

DATE ISSUED: December 3, 2004 REPORT NO. PC-04-194

ATTENTION: Planning Commission, Agenda of December 9, 2004

SUBJECT: DEL CERRO HEIGHTS UPPER GATE - PROJECT NO. 5937.
PROCESS 4.

REFERENCE: Planned Residential Development Permit No. 15 (Attachment 7)
Planned Residential Development Resolutions (Attachments 9 and 10)
Planning Report No. 87-401 (Attachment 8)
Council Policy 600-42, Gated Communities (Attachment 12).

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

SUMMARY

Issue(s): Should the Planning Commission approve a request for a Planned Development Permit amending Planned Residential Development Permit No. 15, to allow an existing gate (“Upper Gate”) approved for emergency access only, to be utilized for ingress and egress by residents, located within the Navajo Community Plan Area?

Staff Recommendation:

1. **CERTIFY** Negative Declaration No. 5937; and
2. **APPROVE** Planned Development Permit No. 9812.

Community Planning Group Recommendation: On April 21, 2003, the Navajo Community Planners voted 13-2-0 to recommend approval of the application (Attachment 13). The recommendation identified several project issues which are identified and discussed in this report (Pages 6 and 7).

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 prepared a Negative Declaration.

Fiscal Impact: All staff costs associated with processing this project are recovered from a separate deposit provided and maintained by the Applicant.

Code Enforcement Impact: None with this action.

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

BACKGROUND

The Del Cerro Heights Upper Gate Planned Development Permit proposes to amend Planned Residential Development Permit (PRD) No. 15, to permit the modification of an existing gated entryway for general ingress and egress by residents of Del Cerro Heights. The property is generally located south of Camino Rico, west of Pasatiempo Avenue and east of Bernadette Lane on a westerly hillside of the Del Cerro Community, within the Navajo Community Plan Area.

On October 14, 1971, the City Council approved PRD 15, which allowed development of 230 dwelling units in the RS-1-7 and Hillside Review Overlay Zones (Attachment 7). The development was approved with two access points. The main access ("Lower Gate") was approved at Camino Rico with a second access, "Upper Gate" at Rancho Park Drive west of Pasatiempo Avenue. Due to neighborhood concerns regarding traffic impacts from the development on existing streets, the Upper Gate was restricted for use by emergency vehicles only. On November 23, 1976, the City Council denied a request to modify the Upper Gate for access by residents, indicating 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 (Attachments 8, 9 and 10). 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.

On February 25, 1987, the Del Cerro Heights Homeowner's Association 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. On May 8, 1987, the Planning Director denied this request (Attachment 10). On June 11, 1987, the Planning Commission denied an appeal of the Planning Director's decision, and the Upper Gate was required to remain available for emergency use only (Attachment 9). On August 11, 1987, the City Council 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 February 2003, the Del Cerro Heights Homeowner's Association filed the current application for a Planned Development Permit, amending PRD 15, requesting that the Upper Gate be permitted for controlled access by residents of Del Cerro Heights. Guests and delivery vehicles

would be restricted to using the Lower Gate located at the main entrance to the north. 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 11.

The project is located at the east-central boundary of the Del Cerro residential community, and is situated on a steep grade. The Upper Gate is located near the top of the hill on the south side adjacent to Pasatiempo Avenue and Rancho Park Drive. The Lower Gate is located on the north side. Of the 179 residences, 169 are located inside the gated area. The remaining ten residences are located outside the gated area and would not use the Upper Gate for access. The Upper Gate would allow controlled access for residents and emergency vehicles.

Surrounding uses consist of detached single-family residential dwellings within standard subdivisions and church facilities to the northwest. A fire station site is located on Camino Rico to the west. The existing approved access to Del Cerro Heights, the Lower Gate, is located on Caminito Estrellado south of Camino Rico. This Lower Gate was the only access permitted by the City Council when the development was approved.

DISCUSSION

Project Description

The project site has one controlled/gated access point, the Lower Gate, for general use which is 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 second access, the Upper Gate, was approved by the City Council for emergency vehicle use only, on Rancho Park Drive west of Pasatiempo Avenue. Due to grade differences and property configuration, a small number of dwelling units have direct access to Pasatiempo Avenue.

Community Plan Analysis

The adopted Navajo Community Plan designates this area for single-family residential at three- to eight- dwelling units per net acre. The Community Facilities Element of the Navajo Community Plan (Page 84) 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 (Page 43) 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. Provided that the project gates meet all applicable standards for emergency vehicle access, the proposed modification is consistent with the Community Plan.

Environmental Analysis

A traffic analysis was requested by City staff to determine the potential traffic impacts that would result from unlocking and operation of the Upper Gate. This 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.

Project-Related Issues

The Del Cerro Heights Homeowner's Association has requested that the Upper Gate be modified to permit the homeowners to utilize the gate for general ingress and egress. The gate is located on the uppermost level of the site on Rancho Park Drive approximately 150-foot 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.

City Council Policy 600-42, Limited and Controlled Access Development (Gated Communities), dated November 26, 1996 (Attachment 12), 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 – Council Policy 600-42 identifies this project as a “controlled access” project, and not a “limited access” project. Therefore, this criteria is not applicable.

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/queueing 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 require 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 require 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 ---- 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 recommendation to approve the request identified four issues as stated below. A staff response to these issues is included.

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 #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.

Conclusion

Staff has reviewed the record regarding the history of discretionary actions relative to PRD 15, as well as updated information regarding traffic, including the potential traffic impacts that would result from unlocking and operation of the Upper Gate. A recent traffic analysis concluded that the Level-of-Service (LOS) 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 requested action and has included draft findings

of approval in Attachment 6.

ALTERNATIVES

1. Approve Planned Development Permit No. 9812, with modifications.
2. Deny Planned Development Permit No. 9812, if the findings required for approval of the project cannot be affirmed.

Respectfully submitted,

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Development Services Department

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HALBERT/WCT

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 Report to the City Council No. 87-401 dated August 3, 1987
9. Planning Commission Resolution No. 7080 dated June 11, 1987
10. Planning Director Resolution No. 6981, dated May 8, 1987
11. Applicant's Request
12. Council Policy 600-42, dated November 26, 1996
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement
15. Project Chronology