

DATE ISSUED: August 6, 2004 **REPORT NO. PC-04-139**

ATTENTION: **Planning Commission, Agenda of August 12, 2004**

SUBJECT: PEGASUS, PROJECT NO. 6861
PROCESS FIVE

OWNER/

APPLICANT: Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, Owner, and Dano Pegasus, L.L.C, Applicant

SUMMARY

Issues - Should the Planning Commission recommend approval of Conditional Use Permit No. 96842, Rezone No. 11481, Planned Development Permit No. 11482, Tentative Map No. 11483, Easement Abandonment No. 131936, and Public Right of Way Vacation No. 131937 to City Council?

Staff Recommendations:

1. Recommendation to City Council to **Certify** Mitigated Negative Declaration No. 6861 and **Adopt** Mitigation, Monitoring and Reporting Program; and
2. Recommend to City Council **Approval** of Conditional Use Permit No. 96842, Rezone No. 11481, Planned Development Permit No. 11482, Tentative Map No. 11483, Easement Abandonment No. 131936, and Public Right of Way Vacation No. 131937.

Community Planning Group Recommendation - On May 17, 2004 the Mira Mesa Community Planning Group voted 17-0 to recommend approval of the project with the following conditions:

1. No right turn on red light when exiting from development.
2. Enhanced landscaping adjacent to Black Mountain Road.
3. Additional screening installed to provide a buffer from the pedestrian bridge down into the new homes.

Environmental Review - A Mitigated Negative Declaration, Project No. 6861, has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential

impacts identified in the environmental review process.

Fiscal Impact – 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 – The community plan designates the subject property for Low Density Residential development at 4-10 du/ac. Based on this density, the 5.7-acre subject property could yield up to 57 units. The westerly 3.2 acres of the property is already developed with an existing church. The net portion of the property available for residential development is 2 acres in size, which could yield up to 20 units. To be compatible with the surrounding residential density and pattern of development, only 16 units are proposed for this portion of the site. This project will be subject to the requirements of the affordable housing inclusionary ordinance.

BACKGROUND

The proposed project site is located at 11035 and 11023 Pegasus Avenue, on a partially improved 5.7-acre lot that is situated between Black Mountain Road and Pegasus Avenue, in the Mira Mesa Community Plan area, and is designated low density residential. The westerly portion of the project site is currently occupied by a church facility operated and owned by the Church of Jesus Christ of Latter Day Saints, in the RS-1-14 and AR-1-1 zones (Attachment 1).

The 21,721 square-foot church facility and improvements, approved by Conditional Use Permit (CUP) No. C-13521 in May 1976 and as amended in April 1991 (Attachment 19), is constructed on six residentially zoned lots along Pegasus Avenue and a 5-acre agriculturally zoned lot that extends east to the centerline of Black Mountain Road. The easterly portion of the 5-acre lot that fronts Black Mountain Road, approximately 2.5 acres, consists of 2 acres of roughly graded unimproved land, 0.4 acres of Black Mountain Road, and 0.1 acre of a pedestrian walkway overpass spanning Black Mountain Road. The church facility's parking lot and an eastern 5-foot high concrete block wall, running north-south, separate the improved and unimproved areas on the lot. Access to the church parking lot is via two curb openings on Pegasus Avenue. The property is surrounded by predominately two-story residential development, zoned RS-1-14.

The original CUP allows for the development of a chapel, social hall, classrooms and offices, and 170 off-street parking spaces. The subsequent CUP amendment allowed for the church to permit temporary housing for up to twelve homeless persons within the existing facility for a maximum period of fourteen days, not more than twice annually.

The owner of the property, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (Church of Latter Day Saints), desires to subdivide the existing 5-acre parcel by processing a lot line adjustment via moving their northern residential zoned property's rear

property line to the east, approximately 323 feet, to the existing 5-foot high block wall. The Church of Latter Day Saints would then propose the sale of their eastern parcel.

The interested developer and subdivider, Dano Pegasus, L.L.C. initially submitted an application for a Lot Line Adjustment, a Process One City staff decision. The subdivider then followed with submitting applications on the anticipated, created unimproved lot to allow for the residential development through a rezone, subdivision, vacation of encumbrances, and Planned Development Permit (PDP). However, the adjusted lot for the church facility would not meet the current Land Development Code's minimum 10-acre lot size requirement for the AR-1-1 zone. The proposed church facility lot would require a zone change and an amendment to the CUP. Therefore, prior to approval and recording of the Lot Line Adjustment, the subdivider would need to process a CUP amendment, rezone both properties created by the lot line adjustment, Tentative Parcel Map, Planned Development Permit, and easement vacations for the proposed residential development.

DISCUSSION

Project Description:

The project proposes to process a Tentative Map, Rezone, Planned Development Permit, and Conditional Use Permit, Drainage Easement Abandonment, Slope Easement Abandonment, and partial Street Easement Vacation that would allow the creation of two individual lots from one existing 5.7-acre lot currently developed with a church and various structures. The existing church facility would continue to occupy approximately 3.2 acres and would be rezoned from AR-1-1 to RS-1-14. The remaining 2.5 acres would be rezoned from AR-1-1 to RX-1-2 in order to allow for the subdivision and construction of sixteen single-family residences. The newly created net lot sizes would range from 3,032 square feet to 6,026 square feet. The sixteen single-family homes would range in size from 2,286 square feet to 2,631 square feet. All sixteen homes would be two stories tall with a maximum height of approximately 28 feet and would feature two-car garages and patio areas. A variety of facade treatments, offset building planes, window types and architectural detailing would be utilized to provide visual interest.

The subdivision would construct a 26-foot-wide private access located at the intersection of Black Mountain Road and Galvin Avenue. Two-car garages and 20-foot-long driveways that would provide parking to each of the residences.

The project would grade the unimproved project site, with approximately 4,100 cubic yards of cut and fill. The maximum height of the proposed fill slopes would be three feet and the maximum height of the proposed cut slopes would be three feet. A total of 900 linear feet of retaining walls are proposed for the project, with a maximum visible height of approximately five feet and an average height of approximately four feet.

As designed, the project site would drain roughly from west to east, towards Black Mountain

Road. All onsite drainage would be collected by a series of connected drains then directed to a filtered catch basin at the northeastern corner of the property. The drainage would pass through the catch basin and then enter the City's storm drain system.

The proposed project landscaping has been reviewed by City Landscape staff and would comply with all applicable City of San Diego landscape ordinances and standards. Street trees would be provided along the Black Mountain Road frontage and an approved irrigation system would be installed.

The Mira Mesa Community Plan designates the subject property for Low Density Residential development at 4-10 du/ac. The proposed residential density of the project, which is 7.6 du/ac, is consistent with the density range identified in the community plan. While the community plan states that this low density range is characterized by single-family residential development on 5,000 to 7,000 square foot lots, the proposed RX zone still provides for a detached single-family development within the density range identified in the community plan. The rezone of the existing church facility lot from AR-1-1 to RS-1-14 is consistent with the existing surrounding development, the community plan, and would allow the processing of the proposed Lot Line Adjustment consistent with development regulations of the RS zone.

Community Plan Analysis:

The subject property is located within the Mira Mesa Community Plan and is designated for Low Density Residential development at 4-10 du/ac. The subject property is 5.7 acres in size. The westerly 3.2 acres are developed with a church operating under CUP No. 13521. The proposed residential development would occur on the undeveloped, easterly 2.5 acres. The net portion of the property available for residential development is 2 acres in size. The site is surrounded on the north, south and west by single-family residential, and to the east, across Black Mountain Road, by townhomes.

The scope of the project for the church portion of the site includes a CUP amendment, a lot line adjustment and a rezone. The CUP amendment is requested to remove the easterly 2.5 acres proposed for residential development from the church's CUP. A lot line adjustment is also proposed to create separate lots for the existing church and the proposed residential development. The CUP for the church identifies church development on the westerly portion of the property, but shows no development on the eastern portion of the property. Removing the 2.5 acres from the church CUP will have no impact on the church facility. A rezone is also requested for the church property in order to apply one zone to the church site. The church portion of the property currently has two zones: RS-1-14 and AR-1-1. The portion of the church property that fronts onto Pegasus Avenue is zoned RS-1-14. The remainder of the property occupied by the church is zoned AR-1-1. A rezone is requested to apply the RS-1-14 zone to the entire church site. The proposed RS-1-14 zone is consistent with surrounding zoning on adjacent single family parcels and conforms to the recommended zoning identified in the community plan.

The proposed residential development includes 16 detached single-family homes in a small lot

development pattern. The proposed project includes a Planned Development Permit and a rezone of the easterly portion of the site from AR-1-1 to RX-1-2. The density of the proposed residential development, which is 8 du/ac, conforms to the density range identified in the community plan. While the community plan states that this Low Density Residential range is characterized by single-family residential development on 5,000 to 7,000 square foot lots, the proposed RX-1-2 zone still provides for a detached single-family development pattern within the density range identified in the community plan. The small-lot single family product proposed under the RX zone is compatible with adjacent single-family land uses, and serves as a transition from the larger lot single-family to the north and south and the townhome development to the east.

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 residential project would provide additional housing opportunities in a small lot development pattern. The project has been designed to be compatible with the adjacent character of single-family development on smaller lots. 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.

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. 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.

The applicant is also requesting a deviation from the variable setback requirements of the RX-1-2 zone (Attachment 9). In order to insure variability in setbacks, the zone 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 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.

Environmental Analysis:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental noise effect upon the proposed residential units due to traffic noise from the adjacent Black Mountain Road. Future residents may be exposed to noise levels which exceed acceptable interior (45 decibels) and exterior (65 decibels) noise levels. The applicant has agreed to, and shall mitigate the exterior impacts by providing a solid four-foot-high attenuation barrier located along the edges of Pads 5 and 6. The barrier shall be constructed of masonry block, wood frame with stucco, 0.5-inch-thick Plexiglas, 0.25-inch-thick plate glass, or other material with demonstrated ability to attenuate exterior noise levels at the ground floor to below 65 CNEL.

Further, interior impacts shall be mitigated with construction plans specifying mechanical ventilation and dual glazed windows for those structures or portions of structures where exterior noise levels are expected to exceed 60 CNEL after construction of the noise barriers; specifically for the structures on Pads 1 and 3 through 7. Alternatively, the applicant may instead provide a second acoustical analysis prior to the issuance of building permits for the affected structures. This second analysis shall identify specific materials and elements to reduce interior noise levels to below 45 CNEL.

These subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified.

Project-Related Issues:

The proposed residential development has applied for a PDP for deviation from standards, relative to front yard setbacks for three (3) of the sixteen (16) project lots. Specifically, a waiver is being requested to allow reduced front yard setbacks for two (2) units of 8'-0" where 10'-0" minimum is required, LDC Table 131-04E, and one (1) additional porch encroachment of 22'-0" length where 17'-0" would be allowed, LDC Sec. 131.0461 (a) (6) (c). The proposed reduced setbacks when taken in combination with the increased setbacks for the remaining units will result in a wider variety of setbacks in the street scene, with an overall average in excess of fifteen (15) feet, where zoning requires a minimum of 10'-0". The variety of setbacks throughout the project is further enhanced by the fact that garages in 50% of the units are located to the rear of the lots.

Also, due to the unique and varied front yard setbacks for each and every 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. Although the project design meets the spirit and intent of this code section, due to the small number of units within the project, and the wide variability of setbacks proposed, the project can not meet these percentage minimums without redesigning

to a more uniform setback. Thus, a waiver for this section is also requested, to allow a better design than would be allowed by the applicable zoning standard.

The proposed residential development would also require the removal of an existing slope easement, drainage easement and partial roadway easement vacation (Attachment 10). The slope and drainage easements were required on the unimproved lot when, in 1975, the City was granted the approximately 60 feet by 335 feet street easement for the construction of Black Mountain Road on the lot. The proposed grading and drainage improvements necessary for the residential development would eliminate the need for such easements. South of the existing pedestrian bridge structure, the subdivider requests a partial roadway vacation, approximately 12 feet by 70 feet, that would allow for the construction of a sidewalk, landscaping, and an approximately 4-foot high retaining wall adjacent to the bridge stairwell structure. These improvements would provide pedestrian access and soften the street entry into the development.

The church facility's CUP No. C-13521 encumbers the entire 5.7-acre site. The proposed Lot Line Adjustment would create a 3.2-acre site for which the proposed CUP amendment would apply to this created site and not to the proposed residential development. No other changes to the CUP are requested.

Finally, the Mira Mesa Community Planning Group unanimously approved the project (Attachment 20) with conditions to not allow right turn on red at the traffic signal at Black Mountain Road and Galvin Avenue when exiting from the development, provide enhanced landscaping adjacent to Black Mountain Road, and additional screening installed to provide a buffer from the pedestrian bridge down into the homes. City staff has evaluated the Group's recommended conditions and has included within the Planned Development Permit the requirements for the Permittee to assure by subsequent permit and bond, the necessary modifications to the traffic signal at Black Mountain Road. The subsequent permit would require the Permittee to submit an Intersection Evaluation Analysis at which time staff would determine the appropriate traffic control measures to include a "No Right Turn at Red" signage. The Permittee has agreed to enhanced landscaping along Black Mountain Road and buffer views from the pedestrian bridge, as referenced on the Exhibit "A", Landscape Plans. The permit is also specific on requiring at least 30% of the buffer trees along Black Mountain Road to be 36-inch box or larger.

Conclusion:

Staff recommends approval of the proposal as requested. The proposed use, residential zone designations, and project design are consistent with the Mira Mesa Community Plan. The existing Church of Latter Day Saints facility will continue to provide community outreach services and does not adversely impact the other residential uses in the area.

The residential project's design provides the alternative to multiple dwelling unit developments where a single dwelling unit development could be developed at similar densities and therefore, incorporates the elements as specified within the RX-1-2 Zone including neighborhood quality,

character, and livability. The requested deviations to allow the reduced front yard setbacks on two of the sixteen proposed lots, the front porch encroachment for one lot, and the variable front setback requirements are considered minor deviations that would allow a more imaginative project and in keeping with an architectural theme in the community. The Planned Development allows for flexibility in the development standards in order to achieve a more imaginative, cohesive design.

ALTERNATIVES

- 1. Approve Conditional Use Permit No. 96842, Rezone No. 11481, Planned Development Permit No. 11482, Tentative Map No. 11483, Easement Abandonment No. 131936, and Public Right of Way Vacation No. 131937, with modifications.**
- 2. Deny Conditional Use Permit No. 96842, Rezone No. 11481, Planned Development Permit No. 11482, Tentative Map No. 11483, Easement Abandonment No. 131936, and Public Right of Way Vacation No. 131937, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,

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Development Services Department

Tim Daly
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Escobar-Eck/TPD

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Community Plan Recommended Residential Densities Map
4. Project Location Map
5. Project Data Sheet
6. Project Site Plan(s)
7. Landscape Plans
8. Floor and Elevation Plans
9. Variable Front Setback Analysis Map
10. Easement Abandonment/Vacation Map

11. Draft Tentative Map Resolution
12. Draft CUP with Conditions
13. Draft CUP Resolution with Findings
14. Draft PDP with Conditions
15. Draft PDP Resolution with Findings
16. Draft Zoning Ordinances
17. Rezone B Sheet
18. Copy of CUP No. C-13521 and amendments
19. Community Planning Group Recommendation
20. Ownership Disclosure Statement
21. Project Chronology

Rev 6-15-04 dcj