-INSERT)

RESOLUTION NUMBER R-NUMBER

ADOPTED ON May 24, 2005

WHEREAS, THE DEL CERRO HEIGHTS HOMEOWNER'S ASSOCIATION, A CALIFORNIA GENERAL CORPORATION, DON WARFIELD, PRESIDENT, Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit No. 9812, to amend PRD 15 to allow controlled access of the "Upper Gate" to provide ingress and egress to residents of Del Cerro Heights, and controlled access to emergency services, located west of Pasatiempo Avenue, between Rockhurst Court and Camino Rico, easterly of College Avenue, and legally described as Del Cerro Heights, Units 1-4, Map Nos. 7586, 7923, 7924 and 7925, in the Navajo Community Plan area, in the RS-1-7 (Single-Family Residential) Zone; and

WHEREAS, on February 3, 2005, the Planning Commission of the City of San Diego considered Planned Development Permit No. 9812, and pursuant to Resolution No. 3650-PC denied the permit; and

WHEREAS, THE DEL CERRO HEIGHTS HOMEOWNERS ASSOCIATION AND LISA WORLEY appealed the Planning Commission decision to the Council of the City of San Diego; and

WHEREAS, the matter was set for public hearing on May 24, 2005, 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. 9812, Amending Planned Residential Development Permit No. 15:

Planned Development Permit – Land Development Code Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

Staff has reviewed the application for consistency with the adopted Navajo Community Plan which designates this area for single-family residential land use at three- to eight- dwelling units per net acre. The Community Facilities Element of the Navajo Community Plan acknowledges that the effectiveness of emergency services is diminished in the Navajo Community due to a fragmented street pattern requiring longer response times. In addition, one of the policies of the Mobility Element of the adopted Strategic Framework Element is to promote an interconnected street/trail network. The proposed opening of the Upper Gate for emergency and residential use would conform to the cited policies. Opening of the Upper Gate would also help facilitate access to Madra Avenue and Murray Park Drive, streets identified as two-lane collectors in the Navajo Community Plan. The project shall be conditioned to provide appropriate mechanical means of facilitating ingress and egress for residents and emergency personnel. Therefore, it is determined that with these provisions, the proposed modification of the Upper Gate to maintain access for residents and emergency personnel will not adversely affect the Community Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

Staff has reviewed the proposed modification to allow controlled access to the existing gate for residents and emergency personnel. Staff has determined that the principal reasoning to maintain controlled access to and from the development is to enhance the public health, safety and welfare for residents of the 169 units of the 179-unit development that could be expected to benefit. Based on a traffic analysis, staff has determined that there will be no significant detrimental impacts to neighboring streets that might be detrimental to the health, safety or welfare of other residents in the community. Further, the modification will bring the property into compliance with adopted Fire Department Policy which requires two operational access points for developments which exceed 100 residential units, thereby enhancing public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

Staff has determined that the proposed development will remain unchanged and that approved conditions of PRD 15 will remain in effect, with the exception of the Upper Gate being allowed for controlled access. Mechanical means to provide controlled access is required to be installed in accordance with regulations of the Land Development Code and adopted Uniform Codes, and will therefore comply with said Codes.

4. The proposed development, when considered as a whole, will be beneficial to the community.

Staff has reviewed the request and determined that the provision of controlled access for residents of the development will be beneficial to the community by providing an alternative means of access and will utilize an established circulation component of the PRD. The alternate access will also benefit the community by reducing the number of vehicle trips which may use the existing Lower Gate onto Camino Rico.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for 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.

Staff has reviewed the request and determined that no deviations are being requested and that no modifications are being made to the existing developed PRD. The utilization of an existing access point developed with the original PRD will utilize an existing access point.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

[Approved] BE IT FURTHER RESOLVED, that the appeal of DEL CERRO HEIGHTS HOMEOWNERS ASSOCIATION AND LISA WORLEY is INSERT "granted" or "denied"; the decision of the Planning Commission is INSERT "sustained" or "overruled"; and Planned Development Permit No. 9812, Amending Planned Residential Development Permit No. 15, is granted to INSERT NAME(S), Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

[Denied] BE IT FURTHER RESOLVED, that the appeal of DEL CERRO HEIGHTS HOMEOWNERS ASSOCIATION AND LISA WORLEY is INSERT "granted" or "denied"; the decision of the Planning Commission is INSERT "sustained" or "overruled"; and Planned Development Permit No. 9812, Amending Planned Residential Development Permit No. 15 is denied.

APPROVED: MICHAEL J. AGUIERRE, City Attorney

By _____
NAME
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

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Reviewed by William C. Tripp, Development Project Manager