

RESOLUTION NUMBER R-299729

ADOPTED ON OCTOBER 5, 2004

WHEREAS, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit No. 96842, an amendment to Conditional Use Permit No. C-13521, to subdivide an existing 5.0 acre church facility site by processing a lot line adjustment and create a 2.5 acre lot on the westerly portion of the 5.0 acre lot with the existing church facility and rezone from AR-1-1 to RS-1-14, known as the Pegasus project, located at 11035 and 11023 Pegasus Avenue, and legally described as a subdivision of a portion of the south 5 acres of the Southwest Quarter of the Southeast Quarter of Section 30, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the United States Government Survey approved November 19, 1880, and Lots 1834 thru 1839, Larwin Mesa View Unit No. 17, in the City of San Diego, County of San Diego, State of California, according to Map No. 7094 filed in the Office of the County Recorder of San Diego County on October 22, 1971, in the Mira Mesa Community Plan area, in the AR-1-1 zone (previously referred to as the A-1-10 zone) which is proposed to be rezoned to the RS-1-14 zone; and

WHEREAS, on August 12, 2004, the Planning Commission of the City of San Diego considered Conditional Use Permit [CUP] Permit No. 96842, and pursuant to Resolution No. 3553-PC voted to recommend approval of the Permit; and

WHEREAS, after approval of the above-referenced project by the City Council, CUP No. 96842 provisions would apply to Lots 1834 thru 1839, Larwin Mesa View Unit No. 17, Map No.

R2W, owned by Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints; and

WHEREAS, the matter was set for public hearing on October 5, 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 CUP No. 96842:

CONDITIONAL USE PERMIT

1. **The proposed development will not adversely affect the applicable land use plan.** A conditional use permit for the existing church development was originally approved in 1976 and amended in 1991. In each instance, positive findings were made that the church use, as then proposed, would not adversely affect the then existing applicable land use plan. The current land use plan for the area remains unchanged from the plan existing at the time of the most recent amendment. The currently proposed amendment, to remove the conditional use permit influence from the vacant portion of the site, will not materially change or affect the existing operations, and/ or the existing physical configuration of the church. Therefore, the proposed amendment will not have a detrimental effect on the land use plan.
2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The existing church operations do not rely upon or require the use of the currently vacant 2.5-acre portion of the church property located easterly of the existing church improvements. The proposed amendment to limit the permit authority to the existing church grounds only, will not change or alter the manner in which the church currently relates to the surrounding community and therefore will not be detrimental to the public health, safety and welfare.
3. **The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The existing church structure and surrounding adjacent improvements will not be changed as a result of the proposed amendment. The existing church use and improvements, as originally approved, will therefore continue to comply with the regulations of the Land Development Code to the same degree as they comply currently.
4. **The proposed use is appropriate at the proposed location.** As previously stated, a conditional use permit for the existing church development was originally approved in 1976 and amended in 1991. In each instance, positive findings were made that the church use, as then proposed, was an appropriate use at the subject location. The existing church

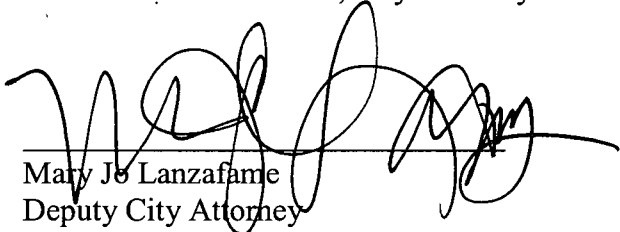
structure and surrounding adjacent improvements will not be physically altered, nor will the operation of the church change as a result of the proposed amendment.

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 recommendation of the Planning Commission is sustained, and Conditional Use Permit No. 96842, an amendment to Conditional Use Permit No. C-13521, is granted to the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, Owner and Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
09/16/04
Or.Dept:DSD
R-2005-296