

RESOLUTION NUMBER R-296208

ADOPTED ON MARCH 19, 2002

WHEREAS, the University of San Diego [USD], a California Not-For Profit Corporation, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a multi-level, approximately 230,000-square-foot parking structure, partially upon and immediately adjacent to an existing surface parking lot on portions of an approximate 180-acre site located at a southwesterly portion of the University of San Diego campus, addressed as 5998 Alcala Park, more specifically described as south of Cushman Avenue, east of Cushman Place, west of Marian Way and north of Linda Vista Road, in the Linda Vista Community Plan, in the RS-1-7, RS-1-10, RM-1-1, RM-3-7 (previously referred to as R1-5000, R1-15000, R-3000, and R-1000, respectively), and C zones; and

WHEREAS, the project site is legally described as Pueblo Lots 287, 288, 294-296; Portions of Pueblo Lots 267, 286, 292, 293 and 297; Blocks 22 and 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 RS-1-7; and

WHEREAS, on January 24, 2002, the Planning Commission of the City of San Diego considered Conditional Use Permit/Site Development Permit [CUP/SDP] Permit No. 41-0092, amending Conditional Use Permit/Resource Protection Ordinance [CUP/RPO] Permit No. 92-0568, and pursuant to Resolution No. 3229-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on March 19, 2002, 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 CUP/SDP Permit No. 41-0092, amending CUP/RPO No. 92-0568:

A. CONDITIONAL USE PERMIT - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0305:

1. The proposed development will not adversely affect the applicable land use plan. The development proposed at the location has been reviewed and a site visit conducted by staff. The adopted land use plan for the Linda Vista Community designates the site for University use. The addition of a parking structure on the site to accommodate faculty, staff, students and guests of the University is considered to further the institution mission of the University, established in 1949, which serves the community and region. The addition of parking facilities on campus in an effort to comply with parking requirements of CUP/RPO Permit No. 92-0568 is considered to be in the public interest and will avoid potential adverse impacts to off-site properties and the neighborhood. The general area is noted as being within the Campus Parking Impact Area for Linda Vista (Map C-889, Ordinance No. O-18614). Portions of the project site area are noted in the Linda Vista Community Plan (1998, Figure 1, Page 4) as being subject to deed restrictions pursuant to the CUP/RPO Permit No. 92-0568 (refer to Declaration of Restrictions recorded with the Office of the County Recorder, County of San Diego, as Document No. 1997-0634035, 12-15-97). Condition Nos. 3 and 7a of the approved CUP/RPO Permit No. 92-0568 provide for modification of these restricted area(s) pursuant to development review Process 5, requiring approval by the City Council. Development Process 5 provides for a recommendation by the Planning Commission of the City of San Diego prior to a decision by the City Council. The proposal has received environmental review pursuant to requirements of the California Environmental Quality Act [CEQA], and a Mitigation Monitoring and Reporting Program [MMRP] is proposed for certification by the decision maker. Pursuant to requirements of the review process established by CUP/RPO Permit No. 92-0568, no adverse impacts on the Linda Vista Community Plan are anticipated nor considered likely to occur.

2. The proposed development will not be detrimental to the public health, safety, and welfare. Subsequent to any discretionary approval by the City Council, plans must be submitted to the City of San Diego for review of grading and building activities. Staff review will require compliance with applicable Uniform Codes and the Municipal/Land Development Code for the City of San Diego. Conditions have been added to the draft permit to address geologic concerns on the property and related City requirements. Based on established review procedures and requirements, the project must demonstrate compliance prior to development. A Mitigated Negative Declaration [MND] has been prepared pursuant to CEQA Guidelines, for

certification by the decision maker. A MMRP is proposed to be implemented with the project. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the land development code. Staff has reviewed the proposal and determined that the project will comply with the relevant regulations of the Land Development Code. Conditions have been added to the draft permit in an effort to address project related issues and impacts.

4. The proposed use is appropriate at the proposed location. The former site for the parking structure was located in closer proximity to established residential properties located to the west, south and east. Based in part on neighborhood concerns, a public workshop with the Planning Commission which included an analysis and discussion of alternative sites at a noticed public hearing and tour of the campus, the project was revised and moved northward away from the residences. This alternative reduces the impacts to adjacent properties and will result in a multi-level structure, partially terraced into existing hillsides. The project at this location will make additional use of an existing surface parking lot, an existing access road to the south, and will provide an additional access from the upper floor to an established circulation path on Marian Way, enabling more efficient land uses for the academic core in the interior of the campus and parking uses toward the perimeter. Although additional impacts to sensitive biological resources will occur, the impacts can be adequately mitigated pursuant to CEQA Guidelines, and a MMRP will be established. Conditions of the permit will ensure compliance with the MMRP. Based on this information, the proposed use is considered to be appropriate at the proposed location.

B. SITE DEVELOPMENT PERMIT - SDMC SECTION 126.0504:

1. The proposed development will not adversely affect the applicable land use plan. The development proposed at the location has been reviewed and a site visit conducted by staff. The adopted land use plan for the Linda Vista Community designates the site for University use. The addition of a parking structure on the site to accommodate faculty, staff, students and guests of the University is considered to further the institution mission of the University, established in 1949, which serves the community and region. The addition of parking facilities on campus in an effort to comply with parking requirements of CUP/RPO Permit No. 92-0568 is considered to be in the public interest and will avoid potential adverse impacts to off-site properties and the neighborhood. The general area is noted as being within the Campus Parking Impact Area for Linda Vista (Map C-889, Ordinance No. O-18614). Portions of the project site area are noted in the Linda Vista Community Plan (1998, Figure 1, Page 4) as being subject to deed restrictions pursuant to the CUP/RPO Permit No. 92-0568 (refer to Declaration of Restrictions recorded with the Office of the County Recorder, County of San Diego, as Document No. 1997-0634035, 12-15-97). Condition Nos. 3 and 7a of the approved CUP/RPO Permit No. 92-0568 provide for modification of these restricted area(s) pursuant to development review Process 5, requiring approval by the City Council. Development Process 5 provides for a

recommendation by the Planning Commission of the City of San Diego prior to a decision by the City Council. The proposal has received environmental review pursuant to requirements of the CEQA, and a MMRP is proposed for certification by the decision maker. Pursuant to requirements of the review process established by CUP/RPO Permit No. 92-0568, no adverse impacts on the Linda Vista Community Plan are anticipated nor considered likely to occur.

2. The proposed development will not be detrimental to the public health, safety, and welfare. Subsequent to any discretionary approval by the City Council, plans must be submitted to the City of San Diego for review of grading and building activities. Staff review will require compliance with applicable uniform codes and the Municipal/Land Development Code for the City of San Diego. Conditions have been added to the draft permit to address geologic concerns on the property and related City requirements. Based on established review procedures and requirements, the project must demonstrate compliance prior to development. A MND has been prepared pursuant to CEQA Guidelines, for certification by the decision maker. A MMRP is proposed to be implemented with the project. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the land development code. Staff has reviewed the proposal and determined that the project will comply with the relevant regulations of the Land Development Code. Conditions have been added to the draft permit in an effort to address project related issues and impacts.

C. SUPPLEMENTAL FINDINGS - ENVIRONMENTALLY SENSITIVE LANDS:

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The former site for the parking structure was located in closer proximity to established residential properties located to the west, south and east. Based in part on neighborhood concerns, a public workshop with the Planning Commission which included an analysis and discussion of alternative sites at a noticed public hearing and tour of the campus, the project was revised and moved northward away from the residences. This alternative reduces the impacts to adjacent properties and will result in a multi-level structure, partially terraced into existing hillsides. The project at this location will make additional use of an existing surface parking lot, an existing access road to the south, and will provide an additional access from the upper floor to an established circulation path on Marian Way, enabling more efficient land uses for the academic core in the interior of the campus and parking uses toward the perimeter. Although additional impacts to sensitive biological resources will occur, the impacts can be adequately mitigated pursuant to CEQA Guidelines, and a MMRP will be established. Conditions of the Permit will ensure compliance with the MMRP. Based on this information, the proposed use is considered to be appropriate at the proposed location.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards. The revised project consists of a multi-level terraced parking structure partially

embedded into an existing hillside which serves to minimize grading and the visual impact into the slope. A MMRP is proposed for adoption by the decision maker and contains conditions that when implemented, will endure that any risks from geologic and erosional forces, flood hazards, or fire hazards are minimized. There are no brush management issues and additionally, the structure is proposed for the parking of automobiles and not for human habitation. Therefore, any risk is further minimized. Staff review has determined that based upon the revised design of the project, that the development as proposed will serve to minimize the alteration of the natural landform(s) in the area.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. A MND has been prepared in accordance with CEQA Guidelines and a MMRP is proposed for certification by the decision maker. Mitigation conditions have been added to the permit to address potential project related impacts to the environment. Based on the siting and design of the proposed development as revised, no adverse impacts on any adjacent environmentally sensitive lands are anticipated. Any impacts to environmentally sensitive lands not impacted by the proposed development at this location are protected from any adverse project impacts by conditions of CUP/RPO Permit No. 92-0568 and the Declaration of Restrictions which require discretionary approval (Process 5) prior to development. This feature is being retained by conditions in CUP/SDP Amendment No. 41-0092.

4. The proposed development will be consistent with the city of San Diego's Multiple Species Conservation Program [MSCP] subarea plan. The project has been reviewed by staff and a MND has been prepared in accordance with CEQA Guidelines. Although a portion of the property is located within the MSCP Subarea Plan, it is not located within the Multiple Habitat Planning Area [MHPA]. Based on staff review of the project, staff determined that the proposal is consistent with the MSCP.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project has been reviewed by staff and a site visit made to the property. Provisions of the MMRP will regulate drainage from the site by appropriate methods such as drainage pipes, and address siltation concerns. Therefore, as conditioned in the MMRP, the development of the site is not anticipated to contribute to the erosion of public beaches or have an adverse impact on local shoreline sand supply.

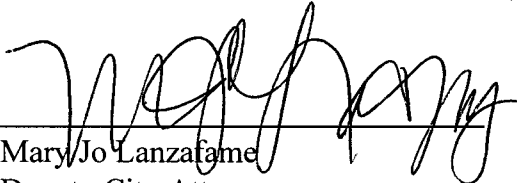
6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. MND No. 41-0092 contains a MMRP with conditions that have been made a part of project development and operation requirements. The purpose and intent of the MND, and conditions of the MMRP document has been carefully evaluated by staff and distributed for public review intending to address project impacts related to Biological Resources, Geology/Soils, Noise, Hydrology/Water Quality, Light/Glare, Paleontological Resources and General. The intent of the MMRP and the conditions imposed is based on the project as revised. The revised project is located further away from established residential uses located to the west,

south and east, than the former project which was located more directly on top of the existing surface parking lot (this project was formally withdrawn based on Planning Commission, staff, and resident input at a noticed public hearing). Therefore, the nature and extent of the MMRP is related to, intended and calculated to alleviate, any and all negative impacts created by the proposed development.

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 Conditional Use Permit/Site Development Permit No. 41-0092 is granted to University of San Diego [USD], a California Not-For Profit Corporation, Owner/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:lc
04/20/02
Or.Dept:Clerk
R-2002-1305
Form=permitr.frm
Reviewed by Bill Tripp

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501**

**AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT AND SITE DEVELOPMENT (ESL) PERMIT
(CUP/SDP) NO. 41-0092/MMRP
UNIVERSITY OF SAN DIEGO MASTER PLAN AMENDMENT
PROJECT SITE NO. 11 - LOWER WEST PARKING COMPLEX
AMENDMENT TO CUP/RPO PERMIT NO. 92-0568
CITY COUNCIL**

This Conditional Use Permit/Site Development Permit [CUP/SDP] Amendment No. 41-0092 is granted by the City Council of the City of San Diego to the University of San Diego, a California Not-For-Profit Corporation, Owner/Permittee pursuant to the San Diego Municipal Code [SDMC]. The approximately 180-acre campus site is addressed as 5998 Alcalá Park and is generally located north of Linda Vista Road, south of Tecolote Canyon Natural Park, east of Cushman Avenue/Place, and west of Via Las Cumbres, within the Linda Vista Community Plan Area.

The project site is legally described as Pueblo Lots 287, 288, 294-296; Portions of Pueblo Lots 267, 286, 292, 293 and 297; Blocks 22 and 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 RS-1-7 (formerly R1-5000), RS-1-10 (formerly R1-15000), RM-1-1 (formerly R-3000), RM-3-7 (formerly R-1000) and C Zones.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to amend the Master Plan as follows - Master Plan Project Site No. 11 (formerly the Lower West Parking Lot) - to allow development of a multi-level (five-levels, including roof level), 230,000 square-foot, 703-space parking structure partially located upon and immediately adjacent to an existing 376-space parking lot, described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated March 19, 2002, on file in the Development Services Department. The facility shall include:

- a. A five-level (including roof level), 230,000 square-foot parking structure containing no fewer than 703 parking spaces and consisting of:

- i. Ground/First Level - approximately 42, 172 square-feet, containing 99 parking spaces;
 - ii. Second Level - approximately 42,172 square-feet, containing 139 parking spaces;
 - iii. Third Level - approximately 77,913 square-feet, containing 210 parking spaces;
 - iv. Fourth Level - approximately 42,172 square-feet, containing 142 parking spaces;
 - v. Fifth/Roof Level - approximately 24,738 square feet, containing 113 parking spaces; and
- b. A surface parking lot containing a total of 307 parking spaces; and
 - c. Landscaping (planting, irrigation and landscape related improvements); and
 - d. On-Site retaining walls, associated project lighting and related improvements; and
 - e. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the Land Development Code in effect for this site.

1. The Declaration of Restrictions (Page 0.7 of the approved Master Plan and Design Guidelines) noted as Condition No. 3 of approved CUP/RPO Permit No. 92-0568 shall remain in effect for all biologically sensitive, steep slope, and potentially sensitive cultural resource areas located outside of Master Plan Project boundaries that are subject to City Council approval prior to development. These areas are more specifically located northerly/northeasterly of this project site and are graphically noted on Page "0.7" of the Master Plan and Design Guidelines, approved by the City Council on October 29, 1996. The boundaries of Project Site No. 11 are hereby amended to reflect approval of the Lower West Parking Complex Project as noted on Exhibit "A," dated March 19, 2002, on file in the Development Services Department. Any future modification of these site boundaries shall require a "site specific" CUP Amendment to CUP/SDP No. 41-0092 (CUP/RPO Permit No. 92-0568).

2. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Land

Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

3. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Development Services Department; and
- b. The Permit is recorded in the office of the San Diego County Recorder.

4. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.

5. This Permit is a covenant running with the subject property 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 in this Permit and all referenced documents.

6. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agencies.

7. Issuance of this Permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

8. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

9. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated March 19, 2002, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

10. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining

as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration [MND], LDR No. 41-0092, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Geology/Soils
- Noise
- Cultural Resources
- Paleontological Resources
- Hydrology/Water Quality
- Light/Glare

12. As Conditions of Master Plan Amendments to CUP/RPO Permit No. 92-0568 (LDR No. 41-0092) the following mitigation measures are required to reduce potentially adverse impacts associated with biological resources, noise, hydrology/water quality, light/glare, and paleontological resources to below a level of significance. The following MMRP shall be included on appropriate plans and notes under the hearing "Environmental Conditions" on construction plans.

A. Biological Resources

1. Prior to issuance of any grading permit, the applicant shall mitigate for the loss of

1.53 acres of Tier I maritime succulent scrub and 0.36 acres of Tier IIIB Non-native grassland habitats through one of the following options:

- a. Payment of a monetary contribution by USD to the City of San Diego's Habitat Acquisition Fund (Fund #10571), as established by City Council Resolution R-275129, adopted on February 12, 1990, to the satisfaction of the City Manager. Each contribution would be sufficient to purchase equivalent acreage of maritime succulent scrub and non-native grassland habitats within the Multi-Habitat Planning area and also an additional 10% to cover administrative costs.
 - b. Purchase of habitat offsite within a pre-approved mitigation bank. If the offsite habitat is within the MHPA, the mitigation ratio would be 1:1 and 0.5:1 for impacts to Tier I maritime succulent scrub and Tier IIIB non-native grassland habitat, respectively; thus requiring the purchase of 1.53 acres of Tier I habitat and 0.18 acres of Tier IIIB habitat. If the offsite habitat is outside of the MHPA, the mitigation ratio would be 2:1 and 1:1, for impacts to Tier I maritime succulent scrub and non-native grassland habitat, respectively; thereby requiring the purchase of 3.06 acres of Tier I habitat and 0.356 acres of Tier IIIB habitat.
 - c. Preservation of approximately 3.06 acres of maritime succulent scrub habitat (or in-kind Tier I habitat) and 0.36 acres of Tier IIIB nonnative grassland habitat within the USD campus.
2. Prior to the issuance of any grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of the Land Development Review Division stating that a qualified biologist had been retained to ensure implementation of the biological mitigation.
 3. Prior to the issuance of any grading permit, the project biologist shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as depicted on Exhibit "A," dated March 19, 2002, on file in the Development Services Department.
 4. Prior to the issuance of any grading permit, the project biologist shall supervise the placement of silt fencing along the limits of sensitive habitats to areas of grading to prevent siltation and/or erosion from entering the sensitive habitats where appropriate.
 5. Prior to issuance of any grading permit and the commencement of construction activities, the project biologist shall perform a raptor survey to locate any active raptor nesting areas within the eucalyptus woodlands onsite. If no raptor nests are identified in the eucalyptus trees, no further mitigation is required.
 - a. If a raptor nest is discovered, prior to grading the qualified biologist shall mark

the tree and delineate a 300-foot "no construction" buffer area around the nest site, satisfactory to the Environmental Review Manager of LDR. The buffer shall be maintained until the qualified biologist determines, and demonstrates in a survey report satisfactory to the Environmental Review Manager of LDR, that the young have fledged or are no longer using the nest.

6. Lighting for the project adjacent to occupied California gnatcatcher habitat shall be selectively placed, shielded and/or directed away from any natural habitat. Lighting adjacent to this habitat shall be screened with vegetation and large spotlight-type lighting that may affect the habitat or its occupants shall be prohibited.

B. Geology/Soils

7. Prior to the issuance of any grading permit, a site specific erosion control plan shall be prepared in conformance with the City's Grading Ordinance to the satisfaction of the City Engineer. The erosion control plans shall include temporary and permanent erosion/siltation control measures and/or devices that would be installed both during and after site grading and construction, including, but not limited to, interim and post-development landscaping/hydro-seeding, jute netting, (or other approved geotextile material) on manufactured slopes; sandbags, brow ditches, energy dissipaters and desilting/detention basins; and any other methods to control short- and long-term surficial runoff and erosion.

8. Prior to approval of grading permits, the applicant shall retain a soils engineer to monitor the grading, construction, installation of runoff control devices and revegetation of the project site. The soils engineer shall submit in writing to the City Engineer and Program Manager of Land Development Review certification that the project has complied with the required notes on the grading plan addressing erosion controls.

9. Prior to the issuance of any grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager of Land Development Review (LDR) stating that a qualified geologist or geotechnical engineer has been retained to implement a geologic monitoring program to ensure that no unexpected adverse geologic conditions, such as faulting, exist on the project site. The requirement for geologic monitoring shall be noted on the grading plans. All persons involved in the geologic monitoring shall be noted on the grading plans. All persons involved in the geologic monitoring of this project shall be approved by LDR prior to the start of monitoring. The applicant shall notify LDR of the start and end of construction.

10. The geological monitor shall be onsite full-time during all grading activities for the Lower West Parking Structure.

11. Prior to the issuance of building permits, a monitoring results report, with appropriate

graphics, summarizing the results, analysis, and conclusions of the geologic monitoring program, shall be submitted to and approved by the Environmental Review Manager of LDR.

C. Noise

12. Prior to the issuance of a Certificate of Occupancy, the applicant shall apply a surface treatment, or an alternative method of reducing tire squeal noise of equal effectiveness, to the drive aisles of the Lower West Parking Structure to reduce tire squeal noise.

D. Hydrology/Water Quality

13. Prior to the issuance of any grading permit, the applicant shall prepare a site specific drainage plan which will be incorporated into the grading plan to the satisfaction of the City Engineer. The drainage plan shall provide appropriate measures to be utilized during construction to control and minimize runoff from proposed development sites. The site specific drainage plans shall include measures to direct on site drainage away from adjacent canyons and undeveloped areas.

14. Best Management Practices (BMP'S) to control runoff shall be included in the drainage plan. Prior to building permit issuance, the University shall provide evidence to the satisfaction of the City Engineer that runoff control devices have been installed pursuant to the approved grading plans.

15. Permanent BMP's, in the form of grass swales, storm water interceptors, storm drain inlet filtration systems, or other equivalent measures satisfactory to the City Engineer, shall be employed to catch and filter runoff from the surface parking lot and Lower West Parking Structure prior to discharge into the City's storm drain system. The University shall be responsible for maintenance of the BMP's.

E. Light/Glare

16. Prior to the issuance of any grading permit, a detailed lighting study shall be submitted to and approved by the Environmental Review Manager of the City's Development Services Department. This study shall include, but shall not be limited to, an evaluation of the following performance standards:

- a. Lighting shall enhance and complement the architectural theme and character of the project. Illuminated entries shall be lighted low to the ground, and be adequately controlled to prevent hot spots, flashing, glare, and spill-over into adjacent areas. The light study shall also consider measures, such as the height of light poles and shut-off time for light fixtures to effectively prevent the "spillover" of light.

- b. All security and access lighting facilities or fixtures including parking lot and street standards shall consist of high-pressure sodium vapor lamps, or equivalent source, with 90-degree cut-off luminaries, to the extent feasible, to provide maximum shielding and direct light away from adjacent residential and natural open space areas.
- c. All street standards and light standards shall be limited to a maximum of 40 feet. The number of light poles shall also be kept to a minimum by combining several luminaries on a single pole.
- d. High-intensity security lighting shall be avoided, except where unfeasible. If used, such lighting shall be adequately shielded so as to confine the light within a defined service area.
- e. Outdoor lighting facilities or fixtures shall be used which provide the necessary light in a manner that illuminates the desired area or feature most efficiently with a minimum amount of energy consumption (e.g. automatic timing devices)./
- f. All outdoor lighting shall be insubstantial conformance with the City of San Diego Lighting Ordinance and all other provisions of the City's Municipal Code.

17. Prior to the issuance of a Certificate of Occupancy, the applicant shall verify that the appropriate lighting controls have been installed in accordance with the approved lighting study, to the satisfaction of the Environmental Review Manager of the City's Development Services Department.

F. Paleontological Resources

18. Prior to the preconstruction meeting, the applicant shall provide a letter of verification to the Environmental Review Manager (ERM) of Land Development Review (LDR) stating that a qualified paleontologist as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program.

A second letter shall be submitted to mitigation monitoring coordination (MMC) of LDR at least thirty days prior to the preconstruction meeting and shall include the names of all persons involved in the paleontological monitoring of this project.

19. Prior to the preconstruction meeting, the ERM shall verify that the requirement for paleontological monitoring has been noted on the grading plans.

20. Prior to beginning construction (any work on site), the Owner/Permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manger or Grading Contractor, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend any grading related preconstruction meetings to make comments and/or suggestions

concerning the paleontological monitoring program with the construction manager and/or grading contractor. At the preconstruction meeting the paleontologist shall submit to MMC a copy of the site/grading plan (reduced to 11"X 17") that identifies areas to be monitored. The paleontologist also shall submit a construction schedule indicating when monitoring is to occur. The paleontologist shall notify MMC of the start and end of monitoring.

21. The qualified paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity at depths of 10 feet or greater and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided that they contact MMC and consult with appropriate EAS staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

22. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City RE shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified paleontologist. The paleontologist with principal investigators (PI level evaluation responsibilities shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide appropriate LDR staff contact for consultation.

23. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. If the fossil collection is not accepted by a local qualified curation facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LAR to suggest alternative disposition of the collection.

24. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.

25. Within three months following the completion of trenching/grading, two monitoring results reports (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to MMC for approval by the ERM of LAR and one copy sent to the RE.

G. General

26. All mitigation measures contained in EIR 92-0568 applicable to the CUP/RPO amendments to the University's Master Plan, LDR No. 40-0419, are hereby incorporated by reference. These mitigation measures include Geology/Soils, Visual Quality/Landform

Alteration, Hydrology/Water Quality, Air Quality, Paleontological Resources, and any other measures applicable to this project.

27. The MMRP shall require a deposit of \$3,200.00 to be collected prior to the issuance of the first grading permit to cover the City's costs associated with implementation of the MMRP.

PLANNING/DESIGN REQUIREMENTS:

13. No fewer than 1,010 off-street parking spaces shall be maintained on Project Site No. 11 at all times in the approximate locations shown on the approved Exhibit "A," dated March 19, 2002, on file in the Development Services Department (307 surface parking spaces and 703 spaces within the parking structure). Parking Structure spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

14. All signage associated with this development shall be consistent with sign criteria established by the University of San Diego Master Plan and Design Guidelines as approved by the City Council on March 19, 2002, (Exhibit "A," dated March 19, 2002, on file in the Development Services Department).

15. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

16. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

17. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.

18. The upper deck lights located on the roof of the parking structure and the surface parking lot lights shall be switched to go off at 11:00 p.m. Interior lights of the parking structure and access road lights shall remain on for public safety.

19. With the exception of emergency and service vehicles and University-related special events, ingress and egress to the lowest bay of the new structure and the surface parking lot would be provided on the existing south access drive.

Ingress and egress to the remaining portion of the new parking structure will be provided on the new north access drive.

20. The University shall use short (10'-14') light poles in lieu of standard height (20-foot) light

poles on top of the parking structure. Lights will be directed and shielded to minimize illumination off-site.

21. The University shall locate a tram stop on the upper deck of the parking structure. As an alternative, and subject to review by staff, a tram stop may be considered on Marian Way at the northerly access drive to the parking structure. In addition, a second tram stop shall be located and maintained on the existing surface lot.
22. The University shall install solid screening to block headlight glare, and other screening to mitigate spillover lighting from the structure. This shall apply to all parking structure openings including top of structure. The term 'solid screening' shall not preclude the use of mesh screening material provided that it accomplishes the general purpose and intent of this Condition.
23. The University shall add speed bumps throughout the surface parking area.
24. The University shall use the Lower West Parking Structure surface parking lot primarily for the parking of vehicles by members of the University community including staff, administrators, students and guests. The parking lot may be used to accommodate events that are consistent with the University's institutional mission in accordance with CUP/RPO Permit No. 92-0568 (USD Master Plan). The total duration of such events combined will not exceed a total of fifteen days per year.

LANDSCAPE REQUIREMENTS:

25. The University will provide enhanced landscaping including full size trees (ie: 48"-box trees) along the structure perimeter facing Cushman Avenue, and the Casa del Pueblo condominiums and along Cushman Avenue to fill in the already existing greenest, replace any diseased trees with trees of the same size. The enhanced landscaping shall consist of 48"-box trees that mature quickly, intermixed with other smaller trees, shrubs and vines. The intent of this Condition is to reduce visual impacts to adjacent properties.

ENGINEERING REQUIREMENTS:

26. Prior to the issuance of any building permits, grading permits or any public improvement permits, the applicant shall obtain a City Engineer approved grading permit, which includes but is not limited to, showing the existing drainage system 'as-built' per improvement plans drawing number 28587-D Permit No. W46263 and show the relation of this project's drainage system to that of the existing satisfactory to the City Engineer.
27. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan

(SWPPP) and a Monitoring Program Plan shall be developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

28. The drainage system, as shown on the approved plans is subject to approval of the City Engineer. Also, this project shall comply with storm drain Best Management Practices [BMPs] for during and post construction activities.

29. This project proposes 20,000 cubic yards of export. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Conditional Use or Site Development Permit.

GEOLOGY REQUIREMENTS:

30. A "Notice of Geologic and Geotechnical Conditions" shall be recorded prior to approval of a grading and/or building permit.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on March 19, 2002, by Resolution No. R-296208.

4/20/02
L:\LANZAFAM\Resos\Reso2002\R-296208_permit-USD-pkg.wpd

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

**UNIVERSITY OF SAN DIEGO,
a California Not-For-Profit Corporation
Owner/Permittee**

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

4/20/02
L:\LANZAFAM\Resos\Reso2002\R-296208_permit-USD-pkg.wpd