

RESOLUTION NUMBER R-304622

DATE OF FINAL PASSAGE JANUARY 27, 2009

A RESOLUTION STATING THAT THE CHABAD  
EDUCATIONAL CAMPUS, PROJECT NO. 123607, IS IN  
SUBSTANTIAL CONFORMANCE WITH CONDITIONAL USE  
PERMIT NO. 133-PC.

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee, filed an application with the City of San Diego for a substantial conformance review to expand and develop Chabad's existing campus with a high school, college, sport facilities, and 280 on-campus housing units on an approximately 27-acre site known as the Chabad Educational Campus Substantial Conformance Review project, located at 10785 Pomerado Road, and legally described as Parcel 2, of Parcel Map No. 7724, in the County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, August 18, 1978, in the Scripps Miramar Ranch Community Plan area; and

WHEREAS, an approximately 27-acre portion of the Conditional Use Permit [CUP] area is in separate ownership from United States International University [USIU] and Friends of the Chabad Lubavitch San Diego, Inc. has indicated its intent to expand the existing Chabad Campus to develop and operate a high school, college, sport facilities, and on-campus housing units consisting of two institutional use buildings, a two-story university building, a sports complex building, sports field, tennis court, swimming pool/spa, and 280 housing units with below grade parking structures for students and faculty of Chabad; and

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., has indicated that it plans to construct within the same development footprint in substantially same manner as was approved for the USIU facilities on the approximately 27 acre parcel; and

WHEREAS, the USIU facilities approved for the parcel included academic facilities, housing for students and faculty, off-street parking, physical educational playing fields and related outdoor facilities, and other incidental accessory uses; and

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee, has entered into a Memorandum of Understanding with the Scripps Ranch Planning Group, as herein approved Exhibit "A," whereby Owner/Permittee agrees to use best efforts to implement twenty-six items in exchange for the Planning Group's recommendation to approve the Chabad Educational Campus Substantial Conformance Review project; and

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee, shall record a grant deed restriction upon the property stipulating that should the use of the on-campus housing be changed to non-campus uses, the full multi-family residential Facilities Benefit Assessment rate shall go into effect and Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee shall in addition pay \$2.0 million in penalties for the conversion; and

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee, shall pay \$3.9 million into the community's Facilities Benefit Assessment; and

WHEREAS, Conditional Use Permit No. 133-PC Amendment requires Planning Commission to approve a plot plan for the entire phase prior to issuance of any building permit; and

WHEREAS, on August 8, 1994, the Council of the City of San Diego, determined Chabad's kindergarten through twelfth grade plus 'Yeshiva' (rabbinical seminary) accommodating a maximum of 800 full time students is in fact substantively the same university as approved under the USIU Conditional Use Permit and therefore, the Chabad Educational Campus, an approximately 27-acre site at 10785 Pomerado Road, is vested under USIU Conditional Use Permit No. 133-PC Amendment; and

WHEREAS, on September 18, 2008, the Planning Commission of the City of San Diego considered the substantial conformance of the proposed Chabad Educational Campus with Conditional Use Permit No. 133-PC as amended, and pursuant to Resolution No. 4451-PC voted to recommend City Council approval of the substantial conformance; and


WHEREAS, under Charter Section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on January 27, 2009, 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 FURTHER RESOLVED, that the proposed Chabad Educational Campus, as shown on the approved Substantial Conformance Review Exhibit "A," is in substantial conformance with Conditional Use Permit No. 133-PC as amended.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Keith Bauerle  
Deputy City Attorney

SRE:KB:pev  
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