

(R-88-2165)

RESOLUTION NUMBER R-270728

ADOPTED ON APRIL 12, 1988

WHEREAS, Lusk-Smith/Mira Mesa North, by Terry R. Plowden, appealed the decision of the Planning Commission in denying Conditional Use Permit No. 84-0667 submitted by Lusk-Smith/Mira Mesa North, Owner/Permittee, for approximately 13.42 acres described as a portion of Lot 1, El Camino Memorial Park, Map 4719, located in the northeast portion of El Camino Memorial Park, south of the Lusk Mira Mesa Business Park East, in the Mira Mesa Community Plan area, in the M-1B and Hillside Review Overlay Zones; and

WHEREAS, the matter was set for public hearing on April 12, 1988, 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 this Council adopts the following findings with respect to Conditional Use Permit No. 84-0667:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Mira Mesa Community Plan.

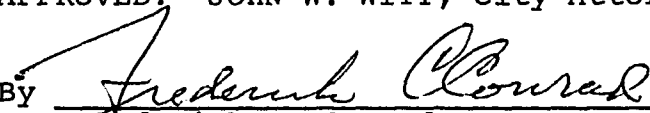
2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The project fulfills all requirements of the Municipal Code relevant to planned industrial developments and tentative maps and meets the criteria and guidelines of the adopted Mira Mesa Community Plan.

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 appeal of Lusk-Smith/Mira Mesa North, by Terry R. Plowden, is granted; the decision of the Planning Commission is overruled, and Conditional Use Permit No. 84-0667 is hereby granted to Lusk-Smith/Mira Mesa North, under the terms and conditions 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:ta
05/03/88
Or.Dept:Clerk
R-88-2165
Form=r.permit

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SAN DIEGO, CALIF.

CONDITIONAL USE PERMIT NO. 84-0667
CITY COUNCIL
(FORMERLY CUP NOS. 4120 AND 86-0947)

This Conditional Use Permit Amendment is granted by the City Council of the City of San Diego to EL CAMINO MEMORIAL PARK, a California 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 delete 13.4 acres from the existing El Camino Memorial Cemetery, located on the north side of Carroll Canyon Road adjacent to the southwest corner of the existing El Camino Memorial Park, described as Portions of the western one-half of Section 3 and the eastern one-half of Section 4, T15S, R3W, SBM, and Portion of Lot 1, El Camino Memorial Park, Map No. 4719 in the A-1-10 Zone.

2. The facility shall consist of the following:

- a. Existing 232-acre El Camino Memorial Park Cemetery (cemetery, mausoleum, chapel, mortuary, crematory, administration building), two storage buildings (1968), small mausoleum (1969), burial vault (1969); 3.02-acre addition (1987);
- b. Proposed 13.4-acre deletion, to be incorporated into Lusk Mira Mesa Business Park East, Unit 5 (PID No. 84-0667);
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. At least 84 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 15, 1969, 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. Prior to the issuance of building permits for the construction approved herein or the utilization of the property for the use approved herein, a grading plan for the entire site shall be submitted to and approved by the City Engineer and the Planning Director.

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5. No structures shall be installed or constructed within any natural drainage channel until a permit has been obtained from the City Engineer.

6. Prior to final inspection clearance by the Building Inspection Department or the utilization of the property for the uses approved herein, off-street parking shall be provided, as shown on the plot plan submitted in connection with the application.

7. All private roads within the subject property shall be not less than 20 feet wide and shall be surfaced with not less than two inches of asphaltic concrete prior to final inspection clearance by the Building Inspection Department on the construction approved herein.

8. The development of the subject property shall be substantially in accordance with the plans submitted in connection with the application, except where this permit or the legal requirements of other governmental agencies require deviation therefrom.

9. Prior to the issuance of building permits for the construction approved herein or the utilization of the property for the use approved herein, a landscaping plan and watering system plan shall be submitted to the Planning Director for his approval; said plan to provide a landscape buffer between the subject property and the surrounding property.

10. Prior to the issuance of building permits for the construction approved herein, the owner of the subject property shall enter into a contract with the City wherein the owner shall promise to hold the City of San Diego harmless from any liability in tort resulting from the construction, maintenance, use or operation of the facilities approved or required herein or any appurtenant structures or accessory operation regardless of whether or not the appurtenant structures or accessory uses have been approved or required; said contract to also provide that any structures erected under this permit shall be removed at the owner's expense in the event that the use of this property approved herein is not commenced or is abandoned, and that in the event the owner or his successors in interest are financially incapable of removing such structures, the City shall have the right to do so; said contract shall be filed of record in the office of the County Recorder and shall be made binding on the present owner and his successors in interest.

11. Prior to the issuance of building permits for the construction approved herein or the utilization of the property for the use approved herein, the owner and/or operator of the

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facilities approved herein shall obtain a policy of liability insurance from a reliable insurance company, authorized to do business in California, providing a minimum of \$100,000 coverage per person and \$300,000 per accident; said insurance to be maintained as long as this permit is utilized.

12. An easement shall be granted to the City of San Diego for a trunk sewer line to a width and on an alignment approved by the Director of Utilities prior to the issuance of a building permit for the construction approved herein or the utilization of the property for the use approved herein.

13. Prior to the issuance of building permits for the construction approved herein or the utilization of the property for the use approved herein, the owner of the subject property shall dedicate a right-of-way for Carroll Canyon Road, a major street, to a width not less than 102 feet and along an alignment to be approved by the City Engineer.

14. All private roads or driveways entering into public streets or highways shall be approved by the City Engineer as to limit in number, locations, design, improvement and other pertinent traffic factors; reasonable access for the permitted use shall be approved.

15. Prior to the issuance of building permits for the construction approved herein or the utilization of the property for the use approved herein, the subject property shall be connected to a source of domestic water approved by the Director of Public Health, Utilities Director and City Engineer.

16. Prior to the issuance of building permits for the construction approved herein or the utilization of the property for the use approved herein, the subject property shall be connected to a sewer system or other waste material disposal system approved by the Director of Public Health, the Utilities Director and the City Engineer.

17. The Master Plan for said El Camino Memorial Park shall be Exhibit "A," dated October 15, 1969 and Exhibit "A," dated April 12, 1988, and all future improvements shall conform to said Master Plan, unless amended.

18. Before any additional modifications to the El Camino Memorial Park Conditional Use Permit can be approved by the City Council, a Comprehensive Master Plan must be prepared. The Master Plan shall include at least the following elements:

- a. Designation of open space areas;

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- b. Application of the Hillside Review Overlay Zone to all slopes of 25 percent or greater within the memorial park boundaries;
- c. Delineation of areas within the memorial park which could potentially be developed with industrial park uses;
- d. Development of a traffic study to determine the effect of allowing industrial development in an area designated for cemetery uses; and
- e. Treatment of other planning issues that might arise.

This Comprehensive Master Plan shall be processed as another amendment to the Conditional Use Permit for El Camino Memorial Park and shall be incorporated into the appropriate Community Plan/Progress Guide and Community Plan Amendment or update of the Mira Mesa Community Plan.

19. 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 October 15, 1969 and Exhibit "A," dated April 12, 1988, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

20. 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 October 15, 1969, and Exhibit "A," dated April 12, 1988, 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.

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

22. This Conditional Use Permit 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 101.0510K of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

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

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

- a. Authorized by the City Council; or
- 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.

25. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

26. 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.

27. Approval of the CUP Amendment No. 84-0667 is contingent upon the approval of the following related requests:

- a. Community Plan/Progress Guide and General Plan amendment, to redesignate the subject property from cemetery use to industrial use (City Council);
- b. Rezoning Case No. 84-0667, to rezone from the A-1-10 to M-1B and M-1B(HR) Zone (City Council);
- c. Planned Industrial Development Permit No. 84-0667, to add the 13.4-acre site to the Lusk Mira Mesa Industrial Park East planned industrial development (Planning Commission or City Council on appeal);
- d. Tentative Subdivision Map No. 84-0667, to subdivide the subject 13.4-acre site into two lots (Planning Commission or City Council on appeal).

28. Should any one of the related requests be denied by the City, Conditional Use Permit Amendment No. 84-0667 shall be deemed denied and CUP No. 86-0947 shall control the property.

This Conditional Use Permit shall supersede CUP Nos. 4120 and 86-0947.

Passed and Adopted by the City Council on April 12, 1988.

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

CHARLES G. ABDELNOUR, City Clerk
The City of San Diego

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198_____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, 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 person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

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 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 Permit and promises to perform each and every obligation of Permittee hereunder.

EL CAMINO MEMORIAL PARK
(Permittee)

By _____

By _____

NOTE: Notary acknowledgments must be attached per Civil Code Section 1180, et seq.

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Passed and adopted by the Council of The City of San Diego on APR 12 1988,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR,
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-270728 Adopted APR 12 1988