

RESOLUTION NUMBER R- 265415

ADOPTED ON APR 8 1986

WHEREAS, the UNIVERSITY OF SAN DIEGO, a California nonprofit corporation, "Owner/Permittee," filed an application for permission under Conditional Use Permit No. CUP-85-0315, an amendment to CUP-3345, for grading and construction of 167 graduate housing units, a child-care center and athletic facilities on a 47.35-acre site (a portion of the 164-acre University of San Diego East Campus); and

WHEREAS, on March 6, 1986, the Planning Commission of The City of San Diego made its findings of fact, approved said Conditional Use Permit No. CUP-85-0315 and filed said decision in the office of the City Clerk; and

WHEREAS, on March 10, 1986, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, UNIVERSITY CANYON HOMEOWNERS ASSOCIATION, by David M. George, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on April 8, 1986, testimony having been heard, evidence having been submitted, and the City Council having fully considered the same; and

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. CUP-85-0315:

1. The proposed use will not adversely affect the
neighborhood, the General Plan nor the community plan, nor will
it be detrimental to the health, safety and general welfare of
persons living or working in the area. The proposed grading
program for the future development of the East Campus has been
designed to address the visual quality and soil erosion concerns
identified in Mitigated Negative Declaration No. END-85-0315.
Landscaping will consist primarily of native materials and will
blend well with the existing flora in the area. Grading will be
contoured and bermed to resemble the existing slopes along Via
las Cumbres. Phase 1 will consist of the development of the
student housing complex with the child day-care center following
as Phase 2. This phasing will serve the immediate needs of
graduate students on this campus. The future development of the
track and soccer field and softball diamonds are intended at this
time for intramural and nonpaying spectator use only. Should
paying spectator sports be contemplated in the future, an
amendment to the conditional use permit will be required to
address traffic and parking concerns. The open space corridor

designated in the Linda Vista Community Plan will be retained along Via las Cumbres by means of a pedestrian and nonmotorized vehicle easement and a slope easement connecting to Tecolote Canyon.

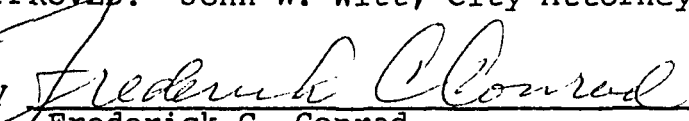
2. The proposed use will comply with all relevant regulations in the Municipal Code. Municipal Code Section 101.0506, paragraph A.4., grants the Planning Commission authority, subject to appropriate conditions, to approve educational institutions by a conditional use permit. The Planning Department believes that appropriate conditions exist in this case to grant the 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 this Council hereby denies the appeal of UNIVERSITY CANYON HOMEOWNERS ASSOCIATION, by David M. George, sustains the decision of the Planning Commission, and does hereby grant to "Owner/Permittee," Conditional Use Permit No. CUP-85-0315, 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:cc:632
07/14/86
Or.Dept:Clerk
R-87-124
Form=r.RESCUP

CONDITIONAL USE PERMIT NO. CUP-85-0315
(AN AMENDMENT TO CUP-3345)

CITY COUNCIL

This Conditional Use Permit Amendment is granted by the City Council of The City of San Diego to the University of San Diego, a California nonprofit corporation, Owner/Permittee, under the conditions in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to grade for and add a student housing complex, child day-care center and outdoor athletic facilities to the easterly portion of the University of San Diego campus, located on the north side of Linda Vista Road and the east and west side of Via Las Cumbres, described as Parcel 2, Parcel Map No. 12838. The existing campus consists of Pueblo Lots 287, 288, 294-296; Portions of Pueblo Lots 267, 286, 289, 292, 293 and 297, Pueblo Lands, Miscellaneous Map No. 36; Blocks 23, 23, Portions of Blocks 20 and 25, and Lots 1-3, Block A, Silver Terrace, Map No. 434; Parcels A and B, Parcel Map No. 319, and Parcels 1 and 2, Parcel Map No. 7526, in the R1-5000, R-3000 and R-1000 Zones.

2. The facility shall consist of the following:

- a. Immaculata Church, school of law and university libraries, administrative and classroom buildings, graduate student resident apartments, university recreation center, nursing school, storage buildings, student dormitories and apartments with a student lounge, a temporary bookstore, post office and storage facility, a conference center, school of business; a perimeter road around the campus; grading and restoration of existing sports field and parking lot; a student center; physical plant facility;
- b. Grading for the East Campus (Phase 1 and 3 only);
- c. 167-unit student housing complex (Phase 1);
- d. A 5,600-square-foot child day-care center for University use only, location to be approved by the Planning Director (Phase 2);
- e. Outdoor athletic facilities including a track-soccer field and two softball diamonds (Phase 3);
- f. Off-street parking; and

- g. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 3,317 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated February 28, 1985, as revised on April 8, 1986, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. No permit for grading or construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated February 28, 1985, as revised on April 8, 1986, on file in the office of the Planning Department. Exhibit "A" has been revised to permit exits only onto Via Las Cumbres from Phase 1 and Phase 3 only. Access to Phase 1 and 3 shall be gained from Santa Ana Drive and Linda Vista Road only. No grading shall be allowed east of Via Las Cumbres. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated February 28, 1985, as revised on April 8, 1986, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

7. This Conditional Use Permit Amendment must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0506 and 101.0507 of the Municipal Code. Any such extension of time shall meet all the Municipal Code requirements and applicable guidelines in effect at the time the time extension is considered.

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

9. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; and
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

10. This Conditional Use Permit Amendment may be revoked by the City if there is a material breach or default in any of the conditions of this permit. A revocation of this Conditional Use Permit Amendment may be initiated by the City or the Permittee. The Planning Director shall set the revocation for a public hearing before the Planning Commission, as provided in Section 101.0506 or 101.0507. 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 this matter for a public hearing before the City Council as provided in Section 101.0506 or 101.0507.

11. This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

12. The parking lots along the south and west perimeter as shown on Exhibit "A," dated February 28, 1985, as revised on April 8, 1986, shall not be used after 11:00 p.m.

13. Low-level, shielded lighting shall be installed in all parking lots along the south and west perimeter. The lighting shall be turned off before 11:00 p.m.

14. Hours of operation of any construction shall be exclusively limited to 7:00 a.m. to 4:00 p.m., Monday through Friday.

15. A traffic safety barricade shall be installed satisfactory to the City Engineer, adjacent to the perimeter road, to protect the electric transformer.

16. The maximum full-time equivalent student enrollment of the university shall be 5,200.

17. A drainage plan satisfactory to the City Engineer shall be approved before issuance of the permit.

18. The Planning Commission shall review the conditions of this permit, including landscaping approved for the westerly parking lot, one year after completion of all new facilities.

19. The slopes along Via Las Cumbres shall be vegetated with drought-tolerant plants in accordance with the approved landscape plan.

20. The Long-Term Maintenance Program shall be implemented to ensure the successful revegetation of this slope area. The maintenance program includes temporary irrigation, plant removal and replacement, and periodic fertilization. The different elements of this program are described below.

- a. Irrigation. Temporary irrigation shall be provided for both container stock plantings and hydroseeded areas for a minimum of three years. During this three-year period, the need for irrigation will vary according to climatic conditions. Irrigation shall be carried out in a manner that does not promote localized erosion of the hillside.
- b. Plant Replacement. Any container stock plants that die within a three-year period shall be replaced immediately with plants comparable to the original size and quality of the initial plantings. In reference to hydroseeded areas, the bare spots shall be replanted or rehydroseeded prior to the rainy season in order to avoid adverse erosion or visual impacts. The materials and methods to be used in the rehydroseeding process shall be similar to those required in the initial plantings.
- c. Fertilization. Plant species have been chosen for their compatibility with the areas soils and climate conditions. Plants will therefore not require a long-term fertilization program. A short-term program (one year) shall be instituted to promote rapid establishment of initial plantings.
- d. Enforcement: The Planning Department shall be informed in writing of the date in which revegetation of the slope area has been completed. The project slopes shall be reviewed on an annual basis throughout a three-year period. Upon review, the Planning Department staff will make recommendations, if necessary, in order to ensure the proper revegetation of the slope areas within the three-year period.

21. The proposed athletic facilities shall be for University intramural and non-paying spectator event purposes only. Any use

of these facilities by organizations outside of the University shall be reviewed and approved by the Planning Director.

22. The applicants shall grant a 10-foot-wide pedestrian and non-motor vehicle easement along the northeasterly 216.27 feet of Parcel 2 of Parcel Map No. 12838.

23. The applicant shall grant a slope easement adjacent to the 10-foot-wide pedestrian and non-motor vehicle easement, as required by the City Engineer, to allow for the construction of slopes and a bikeway. The bikeway will be constructed by the City Engineer.

24. A lighting plan for the athletic facility shall be approved by the Planning Director and the Deputy Director of the Environmental Quality Division prior to the issuance of permits for light standards. Lighting shall be limited to one baseball/softball field only, with lights to be turned off after 11:00 p.m. Lighting shall feature horizontal cut-offs and other measures to ensure minimal ambient lighting on adjacent property.

25. All graded areas including stockpiles of graded material shall be hydroseeded prior to the rainy season.

26. Manufactured slope heights for Phase 1 shall not exceed 80 feet. The maximum slope height ratio for all manufactured slopes associated with the proposed project shall be 2:1.

27. The existing storm drain located offsite in Tecolote Canyon shall be improved in conjunction with the proposed project to minimize soil erosion. The improvements shall include but not be limited to filling the eroded gully, providing an energy dissipator system, and hydroseeding the disturbed area.

28. This Conditional Use Permit Amendment shall supersede all previous conditional use permits for the University of San Diego campus.

Passed and Adopted by the City Council of the City of San Diego on April 8, 1986.

333b

Passed and adopted by the Council of The City of San Diego on APR 8 1986,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ED STRUIKSMA

Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Boyler*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-265415 Adopted APR 8 1986