

RESOLUTION NUMBER R-299730

ADOPTED ON OCTOBER 5, 2004

WHEREAS, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, Owner, and Dano Pegasus, L.L.C, Permittee, filed an application with the City of San Diego for a Planned Development Permit No. 11482 on 2.5 acres, a proposed lot line adjustment Lot "B", of the easterly 5.0 acre lot for the subdivision and construction of sixteen single-family residences with lot sizes from 3,032 square feet to 6,026 square feet and home sizes from 2,286 square feet to 2,631 square feet, 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, 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 RX-1-2 zone; and

WHEREAS, on August 12, 2004, the Planning Commission of the City of San Diego considered Planned Development Permit [PDP] No. 11482, and pursuant to Resolution No. 3553-PC voted to recommend City Council approval of the permit; and

WHEREAS, after approval of the above-referenced project by the City Council, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, Owner, will transfer the 2.5 acre property, Lot "B" to Dano Pegasus, L.L.C, Permittee, thereby making Dano Pegasus, L.L.C the new Owner of the Pegasus project; 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 PDP No. 11482:

**PLANNED DEVELOPMENT PERMIT**

1. **The proposed development will not adversely affect the applicable land use plan.** The Mira Mesa Community Plan designates the subject property for development with a low density (4-10 units/net acre) residential land use. The proposed residential development conforms to the land use and density recommended by the community plan. A goal of the Mira Mesa Community Plan is the provision of a range of housing opportunities for all income levels, and a high quality living environment in Mira Mesa's residential neighborhoods. The project proposes 16 single-family homes in a small lot development pattern. The project has been designed to be compatible with the adjacent character of single-family development, and will serve as a transition in scale from the surrounding single-family to the north and south to the adjacent townhome development to the east. The proposed project would implement the goals of the Mira Mesa Community Plan by providing a quality residential development that is compatible with the density and pattern of adjacent land uses.
2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed project has been designed and will be constructed to meet all applicable zoning codes and all environmental, building, fire and other regulations applicable to this type of residential development as imposed by the City, the state and all federal agencies. As such, the proposed development will not be detrimental to the public health, safety and welfare.
3. **The proposed development will comply with the regulations of the Land Development Code.** The proposed development has been designed to comply with the regulations of the Land Development Code, in particular, the standards contained within the RX-1-2 zone as modified by the Planned Development Permit Regulations.
4. **The proposed development, when considered as a whole, will be beneficial to the community.** The proposed residential development would provide 16 detached single-family homes in a small lot development pattern. The project has been designed to be compatible with the adjacent character of single-family development, and will serve as a transition in scale from the surrounding single-family to the north and south to the adjacent multi-family to the east. The units include varied architectural features, with elevations facing Black Mountain Road designed to be as well-detailed and visually interesting as the front elevations. All the units include front porches and in 50% of the

homes, garages are located to the rear of the lots. Enhanced landscaping has been incorporated into the project to buffer the residential development from Black Mountain Road. A pedestrian walkway from Black Mountain Road into the project has been provided on the northern portion of the site. Overall, the proposed project provides a quality residential development compatible with the density and pattern of adjacent land uses. The proposed development, when considered as a whole, will be beneficial to the community.

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.** The applicant is requesting a deviation from the front yard setback requirements of the RX-1-2 zone for two lots to allow front porch projections within the required front yard setback. For the two lots, the project proposes 8' setbacks for the porches where the zone requires 10'. In addition, the applicant is requesting a deviation for one lot to allow a larger front porch, 5'x22', within the front yard setback, where a 5'x17' porch is allowed. All units within the proposed development include front porches and varied front yard setbacks. The project is further enhanced by garages located to the rear of the lots in 50% of the units. The proposed reduced setbacks, when taken in combination with the increased setbacks of the remaining units will provide more visual interest along the street and result in a varied street scene.

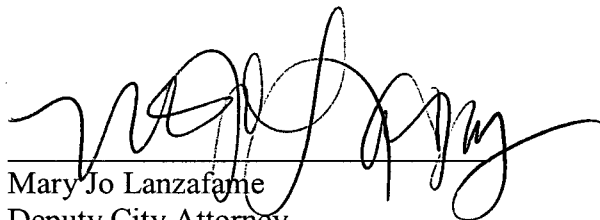
In addition, due to the unique and varied front yard setbacks for each lot within the project, the proposed development does not comply with the strict interpretation of Sec. 131.0443(b)(1)(A) of the zoning code. Specifically, this section, in order to insure variability in setbacks, requires that a minimum 25 percent of the total project units for each category observe a 10, 15, and 20-foot front yard setback. Due to the small number of units within the project, the development can not meet these percentage minimums without redesigning to a more uniform setback. The project does propose a wide variability of setbacks, and staff finds that the project meets the spirit and intent of the code section. Overall, the proposed project would provide a quality residential development that is compatible with the surrounding pattern of adjacent land uses.

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 Planned Development Permit No. 11482 is granted to the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, Owner, and Dano Pegasus, L.L.C, Permittee,

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  
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