

RESOLUTION NO. 214500

OCT 16 1975

Conditional Use Permit No. 432-PC

WHEREAS, THE CITY OF SAN DIEGO, Owner, and the YMCA, hereafter referred to as "Permittee," filed an application to construct and operate an 80,000 square foot central YMCA on 8.6 acres in the R-1-40 and FC Zone, more particularly described as a portion of Pueblo Lot 1101, located on the south side of Friars Road between Napa Street and the southerly extension of Benicia Street; and

WHEREAS, on July 29, 1975 the Planning Commission of The City of San Diego made its finding of facts which are set forth in Resolution No. 364, granted said conditional use permit to Permittee and filed the decision in the office of the City Clerk on August 6, 1975; and

WHEREAS, on August 14, 1975, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, CITIZENS COORDINATE FOR CENTURY 3 and ROBERT BREGMAN, M.D., appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on September 18, 1975, continued to October 16, 1975, and testimony having been heard, evidence having been submitted and the City Council having fully considered the matter and being fully advised concerning the same; and

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WHEREAS, the City Council, in considering said appeal is empowered by the provisions of Municipal Code, Section 101.0506 to affirm, reverse or modify in whole or in part any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

All of the following facts exist with respect to Conditional Use Permit No. 432-PC:

1. The proposed use at this location would be necessary and desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and community. The YMCA is a desirable facility in a community in which it will be located. This YMCA would serve as a regional resource and provide facilities that no other YMCA in the immediate area can or will provide. Also, this facility will provide additional facilities for the Copley YMCA that will be replaced sometime in the near future because of the construction of Interstate 15.

2. The use under the circumstances of this particular case would not be detrimental to the health, safety and general welfare of persons residing or working in the vicinity and would not be injurious to property or improvement in the vicinity. The provision for 230 parking spaces as provided in the plan for development, together with the area reserved for additional space and in view of the fact that the parking situation will be subject to subsequent review, additional space is not presently needed.

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It is further found that, generally an 80,000 foot YMCA building around the nation averages 220 parking spaces, and that there is also parking along Friars Road which can be utilized for peak and overflow situations.

3. The proposed use would comply with the regulations and conditions specified in the Municipal Code for such use, and that any problems that might be caused by the provision of 230 spaces will be mitigated by the Commission's review of the CUP after two years.

4. The granting of this permit would not adversely affect the Master Plan of the city or the adopted plan of any governmental agency. It would not be practical or feasible to constrain the YMCA, a nonprofit organization, to build or remain in a very expensive area and not provide them an opportunity to build the kind of facility they need for their family program, even though it is not in conformance with the plan of the city to keep the downtown area and redevelopment viable.

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

BE IT FURTHER RESOLVED, that by a vote of 5 to 4, the appeal of CITIZENS COORDINATE FOR CENTURY 3 and ROBERT BREGMAN, M.D., is hereby denied, and this Council does hereby grant to THE CITY OF SAN DIEGO and the YMCA

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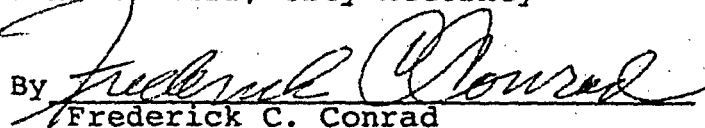
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Conditional Use Permit NO. 432-PC, in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh
10/30/75

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CONDITIONAL USE PERMIT NO. 432-PC

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to THE CITY OF SAN DIEGO, Owner, and the YMCA, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to construct and operate a central YMCA located on the south side of Friars Road between Napa and Benicia Streets, described as portion of Pueblo Lot 1101, Miscellaneous Map #36, in the R-1-40 and FC Zones,

2. The central YMCA shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

a. 80,000 square-foot, one and two-story recreational and office structure, containing swimming pools, gymnasiums, various club rooms, handball courts, locker rooms, physical workout facilities, game and craft rooms, general administrative offices and other support areas.

b. Eight tennis courts and an outdoor activity area.

c. Offstreet parking.

d. Incidental accessory uses as may be determined and approved by the Planning Director.

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3. Not less than 230 offstreet parking spaces shall be provided and maintained on the subject property. Each parking space shall be a minimum of 8-1/2 feet by 20 feet in size and shall not be converted for any other use. Areas and driveways shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

4. Two years from the establishment of the project the Planning Department shall review the site for a determination of the adequacy of the parking.

5. Provide an emergency vehicular access to the rear portion of the building, satisfactory to the City Engineer.

6. Any fences constructed within the floodplain area shall be breakway type design, satisfactory to the City Engineer.

7. A final landscape plan for the entire development shall be submitted for Planning Commission approval prior to the issuance of any building permit.

8. Any landscaping within the floodplain area shall be subject to the approval of the City Engineer.

9. Prior to the issuance of any building permit for the subject property, the following must be accomplished:

a. Approval of site grading plans will be contingent upon the City Engineer's approval of a hydraulic analysis of the floodplain of the San Diego River. The hydraulic analysis is to be prepared by

a registered civil engineer and must show flood level of a 100-year storm, considering the effects of both the proposed grading and anticipated future grading upon the floodplain. Prior to starting the hydraulic study, the engineer should consult with the City Engineer's staff for hydraulic perimeters and guidelines to be used.

b. Construct riprap slope protection adjacent to the floodplain, satisfactory to the City Engineer.

c. The developer shall execute an agreement with the City, agreeing, at the City Engineer's request, to remove any obstruction which may interfere with the future construction of flood control facilities through the property.

d. Construct sidewalk on Friars Road adjacent to the subject property.

e. Construct an offsite private driveway entrance on Friars Road directly opposite to and south of existing Napa Street. In order to allow left-turn movement into and out of the private driveway entrance, the following improvements must be provided, satisfactory to the City Engineer.

(1) Construct a 150-foot-long left-turn pocket with a 120-foot-long tapered section for the west-bound traffic on Friars Road.

(2) Reconstruct the existing traffic signal at Friars Road-Napa Street intersection to provide a left-turn phase.

f. A geological report, including fault study, shall be provided to demonstrate the stability of the site.

10. Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the City Council on October 16, 1975.

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GENERAL CONDITIONS FOR PLANNED RESIDENTIAL DEVELOPMENT PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A dated July 29, 1975, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the Project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall ~~have~~ been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated July 29, 1975, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

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4. This planned residential development permit must be utilized within 18 months after the effective date thereof. Failure to utilize subject permit within 18 months will automatically void the same, unless an extension of time has been granted by The City of San Diego as set forth in Section 101.0900 of the Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this planned residential development permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this planned residential development permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this planned residential development permit.

b. This planned residential development permit executed as indicated shall have been recorded in the office of the County Recorder.

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7. After the establishment of the Project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or City Council, or both unless the proposed use meets every requirement of the zone existing for the subject property at the time of conversion.

8. The property included within this planned residential development permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this planned residential development permit may be cancelled or revoked. Cancellation or revocation of this planned residential development permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0900. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0900.

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10. This planned residential development permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

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AUTHENTICATED BY:

Mayor of The City of San Diego, California

City Clerk of The City of San Diego, California

STATE OF CALIFORNIA)

) ss

COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____,
before me the undersigned, a Notary Public in and for said
County and State, residing therein, duly commissioned and
sworn, personally appeared PETE WILSON, known to me to be
the Mayor, and EDWARD NIELSEN, known to me to be the City
Clerk of The City of San Diego, the municipal corporation
that executed the within instrument and known to me to be the
persons who executed the within instrument on behalf of the
municipal corporation therein named, and acknowledged to me
that such municipal corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
official seal, in the County of San Diego, State of California,
the day and year in this certificate first above written.

(Notary stamp)

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee by execution hereof agrees to each and
every condition of this Planned Commercial Development Permit and
promises to perform each and every obligation of Permittee hereunder.

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Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the _____ and _____ known to me to be the _____ of _____

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

Acknowledgment

STATE OF CALIFORNIA) ss
COUNTY OF SAN DIEGO)

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known to me to be the _____ and _____ known to me to be the _____ of _____

the corporation that executed the within instrument and known to me to be the persons who executed the same on behalf of said corporation and acknowledged to me that said corporation executed the same, pursuant to its bylaws or a resolution of its Board of Directors.

WITNESS my hand and official seal.
(Notary Stamp)

Notary Public in and for the County
of San Diego, State of California

OCT 16 1975

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

| Councilmen | Yeas | Nays | Excused | Absent |
|---------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Gil Johnson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Maureen F. O'Connor | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lee Hubbard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Leon L. Williams | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Floyd L. Morrow | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bob Martinet | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jim Ellis | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jess D. Haro | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Pete Wilson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Marteniz*, Deputy.

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1975 NOV -4 PM 2:55
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

OCT 16 1975

Resolution Number **214500** Adopted _____

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