

RESOLUTION NUMBER R- 311299

DATE OF FINAL PASSAGE SEP 11 2017

ITEM #6018
9/11/17

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING CONDITIONAL USE PERMIT NO. 1605027/SITE DEVELOPMENT PERMIT NO. 1831047 FOR UNIVERSITY OF SAN DIEGO MASTER PLAN UPDATE – PROJECT NO. 417090. (AMENDMENT TO CONDITIONAL USE PERMIT/RESOURCE PROTECTION ORDINANCE NO. 92-0568).

WHEREAS, University Of San Diego, a California Non-Profit Corporation, filed an application with the City of San Diego for Conditional Use Permit (CUP) No. 1605027 and Site Development Permit (SDP) No. 1831047 (amendment to CUP/Resource Protection Ordinance (RPO) No. 92-0568) for the University of San Diego Master Plan Update; and

WHEREAS, the project site is located at 5998 Alcala Park in the RS-1-7, RM-1-1, RM-3-7, CC-4-2, CC-4-5, CC-5-4, OR-1-1 and OP-2-1 zones within the Linda Vista Community Plan area. The project is located within the Airport Land Use Compatibility Overlay Zone for Montgomery Field, the Airport Influence Area for San Diego International Airport (SDIA) and Montgomery Field (Review Area 2) as depicted in the adopted 2014 Airport Land Use Compatibility Plan (ALUCP) and the Federal Aviation Administration Part 77 Notification Area for the SDIA and Montgomery Field; and

WHEREAS, the property is legally described as shown on Attachment A, part of this resolution; and

WHEREAS, on June 1, 2017, the Planning Commission of the City of San Diego considered CUP No. 1605027/SDP No. 1831047, and pursuant to Resolution No. PC-4864 voted to recommend approval; 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 and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where 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 September 11, 2017, 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 No. 1605027/SDP No. 1831047:

**A. CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0405**

1. The proposed development will not adversely affect the applicable land use plan. The proposed development and use of the site is a continuation of the existing use of the premises for the University of San Diego (USD) and is consistent with the adopted City of San Diego General Plan and the Linda Vista Community Plan, which designates the project property for Institutional, Residential, and Open Space land uses, and which Community Plan recommends that a CUP be implemented to govern the use of the site. Proposed development on campus is focused primarily toward existing disturbed areas of campus (e.g. parking lots, turf areas, and athletic fields), with minimal impacts to the campus perimeter and environmental resources on campus, and is consistent with the applicable goals and policies of the General Plan and Linda Vista Community Plan and will not result in associated conflicts or inconsistencies.

USD has existed at its present location since its establishment in 1949. Several amendments to previously granted Conditional Use Permits (CUPs) have been issued to the campus to allow for growth of the campus, and USD currently operates under CUP/RPO No. 92-0568 (which will remain in full effect and cover previously approved project Nos. 1-16). This CUP No. 1605027/SDP No. 1831047 will cover new projects No. 17-30 as described in detail in the USD Master Plan Update. These development permits in conjunction with the USD Master Plan Update and Technical Appendix will provide for the orderly development and implementation of future building and landscape projects and improvements on the campus to accommodate anticipated growth over an approximate 20-year horizon, including up to 16 previously approved, entitled and unbuilt projects, and 14 newly proposed projects and campus improvements. The proposed USD Master Plan Update will allow for additional campus growth and demonstrates how up to 10,000 on-campus Full-time Equivalent (FTE) students can be accommodated on campus by construction of both the previously approved projects as well as 14 proposed new projects, with an additional building gross square footage of approximately 922,230 square feet. The USD Master Plan Update accommodates future projected parking demand with a combination of on-campus parking structures and surface parking, and provides for a range of mobility and circulation improvements, landscape enhancements, and site

improvements (e.g. storm water facilities) required to accommodate the projected on-campus student population of 10,000 FTE.

The City of San Diego General Plan outlines overarching design standards that should be considered in project development such as lighting at a pedestrian scale (UD-A.13a.), pedestrian oriented signage (UD-A.14b.), crime prevention through design (UD-A.17), sustainable development (UD-A.4), landscape (UD-A.8), and other components such as architecture, historic character, and development next to natural features. The USD Master Plan addresses these objectives via specific design guidelines for architectural design and building siting; lighting; signage that directs pedestrians to transit as key destinations; crime prevention with an on-site 24/7 Department of Public Safety as well as Public Safety Officers and a Community on Patrol initiative; and sustainability initiatives such as a minimum of LEED Silver for buildings and sustainable landscape design. The proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. All improvements will comply with the City's development requirements and Crime Prevention through Environmental Design (CPTED) features will be integrated into the projects to address general security concerns. The USD Master Plan Update includes design guidelines that provide a framework for the future development of the campus architecture, landscape, circulation, parking, lighting, signage and sustainability features consistent with the San Diego Municipal Code, Linda Vista Community Plan and prior Conditional Use Permits on the campus. Adherence to the proposed Design Guidelines and the Proposed Projects Matrix (Table 5) contained in the USD Master Plan Update will ensure that future development is compatible with existing buildings and landscapes on campus and the surrounding Linda Vista neighborhoods.

A Subsequent Environmental Impact Report (SEIR) has been prepared in accordance with California Environmental Quality Act (CEQA) Guidelines. As described in the SEIR, implementation of the USD Master Plan Update will involve limited use of hazardous materials during construction and possible demolition/removal of structures that could contain lead-based paint and/or asbestos-containing materials. The use of proper construction worker education and implementation of protective measures in the handling and disposal of such materials will avoid impacts to health and safety. The project site is not located within or adjacent to mapped 100-year floodplains or dam inundation zones. Portions of the campus are within the Federal Aviation Administration (FAA) noticing surfaces for San Diego International Airport and Montgomery Field and will be required to coordinate in the future with the FAA as part of individual project approval(s) in order to address the issue of aircraft-related hazards. Although the campus is within a portion of the City identified as a "Very High Fire Hazard Severity Zone," adherence to the City's fire and brush management requirements contained in the San Diego Municipal Code will ensure that no increase in wildfire hazard or exposure of the public to such hazards will occur. As noted in the SEIR, the project will not have any potential for other public health effects, such as vectors, sewage spills, electromagnetic forces or fuel/toxic chemical storage sites.

CUP No. 1605027/SDP No. 1831047 imposes conditions on the project to comply with the development regulations in effect for the subject property as set forth in the Land

Development Code, and the developer of the project will be required to obtain all necessary grading, public improvement and building permits to ensure construction will comply with all applicable development regulations, Building and Fire Codes. The proposed development and associated improvements will meet all development standards and will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The USD Master Plan Update will comply with relevant regulations of the San Diego Municipal Code and includes three deviations to the base residential zoning standards for height and floor-area ratio, which are allowed provided a Site Development Permit is obtained. Those deviations are as follows:

Deviations Summary		
Deviation Description	Deviation from SDMC	Justification for Deviation
1. Height deviation	Allow for maximum height of 65 feet in RS-1-7 zone, where 24/30 feet is allowed	<ul style="list-style-type: none">• Allows heights consistent with existing CUP• Maximizes square footage in height, minimizes expansion of development footprint
2. Floor Area Ratio	Allow for FAR to be 0.60 instead of 0.45 in the RS-1-7 zone, governed by the CUP	<ul style="list-style-type: none">• Maximizes use of existing campus structures without expanding campus boundaries
3. Height deviation	Allow a maximum height of 45 feet in the RM-1-1 zone instead of 30 feet	<ul style="list-style-type: none">• Allows height consistent with existing CUP• More energy efficient structures

Building heights and floor areas proposed are consistent with existing buildings on the campus and will not result in any impacts to visual resources, as described in the SEIR. The Design Guidelines and the Proposed Projects Matrix (Table 5) contained in the USD Master Plan Update will ensure that future development is consistent with the USD Master Plan Update and proposed CUP and compatible with existing buildings and landscapes on campus, including architectural style and landscape character. As such, the proposed development will comply with the regulations of the Land Development Code, including any allowable deviations, pursuant to the Land Development Code.

4. The proposed use is appropriate at the proposed location. The University has existed at its present location since its establishment in 1949 and has operated on the proposed property under various City-issued CUPs since 1960. The Linda Vista Community Plan calls for Institutional, Residential, and Open Space uses in the proposed location and recommends that a CUP be implemented to govern the use of the site. The proposed continued use of the property for the University implements this plan; no amendments to the General Plan or Community Plan

are required to implement the proposed project. The USD Master Plan Update includes design guidelines and a comprehensive project implementation program to ensure that future development of the University is coordinated and does not result in any adverse impacts to the surrounding community, and is compatible with existing buildings and landscapes on campus. As such, the proposed use is appropriate at the proposed location.

**B. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0504**

1. The proposed development will not adversely affect the applicable land use plan. On the basis of facts described within Conditional Use Permit Finding (A)(1), listed above, incorporated by reference herein, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. On the basis of facts described within Conditional Use Permit Finding (A)(2), listed above, incorporated by reference herein, 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, including any allowable deviations pursuant to the Land Development Code. On the basis of facts described within Conditional Use Permit Finding (A)(3), listed above, incorporated by reference herein, the proposed development is in conformance with the applicable regulations of the Land Development Code (LDC), including deviations as allowed through a Site Development Permit.

**C. Supplemental Site Development Permits Findings - Environmentally Sensitive Lands-
Section 126.0504(b)**

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 University has existed at its present location since its establishment in 1949. The General Plan and Linda Vista Community Plan calls for Institutional, Residential, and Open Space uses in the proposed location and the Community Plan recommends that a CUP be implemented to govern the use of the site. Over 20 years, the proposed project will allow for the expansion of the existing campus development commensurate with the space and facility needs associated with an increased student population. Approximately 21 acres of the 180-acre property contain biologically sensitive resources classified as Environmentally Sensitive Lands (ESL) according to the San Diego Municipal Code. Approximately 16.2 acres of the campus contains naturally occurring steep slopes. Proposed development on campus under the USD Master Plan Update is focused primarily toward existing disturbed areas of campus (e.g. parking lots and athletic fields), with minimal impacts to the campus perimeter and environmental resources on campus. Although 7.6 acres of MHPA occur along the northern edge of the campus property, no biologically sensitive resources within the preserve will be disturbed by the proposed project.

Of the 14 projects/sites proposed by the USD Master Plan Update, project/sites 17, 19, 22, 23, 27 and 30 will result in 0.5-acre of impacts to biologically sensitive lands and 18,000 square feet (SF) of steep slopes. The impacted ESL is outside the MHPA and on the periphery of existing campus development. Project 17 will comprise of trails and landscape enhancements with minimal impacts to biologically sensitive lands. Project 19 includes a handicap accessible pedestrian path with an elevator and stair tower and a pedestrian bridge spanning across Marian Way. A portion of the bridge structure will encroach into sensitive habitat. The bridge and path will be designed to be compatible with the existing slope and elevation of the hillside and minimize site disturbance. The pedestrian bridge and pathway associated with Project Site 19 was sited to provide an essential Americans with Disabilities Act (ADA)-compatible connection between the lower portion of campus near the West Parking Structure and the upper mesa where academic uses occur. The ESL impacted by Project Site 19 is a small, isolated remnant of habitat that is not connected to the MHPA or the larger areas of higher quality habitat to the south. The academic and student housing/parking proposed at Project Sites 22 and 23 were sited to provide connections to the existing campus while focusing development on as much of the disturbed or developed portions and non-native areas of campus as possible. The project/site associated with project 22 includes development of an approximately 175,000 gross square foot academic/administrative building within a portion of a steep hillside. The addition of this building on the campus perimeter to accommodate expansion of academic space, offices and laboratory space is considered to further the mission of the university to continue to provide quality education, science and technology research and expansion of its undergraduate and graduate programs, for the benefit of the Linda Vista Community, the City of San Diego and the region. The building is envisioned to be compatible in size, scale, and architectural appearance to adjacent buildings that share programmatic and academic purposes.

Site areas for projects 23, 27 and 30 encroach into environmentally sensitive lands, however impacts have been deemed negligible in the SEIR, as no buildings or improvements are envisioned in the areas affected by the site boundary encroachment. All undisturbed ESL will be placed in a Covenant of Easement (COE) for protection as a condition of project approval. Design Guidelines and the Proposed Projects Matrix (Table 5) contained in the USD Master Plan Update will ensure that future development is consistent with existing campus development and CUP and impacts to ESL are minimized. As such, the proposed campus development under the USD Master Plan Update is physically suitable for the design and siting of the development at its proposed location and will result in minimum disturbance to environmentally sensitive lands.

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 proposed campus development is focused on existing and disturbed areas of the campus, where the highest and best use of the campus land is optimized. This includes existing parking lots, athletic fields, lawns and existing buildings. Of the 14 proposed project sites identified in the Master Plan Update, only one building will impact steep slopes. Specifically, Project 22 in Exhibit 'A' includes development of an approximately 175,000 gross square foot academic/administrative building on a site that contains 18,000 SF of steep slopes (as defined by ESL Regulations). As described and illustrated in the USD Master Plan Update, projects along the Tecolote Canyon will be set back from the canyon rim. The USD Master Plan Update specifies Brush Management Zones and conditions of the permit require that all future implementing projects comply with City of San Diego Brush Management standards and fire

code to prevent fire hazards. Geologic conditions of the campus property are typical of other areas of the City wherein seismically induced ground shaking can be common. A low potential for fault rupture hazards was identified in the project-specific geotechnical report for the majority of campus, except for a moderate potential near a suspected fault in the vicinity of Project Site 18. The project will incorporate a proper setback and a site-specific fault investigation will be performed to develop remediation measures, in accordance with applicable regulatory requirements. Slide prone formations with low to moderate risk occur on the campus; the project-specific geotechnical report identified a low potential for slope instability. Conditions have been added to the draft permit to address geologic concerns and require that a site specific geotechnical investigation report, a Storm Water Quality Management Plan (SWQMP) and a Brush Management Plan be prepared prior to the issuance of a construction permit for the project. Based on established review procedures and requirements, the project must demonstrate compliance prior to development. As such, projects proposed by the USD Master Plan Update will minimize alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed campus development is focused primarily on existing and disturbed areas of the campus, where the highest and best use of the campus land is optimized. This includes existing parking lots, athletic fields, lawns and existing buildings. As such, projects proposed by the USD Master Plan Update will be sited and designed to prevent adverse impacts on any adjacent ESL, including MHPA areas. No direct impacts to the MHPA will occur and indirect impacts will be avoided through compliance with the Land Use Adjacency Guidelines described in Section 1.4.3 of the MSCP Subarea Plan. Compliance with the Land Use Adjacency Guidelines will avoid indirect impacts related to grading/land development, drainage, toxics/project staging/equipment storage, lighting, barriers, invasive species, brush management, and noise. Where certain projects will interface with remaining ESL, compliance with the USD Master Plan Update will prevent adjacency impacts. A Covenant of Easement (COE) will be recorded over all remaining ESL for its long-term protection in perpetuity. USD will retain fee title and will be required to assume management responsibility for the on-site MHPA, in accordance with the MSCP Subarea Plan. Based on the proposed project sites as specified in the USD Master Plan Update, no adverse impacts on any adjacent environmentally sensitive lands are anticipated, and the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Project will not result in direct impacts to the MHPA, and a Boundary Line Correction will be processed to remove 0.61-acre of developed land with no biological value that was permitted for development under CUP/RPO Permit No. 42-0568 from the preserve. Project compliance with the Land Use Adjacency Guidelines through conditions of approval will avoid potential indirect impacts to the resources in the MHPA related to grading/land development, drainage and toxics, lighting, public access, barriers, invasive species, brush management, and noise. Management of the MHPA on campus, in accordance with the Framework Management Plan of the MSCP Subarea Plan, will also be conducted by USD. As a result, the Project will comply with policies protecting environmental resources in the MHPA as outlined in the MSCP Subarea Plan, and the

proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed development is located approximately one mile inland from public beaches and local shoreline and therefore it is unlikely that on-site development will contribute to erosion of public beaches or adversely affect shoreline sand supply. Moreover, detention/de-siltation basins will be provided on-campus to reduce surface water runoff and reduce water runoff velocities to the extent water runoff might increase downstream siltation and contribute to the erosion of public beaches or adversely affect 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. An SEIR has been prepared in accordance with CEQA Guidelines and compliance with an associated Mitigation, Monitoring and Reporting Program (MMRP) with mitigation is a condition of the permit to address potential project related impacts to the natural environment, including site specific impacts related to Project Nos. 17, 19 and 22. No unmitigated impacts to environmentally sensitive lands are identified and all impacts will be less than significant with mitigation implemented. 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.

M. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings - Section 126.0504(m)

1. The proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants. As of fall of 2014, the University of San Diego has one of the largest installations of roof-mounted photovoltaic solar systems on a college campus in the U.S., with an approximately 1.23 megawatt solar system across 11 buildings on campus. The USD Master Plan Update includes Design Guidelines that call for all new buildings to integrate active solar technologies and encourages the use of natural light and ventilation in all new buildings. The USD Master Plan Update requires that all new building construction on campus meet a LEED Silver Equivalent or greater. In addition, the USD Master Plan Update outlines a series of sustainable design strategies in Section 8.14 that includes specific sustainability measures that the university should employ across the campus to meet sustainability goals.

2. The development will not be inconsistent with the purpose of the underlying zone. The underlying zones on the project site allow the existing college/university use through approval of a CUP. Uses requiring a CUP are uses that may provide essential or desirable community services but could have adverse impacts on the surrounding community if not located, designed, and operated with sensitivity. This CUP No. 1605027/SDP No. 1831047, along with the USD Master Plan Update and Technical Appendix, will ensure that the proposed development will be consistent with existing development on the campus and the uses located,


designed, and operated with sensitivity, therefore it will not be inconsistent with the purpose of the underlying zone.

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. USD has existed at its present location since its establishment in 1949. Deviations to allow deviations to the height and floor area ratio development regulations of the RS-1-7 Zone, RM-1-1 Zone are proposed through a Site Development Permit, in accordance with SDMC Section 143.0920 and Section 126.0504. Proposed building heights and scale will be consistent with existing buildings on the campus and will not result in any impacts to visual resources, as described in the SEIR. The USD Master Plan Update and Technical Appendix will guide build-out of the campus and provide for the orderly development and implementation of future building and landscape projects and improvements on the campus to accommodate anticipated growth over an approximate 20-year horizon, and the proposed deviations will support an architecturally cohesive approach and a consistent development pattern to future development of the University.

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

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 1605027 and Site Development Permit No. 1831047 are granted to the UNIVERSITY OF SAN DIEGO, a California Non-Profit Corporation, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By: 
Keely M. Halsey
Deputy City Attorney

KMH:als
08/24/2017
09/14/2017 Rev. Copy
Or.Dept:DSD
Doc. No.: 1560632_2

ATTACHMENT(S): Conditional Use Permit and Site Development Permit

Passed by the Council of The City of San Diego on SEP 11 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 11 2017.

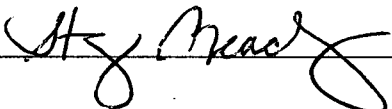
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 311299

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24005737 SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 1605027
SITE DEVELOPMENT PERMIT NO. 1831047
UNIVERSITY OF SAN DIEGO MASTER PLAN UPDATE - PROJECT NO. 417090
(AMENDMENT TO CUP/RPO NO. 92-0568)
CITY COUNCIL

This Conditional Use Permit No. 1605027, Site Development Permit No. 1831047, and Easement Vacations Nos. 1794303, 1794552, 1794547, 1807203 and 1807207, amending Conditional Use Permit No. 92-0568 is granted by the City Council of the City of San Diego to UNIVERSITY OF SAN DIEGO, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0305, 126.0504, and 126.0604. The 180-acre site is located at 5998 Alcalá Park in the RS-1-7, RM-1-1, RM-3-7, CC-4-2, CC-4-5, CC-5-4, OR-1-1 and OP-2-1 zones within the Linda Vista Community Plan area. The project is located within the Airport Land Use Compatibility Overlay Zone for Montgomery Field, the Airport Influence Area for San Diego International Airport (SDIA) and Montgomery Field (Review Area 2) as depicted in the adopted 2014 Airport Land Use Compatibility Plan (ALUCP) and the Federal Aviation Administration Part 77 Notification Area for the SDIA and Montgomery Field. The project site is legally is described within Attachment A.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the University of San Diego Master Plan Update within a premises described and identified by size, dimension, quality, type, and location on the approved exhibits and USD Master Plan Update and Technical Appendix [Exhibit "A"] dated SEP 11 2017, on file in the Development Services Department.

The project shall include:

- a. Projects as detailed in the USD Master Plan Update and Technical Appendix, allowing:
 - Increase in on-campus, full time equivalent (FTE) students to 10,000 from 7,000;
 - Addition of 922,230 square feet of school facilities and student housing;
 - Easement Vacations No. 1794552 (storm drain) and Nos. 1794303,

1794547, 1807203 and 1807207 (water service facilities) are associated with this Permit and will be finalized as related projects are implemented under the terms of the USD Master Plan Update and the Technical Appendix.

- b. Deviations from the SDMC:

Deviations Summary	
Deviation Description	Deviation from SDMC
1. Height deviation	Allow for maximum height of 65 feet in RS-1-7 zone, where 24/30 feet is allowed
2. Floor Area Ratio	Allow for FAR to be 0.60 in RS-1-7 zone instead of 0.45 across entire site governed by the CUP
3. Height deviation	Allow a maximum height of 45 feet in the RM-1-1 zone instead of 30 feet

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. All projects will be designed to meet the standards of U.S. Green Building Council 2017 LEED Silver or equivalent;
- f. Roof-mounted photovoltaic system sufficient to generate at least 50 percent of the proposed project's projected energy consumption shall be incorporated into each project, in conformance with the criteria of the Affordable/In-Fill Housing and Sustainable Buildings Expedite Program;
- g. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by September 11, 2020.

2. 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 Owner/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.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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

7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act (ESA) and by the California Department of Fish and Wildlife (CDFW) pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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 proposed 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.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

12. The projects identified in this Permit may be developed in any order. All development is required to be consistent with the conditions and exhibits approved for each respective project per the approved Exhibit A" (USD Master Plan Update and the Technical Appendix).

13. All previous conditions from CUP/RPO 92-0568 remain valid and in effect.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (MMRP) shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

15. The mitigation measures specified in the MMRP and outlined in ENVIRONMENTAL IMPACT REPORT NO. 417090/SCH NO. 1993121032, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in ENVIRONMENTAL IMPACT REPORT NO. 417090/SCH NO. 1993121032, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Land Use
- Transportation/Circulation
- Biological Resources
- Historical Resources
- Air Quality
- Noise

AIRPORT REQUIREMENTS:

17. Prior to the issuance of any building permits, the Owner/Permittee shall provide a copy of the signed agreement (DS-503) and show certification on the building plans verifying that the structures do not require Federal Aviation Administration (FAA) notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation.

GEOLOGY REQUIREMENTS:

18. Prior to the issuance of any construction permits (either grading or building permits), the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services.

19. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services prior to exoneration of the bond and grading permit close-out.

ENGINEERING REQUIREMENTS:

20. All excavated material listed to be exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
21. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.
22. Prior to the issuance of any building permits, the Owner/Permittee shall vacate and/or provide adequate easements for all public storm drain facilities which are located outside of the public rights-of-way, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
24. Prior to the issuance of any building permits for Project Site Nos. 17, 18 & 19, as shown on Exhibit "A," the Owner/Permittee shall assure by permit and bond the replacement of the existing curb ramps with City standard curb ramps with truncated domes, adjacent to the site on the northwest corner of Linda Vista Road and Marion Way, satisfactory to the City Engineer.
25. Prior to the issuance of any building permits, Project Site Nos. 17, 18 & 19, as shown on Exhibit "A," the Owner/Permittee shall assure by permit and bond the closures of all non-utilized driveways with City standard curb, gutter and sidewalk, adjacent to the site on Cushman Place, satisfactory to the City Engineer.
26. Prior to the issuance of any building permits, Project Site Nos. 17, 18 & 19, as shown on Exhibit "A," the Owner/Permittee shall assure by permit and bond, to construct a minimum 5-foot-wide City standard sidewalk, adjacent to the site on Cushman Place, satisfactory to the City Engineer.
27. Prior to the issuance of any building permits for Project Site Nos. 20, 21, 22, 23, 24, 25 & 26 as shown on Exhibit "A," the Owner/Permittee shall assure by permit and bond, the installation of City standard bus slab, adjacent to the site on Linda Vista Road, per standard Drawing SDG-102, satisfactory to the City Engineer.
28. Prior to the issuance of any building permits for Project Site Nos. 27, 28, 29 & 30 as shown on Exhibit "A," the Owner/Permittee shall assure by permit and bond, the reconstruction of the existing driveway to current City standards, adjacent to the site on Via Las Cumbres, satisfactory to the City Engineer.
29. Prior to the issuance of any building permits for Project Site Nos. 27, 28, 29 & 30 as shown on Exhibit "A," the Owner/Permittee shall assure by permit and bond, the reconstruction of all non-signalized driveway entrances with City standard driveway, on Linda Vista Road,

satisfactory to the City Engineer.

30. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to reconstruct the damaged portions of the sidewalk with current City standard sidewalk, adjacent to the site, satisfactory to the City Engineer.

31. The slopes for driveways may have a maximum of 14 percent grade, without transitions, or a maximum 20 percent of grade, provided that transitions of a minimum 8-foot length at half of the ramp slope are installed at both ends of the ramp.

32. All proposed driveways shall provide visibility area triangles, per San Diego Municipal Code Diagram 113-02SS. No obstruction including solid walls in the visibility area shall exceed 3 feet in height. Plant material, other than trees, within the public right-of-way that is located within the visibility areas shall not exceed 24 inches in height, measured from the top of the adjacent curb.

33. Prior to the issuance of any construction permit, the Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

34. The applicant shall submit a site-specific Storm Water Quality Management Plan during the Substantial Conformance Review process for each project as shown on Exhibit "A."

35. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

36. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-00090DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

37. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

38. Prior to the recordation of Easement Vacation No. 1794552 for an existing storm drain facility (shown on pages C10.0 and C19.0) of the USD Master Plan Update Technical Appendix) the Owner/Permittee shall assure, by permit, bond and As-built completion the abandonment or

privatization of all associated storm water facilities, in a manner satisfactory to the Development Services Director and the City Engineer.

LANDSCAPE REQUIREMENTS:

39. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Office of the Development Services Department.

40. Prior to issuance of any engineering permits for right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

41. In the event that a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

42. Prior to issuance of any construction permits for structures (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall show, label, and dimension a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

43. Prior to issuance of any construction permits for structures over 500 square feet and include landscaping, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per §142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

44. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping"

of trees is not permitted unless specifically noted in this Permit.

45. If any required landscape (including existing or new plantings, hardscape, landscape features, shade structures, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

46. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" Brush Management Plan on file in the Office of the Development Services Department.

47. Whereas a standard Brush Management Program consists of a Zone One of 35 feet in width with Zone Two of 65 feet in width extending out from the structure towards the native/naturalized vegetation, existing conditions require a modified Brush Management Program per Brush Management Regulations of the Land Development Code section 142.0412. Zone one shall range from 3-feet to 80-feet with a corresponding Zone Two of 97-feet to 0-feet, respectively, exercising Zone Two reduction options under 142.0412(f) as shown on Exhibit "A."

48. Where existing structures are adjacent to Environmentally Sensitive Lands, a modified Zone One may not extend past the CUP Boundary or the MHPA Boundary, whichever is closest to the structure, and the balance of Zone Two may extend into the native/naturalized vegetation, consistent with 142.0412(h).

49. Where redevelopment is proposed at Site Nos. 20 and 27, Brush Management must be fully contained within the boundary of the CUP and shall integrate alternative compliance measures if a full 100-feet of defensible space is not provided, under 142.0412(i). Zone One may not extend beyond the boundary of the MHPA.

50. Prior to the issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

51. Prior to the issuance of any building permits, a complete set of Brush Management Plans shall be submitted for approval to the Development Services Department. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Landscape Standards and Brush Management Regulations as set forth under Land Development Code Section 142.0412.

52. Within Zone One, combustible accessory structures (including, but not limited to, decks, trellises, gazebos, etc.) shall not be permitted while accessory structures on non-combustible, one-hour fire-rated, and/or heavy timber construction may be approved within the designated Zone One area subject to the Fire Marshal's approval.

53. The following note shall be provided on the Brush Management Construction Documents: 'It shall be the responsibility of the Owner/Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program.'

54. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS:

55. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the on-site Multiple Habitat Planning Area (MHPA) to the City's Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, or a Covenant of Easement (COE) granted in favor of the City and the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), as shown on Exhibit "A."

56. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by the COE unless otherwise agreed to by the City. Prior to issuance of any construction permit for grading on parcels affected by the COE, documentation demonstrating the remainder MHPA would be adequately managed and monitored in a manner consistent with the City's MSCP Preserve Management Framework shall be submitted and approved by the Development Services Department and Planning Department/MSCP Section. Documentation shall consist of either a Habitat Management Plan (HMP) or COE Grantor's Duties specific language and either document would identify the responsible entity, Habitat Manager, and funding source for long term-maintenance and management.

57. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreements and/or liens.

58. For all property approved for conveyance in fee title to the City for MHPA purposes: Prior to issuance of any building permits, the Owner/Permittee shall schedule an inspection with the Park and Recreation Department Open Space Division. All trash, illegal use and associated structures on the lot(s) shall be removed prior to the City's acceptance.

MHPA LAND USE ADJACENCY REQUIREMENTS:

59. The following permit conditions are required to be placed on the construction documents and plans for Project Site Nos. 20, 21, 24, 27, and 28:

Prior to issuance of any construction permit or notice to proceed, DSD/LDR, and/or MSCP staff shall verify the Applicant has accurately represented the project's design in or on the Construction Documents (CD's/CD's consist of Construction Plan Sets for Private Projects and

Contract Specifications for Public Projects) in conformance with the associated discretionary permit conditions and Exhibit "A," and also the City's Multi-Species Conservation Program (MSCP) Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines (LUAG). The applicant shall provide an implementing plan and include references on/in CD's of measures below under the bolded heading of each item.

- **Grading/Land Development/MHPA Boundaries** - Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify MHPA boundaries onsite and adjacent properties are delineated on the CDs. DSD Planning and/or MSCP staff shall ensure that all grading is included within the approved development/construction footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA. For projects within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- **Drainage** - Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify all new and proposed parking lots, staging areas, and developed areas in and adjacent to the MHPA are designed so they do not drain directly into the MHPA. All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- **Toxics/Project Staging Areas/Equipment Storage** - Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/ development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "*All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA.*"
- **Lighting** - Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 142.0740.
- **Barriers** – Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify construction and new development

within or adjacent to the MHPA includes barriers (e.g., non-invasive vegetation; rocks/boulders; 6-foot high, vinyl-coated chain link or equivalent fences/walls; and/or signage) along the MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.

- **Invasives** - Prior to issuance of any construction permit or notice to proceed, DSD/ LDR, and/or MSCP staff shall verify no invasive, non-native plant species are being introduced into areas within or adjacent to the MHPA.
- **Noise** - Prior to issuance of any construction permit or notice to proceed, Development Services Department/LDR Section and/or Planning Department/MSCP Section staff shall verify (due to the site's location adjacent to or within the MHPA) where the Qualified Biologist has identified potential nesting habitat for listed avian species, that construction noise that exceeds the maximum levels (60 dB or greater at the beginning edge of the habitat) allowed shall be avoided during the breeding seasons for the following: CA gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species, USFWS protocol surveys shall be required in order to determine species presence/absence. If protocol surveys are not conducted in suitable habitat during the breeding season for the aforementioned listed species, presence shall be assumed with implementation of noise attenuation and biological monitoring. If species are present or assumed present because surveys are not performed, then appropriate mitigation shall be utilized to reduce noise impacts to 60dB or below at the edge of the occupied habitat.

PLANNING/DESIGN REQUIREMENTS:

60. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

61. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A" for Sensitive Biological Resources, in accordance with SDMC section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

62. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

63. A 38' setback shall be maintained from the private residence in Focus Area K to any new structures to the east of the residence.

64. No balconies are permitted along facades of new buildings facing the private residence in Focus Area K.

65. No structures are permitted across the alley between Josephine Street and Brunner Street in Focus Area K.

66. No parking structure shall be visible from the private residence in Focus Area K.

TRANSPORTATION REQUIREMENTS:

67. Prior to issuance of the first construction permit for Project Site Nos. 17 through 30 the Owner/Permittee shall grant an Irrevocable Offer to Dedicate 5 to 8 feet of right-of-way for Linda Vista Road along the project frontage, satisfactory to the City Engineer.

68. Prior to issuance of the building permit for each project, Owner/Permittee shall provide a parking assessment demonstrating that parking is provided at a rate of 0.539 vehicular parking spaces per on-campus full time equivalent (FTE) enrollment, satisfactory to the City Engineer.

69. Annual FTE Report: Owner/Permittee shall submit on-campus full time equivalent (FTE) enrollment numbers to the City of San Diego, Director of the Development Services Department or designee, by May 1st of each year for the life of this Permit, and shall comply with all requirements of the Mitigation, Monitoring, and Reporting Program (MMRP).

70. Prior to enrolling the 7,350th FTE student, as verified by Condition No. 65, the Owner/Permittee shall provide a fair-share contribution of \$297,000 (to be made thereafter in five equal payments over five years) towards future improvements to the Morena Specific Plan area (including the segment of Linda Vista Road between Napa Street and Marian Way [Mildred Street]), to the satisfaction of the City Engineer.

71. Prior to the issuance of the first building permit, the Owner/Permittee shall assure by permit and bond, the installation of a new traffic signal at the intersection of Linda Vista Road and Colusa Street, with signal interconnect to the adjacent traffic signals, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

72. Prior to the recordation of each of the four water facilities Easement Vacations No. 1794303, 1794547, 1807203 and 1807207 (shown on Pages C3.0-C11.0 of the USD Master Plan Update Technical Appendix) the Owner/Permittee shall assure, by permit, bond and As-built completion the abandonment, relocation, or privatization of all associated public water facilities, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

73. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) (BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private

property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

74. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

75. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

76. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

77. No new trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

78. Prior to the issuance of occupancy for the first residential building permits, the Owner/Permittee shall assure, by permit and bond, to cap (abandon) at the property line any existing unused sewer lateral and install new sewer lateral(s) which must be located outside of any driveway or vehicular use area.

79. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, to remove (kill) at the main any existing unused water service.

80. All public water and sewer facilities are to be in accordance with the approved Water and Sewer Studies.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on SEP 11 2017 and
Resolution No. RR-311299.

Approval No.: CUP No. 1605027/SDP 1831047
Date of Approval: SEP 11 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Martha Blake
Development Project Manager

NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

UNIVERSITY OF SAN DIEGO,
Owner, and Permittee

By _____
Name:
Title:

NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.

ATTACHMENT 6A
LEGAL DESCRIPTION

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First American
Title Company

Reference No.:682685

County:San Diego

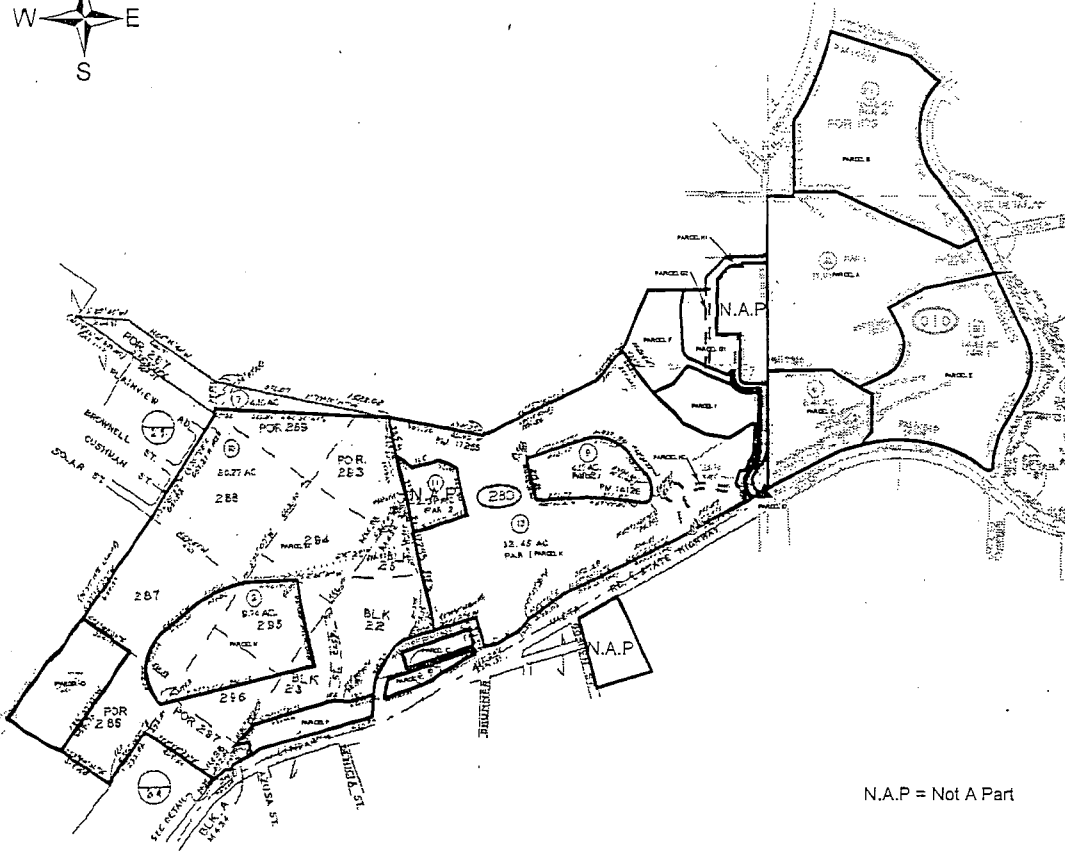
Location Map



Legend

- PARCEL A
- PARCEL B
- PARCEL C
- PARCEL D
- PARCEL E
- PARCEL F
- PARCEL G1
- PARCEL G2
- PARCEL H1
- PARCEL H2
- PARCEL I
- PARCEL J
- PARCEL K
- Parcel M
- Parcel N
- PARCEL O
- PARCEL P
- PARCEL Q

ATTACHMENT A



N.A.P = Not A Part

Tax ID:Refer To Title Report

Short Legal:A Portion of County of San Diego

Map Not
To Scale

This map may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. First American Title expressly disclaims any liability for alleged loss or damage which may result from reliance upon this map.









First American
Title Company

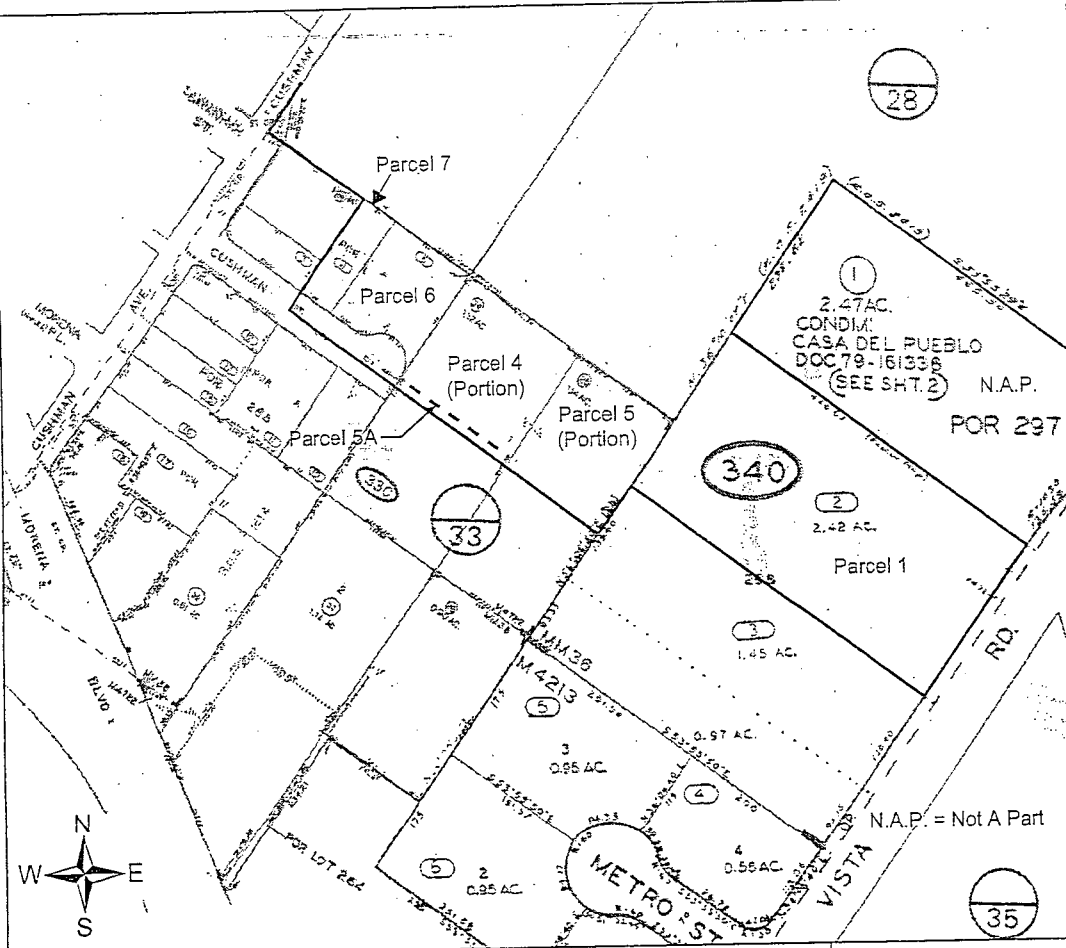
Reference No.: 682686

County: San Diego

Location Map

Legend

-  Parcel 1
-  Parcel 4
-  Parcel 5
-  Parcel 5A
-  Parcel 6
-  Parcel 7



Tax ID: Refer to Title Report

Short Legal: A Portion of Counry of San Diego

Map Not
To Scale

This map may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. First American Title expressly disclaims any liability for alleged loss or damage which may result from reliance upon this map.

LEGAL DESCRIPTION

Real property in the City of San Diego, County of San Diego, State of California, described as follows:

PARCEL A: (APN 437-010-22)

PARCEL 1 OF PARCEL MAP NO. 17820, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 13, 1997 AS INSTRUMENT NO. 1997-43710, OF OFFICIAL RECORDS.

PARCEL B: (APN 437-010-21)

PARCEL 4 OF PARCEL MAP NO. 14519, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 17, 1986.

PARCEL C: (PORTION 437-010-06)

THAT PORTION OF PUEBLO LOT 1176 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN 1870, A COPY OF WHICH MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 14, 1921 AND IS KNOWN AS MISCELLANEOUS MAP NO. 36, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID PUEBLO LOT 1176 DISTANT THEREON SOUTH 1° 02' 45" WEST 947.01 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 88° 57' 15" EAST 355.00 FEET; THENCE SOUTH 58° 14' 41" EAST 255.41 FEET; THENCE SOUTH 1° 02' 45" WEST 199.49 FEET; THENCE SOUTH 41° 19' 23" WEST 98.12 FEET TO A POINT IN THE 850 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, IN THE NORTHERLY LINE OF THE 100 FOOT RIGHT OF WAY (KNOWN AS "LINDA VISTA ROAD") DESCRIBED IN PARCEL A-1 OF DEED TO THE CITY OF SAN DIEGO, RECORDED JUNE 27, 1947 AS FILE NO. 66831 IN BOOK 2442, PAGE 83 OF OFFICIAL RECORDS; THENCE WESTERLY ALONG SAID CURVE 204.14 FEET TO THE END THEREOF; THENCE SOUTH 62° 57' 05" WEST, ALONG THE NORTHERLY LINE OF SAID RIGHT OF WAY, 364.23 FEET TO A POINT IN THE WESTERLY LINE OF SAID PUEBLO LOT; THENCE NORTH 1° 02' 45" EAST, ALONG SAID WESTERLY LINE, 650.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN UNIVERSITY KNOLLS, ACCORDING TO MAP THEREOF NO. 3900, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 29, 1958.

ALSO EXCEPTING THEREFROM ALL URANIUM, THORIUM, AND ALL OTHER MATERIAL DETERMINED PURSUANT TO SECTION 5 (B) (1) OF THE ATOMIC ENERGY ACT OF 1946 (60 STAT. 761) TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIAL, CONTAINED, IN WHATEVER CONCENTRATION, IN DEPOSITS IN THE LAND COVERED BY THIS INSTRUMENT ARE HEREBY RESERVED FOR THE USE OF THE GOVERNMENT, TOGETHER WITH THE RIGHT OF THE GOVERNMENT THROUGH ITS AUTHORIZED AGENTS OR REPRESENTATIVES AT ANY TIME TO ENTER UPON THE LAND AND PROSPECT FOR, MINE, AND REMOVE THE SAME, MAKING JUST COMPENSATION FOR ANY DAMAGE OR INJURY OCCASIONED THEREBY. HOWEVER, SUCH LAND MAY BE USED, AND ANY RIGHTS OTHERWISE ACQUIRED BY THIS DISPOSITION MAY BE EXERCISED, AS IF NO RESERVATION OF SUCH MATERIALS HAD BEEN

MADE; EXCEPT THAT, WHEN SUCH USE RESULTS IN THE EXTRACTION OF ANY SUCH MATERIAL FROM THE LAND IN QUANTITIES WHICH MAY NOT BE TRANSFERRED OR DELIVERED WITHOUT A LICENSE UNDER THE ATOMIC ENERGY ACT OF 1946, AS IT NOW EXISTS OR MAY HEREAFTER BE AMENDED, SUCH MATERIAL SHALL BE THE PROPERTY OF THE UNITED STATES ATOMIC ENERGY COMMISSION, AND THE COMMISSION MAY REQUIRE DELIVERY OF SUCH MATERIAL TO IT BY ANY POSSESSOR THEREOF AFTER SUCH MATERIAL HAS BEEN SEPARATED AS SUCH FROM THE ORES IN WHICH IT WAS CONTAINED. IF THE COMMISSION REQUIRES THE DELIVERY OF SUCH MATERIAL TO IT, IT SHALL PAY TO THE PERSON MINING OR EXTRACTING THE SAME, OR TO SUCH OTHER PERSONS AS THE COMMISSION DETERMINES TO BE ENTITLED THERETO, SUCH SUMS, INCLUDING PROFITS AS THE COMMISSION DEEMS FAIR AND REASONABLE FOR THE DISCOVERY, MINING, DEVELOPMENT, PRODUCTION, EXTRACTION, AND OTHER SERVICES PERFORMED WITH RESPECT TO SUCH MATERIAL PRIOR TO SUCH DELIVERY, BUT SUCH PAYMENT SHALL NOT INCLUDE ANY AMOUNT ON ACCOUNT OF THE VALUE OF SUCH MATERIAL BEFORE REMOVAL FROM ITS PLACE OF DEPOSIT IN NATURE. IF THE COMMISSION DOES NOT REQUIRE DELIVERY OF SUCH MATERIAL TO IT, THE RESERVATION HEREBY MADE SHALL BE OF NO FURTHER FORCE OR EFFECT, AS RESERVED BY THE UNITED STATES OF AMERICA IN DEED RECORDED FEBRUARY 26, 1954 AS DOCUMENT NO. 25371 IN BOOK 5155, PAGE 40, OFFICIAL RECORDS.

PARCEL D: (PORTION 437-010-06)

THOSE PORTIONS OF SANTA ANA DRIVE AND MARIAN WAY AS VACATED BY RESOLUTION NO. 223301 OF THE COUNCIL OF THE CITY OF SAN DIEGO AND AS SHOWN ON DRAWING 17770-D ON FILE IN THE OFFICE OF THE CITY CLERK AS DOCUMENT NO. 765855, A CERTIFIED COPY OF WHICH RECORDED APRIL 23, 1979 AS FILE/PAGE NUMBER 79-165250, OFFICIAL RECORDS.

EXCEPTING FROM A PORTION THEREFROM ALL URANIUM, THORIUM, AND ALL OTHER MATERIAL DETERMINED PURSUANT TO SECTION 5 (B) (1) OF THE ATOMIC ENERGY ACT OF 1946 (60 STAT. 761) TO BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIAL, CONTAINED, IN WHATEVER CONCENTRATION, IN DEPOSITS IN THE LAND COVERED BY THIS INSTRUMENT ARE HEREBY RESERVED FOR THE USE OF THE GOVERNMENT, TOGETHER WITH THE RIGHT OF THE GOVERNMENT THROUGH ITS AUTHORIZED AGENTS OR REPRESENTATIVES AT ANY TIME TO ENTER UPON THE LAND AND PROSPECT FOR, MINE, AND REMOVE THE SAME, MAKING JUST COMPENSATION FOR ANY DAMAGE OR INJURY OCCASIONED THEREBY. HOWEVER, SUCH LAND MAY BE USED, AND ANY RIGHTS OTHERWISE ACQUIRED BY THIS DISPOSITION MAY BE EXERCISED, AS IF NO RESERVATION OF SUCH MATERIALS HAD BEEN MADE; EXCEPT THAT, WHEN SUCH USE RESULTS IN THE EXTRACTION OF ANY SUCH MATERIAL FROM THE LAND IN QUANTITIES WHICH MAY NOT BE TRANSFERRED OR DELIVERED WITHOUT A LICENSE UNDER THE ATOMIC ENERGY ACT OF 1946, AS IT NOW EXISTS OR MAY HEREAFTER BE AMENDED, SUCH MATERIAL SHALL BE THE PROPERTY OF THE UNITED STATES ATOMIC ENERGY COMMISSION, AND THE COMMISSION MAY REQUIRE DELIVERY OF SUCH MATERIAL TO IT BY ANY POSSESSOR THEREOF AFTER SUCH MATERIAL HAS BEEN SEPARATED AS SUCH FROM THE ORES IN WHICH IT WAS CONTAINED. IF THE COMMISSION REQUIRES THE DELIVERY OF SUCH MATERIAL TO IT, IT SHALL PAY TO THE PERSON MINING OR EXTRACTING THE SAME, OR TO SUCH OTHER PERSONS AS THE COMMISSION DETERMINES TO BE ENTITLED THERETO, SUCH SUMS, INCLUDING PROFITS AS THE COMMISSION DEEMS FAIR AND REASONABLE FOR THE DISCOVERY, MINING, DEVELOPMENT, PRODUCTION, EXTRACTION, AND OTHER SERVICES PERFORMED WITH RESPECT TO SUCH MATERIAL PRIOR TO SUCH DELIVERY, BUT SUCH PAYMENT SHALL NOT INCLUDE ANY AMOUNT ON ACCOUNT OF THE VALUE OF SUCH MATERIAL BEFORE REMOVAL FROM ITS PLACE OF DEPOSITS IN NATURE. IF THE COMMISSION DOES NOT REQUIRE DELIVERY OF SUCH MATERIAL TO IT, THE RESERVATION HEREBY MADE SHALL BE OF NO FURTHER FORCE OR EFFECT, AS RESERVED BY THE UNITED STATES OF AMERICA IN DEED RECORDED FEBRUARY 26, 1954 AS DOCUMENT NO. 25371 IN BOOK 5155, PAGE 40, OFFICIAL RECORDS.

PARCEL E: (APN 437-010-19)

PARCEL 1 OF PARCEL MAP NO. 14519, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 17, 1986.

PARCEL F: (APN 437-640-27)

PARCEL 1 OF PARCEL MAP NO. 14447, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON SEPTEMBER 04, 1986 AS INSTRUMENT NO. 86-388843, OF OFFICIAL RECORDS.

PARCEL G1: (APN 437-640-33)

PARCEL 1 OF PARCEL MAP 18069, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 09, 1998 AS INSTRUMENT NO. 1998-425766 OF OFFICIAL RECORDS.

PARCEL G2:

AN EASEMENT AND RIGHT OF WAY FOR THE PASSAGE OF PERSONS AND VEHICLES, TO CONSTRUCT, INSTALL, UTILIZE, MAINTAIN, IMPROVE, ALTER AND/OR REMOVE PUBLIC UTILITY LINES AND SERVICES, SEWER, WATER AND DRAINAGE SYSTEMS, AND APPURTENANCES THERETO.

A STRIP OF LAND IN PARCELS 1, 2 AND 3 OF PARCEL MAP NO. 7526, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID PARCEL MAP NO. 7526 BEING OF UNIVERSITY KNOLLS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 3900, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY NORTHEAST CORNER OF SAID PARCEL 1, BEING A POINT OF CUSP WITH A 20.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY IN THE WESTERLY LINE OF SANTA PAULA DRIVE; THENCE SOUTH 00° 29' 41" WEST ALONG THE EAST LINE OF SAID PARCEL 1, A DISTANCE OF 39.3 FEET TO THE BEGINNING OF A TANGENT 80.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE BEING THE NORTHEASTERLY BOUNDARY OF SAID PARCELS 1 AND 2, THROUGH A CENTRAL ANGLE OF 31° 43' 46" A DISTANCE OF 44.30 FEET TO INTERSECTION WITH A LINE THAT IS PARALLEL WITH 2.50 FEET SOUTHWESTERLY AT RIGHT ANGLES FROM THE NORTHEASTERLY LINE OF SAID PARCEL 2; THENCE NORTH 66° 34' 57" WEST ALONG SAID PARALLEL LINE 165.01 FEET TO INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF THE 20.00 FOOT WIDTH GENERAL UTILITY EASEMENT WITHIN SAID PARCEL 3; THENCE NORTH 0° 29' 41" EAST ALONG SAID SOUTHERLY PROLONGATION TO AND ALONG SAID WESTERLY LINE 468.23 FEET TO AN ANGLE POINT IN THE NORTH BOUNDARY LINE OF SAID PARCEL 3; THENCE SOUTH 89° 30' 19" EAST ALONG SAID NORTH LINE OF PARCEL 3, A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0° 29' 41" WEST ALONG THE EAST LINE OF SAID PARCEL 3 TO AND ALONG THE EAST LINE OF SAID 20.00 FOOT WIDE GENERAL UTILITY EASEMENT 423.92 FEET TO THE POINT OF TANGENCY WITH A 10.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY AND WHICH CURVE IS ALSO TANGENT TO THE SOUTHWESTERLY LINE OF SAID PARCEL 3; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 67° 04' 38" A DISTANCE OF 11.71 FEET TO SAID POINT OF TANGENCY ON THE SOUTHWESTERLY LINE OF PARCEL 3; THENCE SOUTH 66° 34' 57" EAST ALONG SAID SOUTHWESTERLY LINE 93.49

FEET TO THE POINT OF TANGENCY WITH THE 20.00 FOOT RADIUS CURVE FORMING THE POINT OF CUSP AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 112° 55' 22" A DISTANCE OF 39.42 FEET TO SAID POINT OF CUSP AND POINT OF BEGINNING.

PARCEL H1:

A PERPETUAL EXCLUSIVE EASEMENT FOR FOOTINGS OF WALL AND OTHER IMPROVEMENTS CONSISTING OF A THREE (3) FOOT WIDE STRIP OF PARCEL 1 OF PARCEL MAP NO. 18069, ALONG A PORTION OF SAID PARCEL 1 WHICH ADJOINS PARCEL 2 OF SAID PARCEL MAP NO. 18069, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 09, 1998 AS FILE NO. 1998-0425766 OF OFFICIAL RECORDS, AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED TO AND INCORPORATED IN QUITCLAIM DEED EXECUTED BY THE ROMAN CATHOLIC BISHOP OF SAN DIEGO, A CORPORATE SOLE, RECORDED AUGUST 10, 1998 AS DOCUMENT NO. 1998-0498737, OFFICIAL RECORDS, WITHOUT LIMITATION THE RIGHT TO CONSTRUCT, MAINTAIN, REPAIR AND REPLACE SUCH WALL AND OTHER IMPROVEMENT FOOTINGS WITHIN THE AREA OF SUCH EASEMENT.

PARCEL H2:

A PERPETUAL RIGHT, EASEMENT AND RIGHT OF WAY, IN COMMON WITH OTHERS (A) FOR THE PASSAGE OF PERSONS AND VEHICLES, (B) TO CONSTRUCT, INSTALL, UTILIZE, MAINTAIN, REPAIR, REPLACE, IMPROVE, ALTER AND/OR REMOVE PUBLIC UTILITY LINES AND SERVICES, SEWER, WATER AND DRAINAGE SYSTEMS, AND APPURTENANCES THERETO, TO SERVE PARCEL 2 OF PARCEL MAP NO. 18069, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 09, 1998 AND (C) TO ENJOY THE RIGHT OF INGRESS AND EGRESS AT ANY TIME FOR ANY PURPOSES, INCLUDING, BUT NOT LIMITED TO, THE EXERCISE OF THE RIGHTS AND PRIVILEGES GRANTED UNDER THIS EASEMENT, ON, UPON, ACROSS, TO, FROM, ABOVE, OVER, IN, UNDER AND BENEATH THAT CERTAIN PORTION OF PARCEL 1 OF PARCEL MAP NO. 17255, PARCELS 1 AND 2 OF PARCEL MAP NO. 14447, AND PARCEL 1 OF PARCEL MAP NO. 18069; ALL ON FILE IN THE OFFICE OF THE COUNTY RECORDER, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT AN ANGEL POINT ON THE EASTERLY BOUNDARY OF PARCEL 1 OF SAID PARCEL MAP NO. 18069, BEING THE NORTHERLY TERMINUS OF THAT COURSE AND DISTANCE DESIGNATED AS "NORTH 00° 29' 41" EAST 239.09 FEET"; THENCE ALONG SAID BOUNDARY SOUTH 00° 29' 41" WEST 239.09 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 32.00 FEET; THENCE SOUTH ALONG SAID CURVE 45.42 FEET THROUGH A CENTRAL ANGLE OF 81° 19' 07" TO A POINT OF COMPOUND CURVE, HAVING A RADIUS OF 132.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 09° 10' 34" WEST, THENCE EAST ALONG SAID CURVE 20.00 FEET THROUGH A CENTRAL ANGLE OF 08° 40' 53"; THENCE SOUTH 89° 30' 19" EAST 103.81 FEET TO AN ANGLE POINT ON THE EASTERLY BOUNDARY OF SAID PARCEL 1; THENCE ALONG SAID BOUNDARY SOUTH 00° 29' 41" WEST 8.00 FEET; THENCE LEAVING SAID BOUNDARY NORTH 89° 30' 19" WEST 14.94 FEET; THENCE SOUTH 00° 29' 41" WEST 38.52 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 29.00 FEET; A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 61° 52' 15" EAST; THENCE SOUTH ALONG SAID CURVE 14.49 FEET THROUGH A CENTRAL ANGLE OF 28° 37' 25"; THENCE SOUTH 00° 29' 41" WEST 208.52 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 163.50

FEET; THENCE SOUTH ALONG SAID CURVE 55.18 FEET THROUGH A CENTRAL ANGLE OF 19° 20' 08" TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 3.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF NORTH 70° 10' 11" WEST; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG SAID CURVE 5.86 FEET THROUGH A CENTRAL ANGLE OF 111° 55' 13" TO A POINT OF REVERSE CURVE, HAVING A RADIUS OF 44.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF NORTH 02° 05' 24" WEST; THENCE EAST ALONG SAID CURVE 18.01 FEET THROUGH A CENTRAL ANGLE OF 23° 27' 01" TO A POINT ON THE EASTERLY BOUNDARY OF SAID PARCEL 1, A RADIAL LINE TO SAID POINT BEARS NORTH 21° 21' 37" EAST, THENCE ALONG SAID BOUNDARY SOUTH 00° 29' 41" WEST 50.70 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 190.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE 45.26 FEET THROUGH A CENTRAL ANGLE OF 13° 38' 51" TO A POINT OF NON-TANGENCY, A RADIAL LINE TO SAID POINT HAVING A BEARING SOUTH 75° 51' 28" EAST; THENCE SOUTH 79° 02' 58" WEST 5.54 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 6.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE 7.12 FEET THROUGH A CENTRAL ANGLE OF 68° 00' 50" TO A POINT OF REVERSE CURVE, HAVING A RADIUS OF 194.31 FEET A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 78° 57' 52" EAST, THENCE SOUTH ALONG SAID CURVE 76.59 FEET THROUGH A CENTRAL ANGLE OF 22° 35' 09" TO A POINT OF NON-TANGENCY, A RADIAL LINE TO SAID CURVE HAVING A BEARING OF SOUTH 56° 22' 43" EAST; THENCE SOUTH 39° 57' 20" WEST 31.43 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 20.00 FEET; THENCE SOUTH ALONG SAID CURVE 4.97 FEET THROUGH A CENTRAL ANGLE OF 14° 13' 42" TO A POINT OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 194.31 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 45° 38' 41" EAST; THENCE SOUTHWESTERLY AND WESTERLY ALONG SAID CURVE 214.70 FEET THROUGH A CENTRAL ANGLE OF 63° 18' 31" TO A POINT OR REVERSE CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 242.10 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF NORTH 17° 39' 49" EAST; THENCE WESTERLY ALONG SAID CURVE 179.71 FEET THROUGH A CENTRAL ANGLE OF 42° 31' 56" TO A POINT OF COMPOUND CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF NORTH 24° 52' 07" WEST; THENCE SOUTHWESTERLY AND SOUTHERLY ALONG SAID CURVE 48.55 FEET THROUGH A CENTRAL ANGLE OF 92° 42' 52"; THENCE SOUTH 27° 34' 59" EAST 119.34 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 30.00 FEET; THENCE SOUTH ALONG SAID CURVE 35.81 FEET THROUGH A CENTRAL ANGLE OF 68° 23' 24" TO A POINT OF NON-TANGENCY, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 05° 58' 23" EAST, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY OF LINDA VISTA ROAD AS DEDICATED PER DEED RECORDED JUNE 27, 1947 IN BOOK 2442, PAGE 83 OF OFFICIAL RECORDS; THENCE ALONG SAID RIGHT OF WAY SOUTH 62° 25' 01" WEST 94.51 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 28.50 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 84° 42' 29" EAST; THENCE NORTH ALONG SAID CURVE 16.72 FEET THROUGH A CENTRAL ANGLE OF 33° 36' 28"; THENCE NORTH 27° 34' 59" WEST, 45.49 FEET TO THE BEGINNING OF CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 60.00 FEET; THENCE NORTHWEST ALONG SAID CURVE 27.06 FEET THROUGH A CENTRAL ANGLE OF 25° 50' 31" TO THE BEGINNING OF A REVERSE CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 60.00 FEET; THENCE NORTHWEST ALONG SAID CURVE 27.06 FEET THROUGH A CENTRAL ANGLE OF 25° 50' 31"; THENCE NORTH 27° 34' 59" WEST 48.82 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20.00 FEET; THENCE NORTHWEST ALONG SAID CURVE 15.71 FEET THROUGH A CENTRAL ANGLE OF 44° 59' 50" TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 50.00 FEET; A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 17° 25' 12" WEST; THENCE NORTHERLY, EASTERLY AND SOUTHEASTERLY ALONG SAID CURVE 187.09 FEET THROUGH A CENTRAL ANGLE OF 214° 23' 13" TO A POINT OF REVERSE CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 20.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 51° 48' 25" WEST; THENCE EAST ALONG SAID CURVE 26.41 FEET THROUGH A CENTRAL ANGLE OF 75° 38' 46" TO A POINT OF REVERSE CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 269.00 FEET, A RADIAL LINE TO SAID

POINT HAVING A BEARING OF NORTH 23° 50' 22" EAST, THENCE EAST ALONG SAID CURVE 195.33 FEET THROUGH A CENTRAL ANGLE OF 41° 36' 16" TO A POINT OF REVERSE CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 166.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 17° 45' 55" WEST; THENCE EAST ALONG SAID CURVE 278.88 FEET THROUGH A CENTRAL ANGLE OF 96° 15' 24" TO A POINT OF COMPOUND CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 10.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF NORTH 78° 29' 29" WEST; THENCE NORTH ALONG SAID CURVE 11.43 FEET THROUGH A CENTRAL ANGLE OF 65° 30' 50" TO A POINT OF REVERSE CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 50.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 35° 59' 41" WEST; THENCE NORTH ALONG SAID CURVE 83.86 FEET THROUGH A CENTRAL ANGLE OF 96° 05' 28" TO A POINT OF REVERSE CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 10.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 47° 54' 51" EAST; THENCE NORTH ALONG SAID CURVE 7.26 FEET THROUGH A CENTRAL ANGLE OF 41° 35' 28"; THENCE NORTH 00° 29' 41" EAST 268.29 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 31.00 FEET; THENCE NORTHERLY, NORTHWESTERLY AND WESTERLY ALONG SAID CURVE 48.69 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 00"; THENCE NORTH 89° 30' 19" WEST 43.21 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 63.00 FEET; THENCE WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE 98.96 FEET THROUGH A CENTRAL ANGLE OF 90° 00' 00"; THENCE NORTH 00° 29' 41" EAST 179.75 FEET TO THE BEGINNING OF CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 54.00 FEET; THENCE NORTHERLY ALONG SAID CURVE 28.43 FEET THROUGH A CENTRAL ANGLE OF 30° 10' 02" TO A POINT OF REVERSE CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 35.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF SOUTH 59° 20' 17" EAST; THENCE NORTH ALONG SAID CURVE 18.43 FEET THROUGH A CENTRAL ANGLE OF 30° 10' 02"; THENCE NORTH 00° 29' 41" EAST 22.76 FEET TO THE BOUNDARY OF SAID PARCEL 1; THENCE ALONG SAID BOUNDARY SOUTH 89° 30' 19" EAST 27.45 FEET TO THE POINT OF BEGINNING.

ASSESSOR'S PARCEL NUMBER: 437-640-32

PARCEL I (APN: 437-640-28)

PARCEL 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARCEL MAP THEREOF NO. 14447, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON SEPTEMBER 04, 1986 AS FILE NO. 1986-0388843 OF OFFICIAL RECORDS.

PARCEL J (APN: 436-280-09)

PARCEL 2 OF PARCEL MAP NO. 14126, BEING A DIVISION OF A PORTION OF PARCEL B OF PARCEL MAP NO. 319, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 21, 1970 AS FILE NO. 150454 OF OFFICIAL RECORDS

PARCEL K (APN: 436-280-13)

PARCEL 1 OF PARCEL MAP NO. 17255, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 23, 1993.

Parcel M: (APN 436-280-10)

That Parcel of land including Pueblo Lots 287, 288, 294, 295, 296, the Southeasterly Half of Pueblo Lot 286, the Northeasterly Half of Pueblo Lot 297, portions of Pueblo Lots 267, 289, 292, 293 and 1177 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe in 1870, a copy of said Map having been filed as Miscellaneous Map No. 36 on November 14, 1921 in the Office of County Recorder of San Diego County, said portions of Pueblo Lots including also portions of Silver Terrace, according to Map thereof No. 434 filed in the Office of County Recorder of San Diego County, December 24, 1887 and being more particularly described as a whole as follows:

Beginning at the intersection of the Easterly prolongation of the Northerly line of Josephine Street (formerly Post Street) with the Northerly prolongation of the Westerly line of Block 20 of said Silver Terrace, Map No. 434, (said Westerly Block line being also the Easterly line of Brunner Street, formerly Silver Street) as said streets and said Block 20 are shown on said Map No. 434, thence along said prolongation and along said Northerly line of said Josephine Street, South $75^{\circ}19'30''$ West 246.04 feet to the true point of beginning of the property herein described, thence along said Northerly line of Josephine Street, South $75^{\circ}19'30''$ West 194.83 feet to the beginning of a curve (concave Southeasterly) in said Josephine Street (formerly Post Street) as shown on Amended Map No. 695 of Silver Terrace, filed in the Office of County Recorder of San Diego County, December 12, 1891, said curve as it exists in January 1950, having a radius of 500 feet and from said curve, beginning a line radial thereto bears North $43^{\circ}32'52''$ West, thence Southwesterly along said curve 319.22 feet through an angle of $36^{\circ}34'48''$ to a line which is parallel with and 50 feet Northerly at right angles from the Northerly right of way line of the State Highway as said right of way is shown on Map thereof designated XI-SD-Linda Vista Road DA-NR 39 on file in the Office of the District State Highway Engineer's Office, thence along said parallel line South $75^{\circ}18'30''$ West 207.06 feet to the Northerly prolongation of the Easterly line of Benicia Street (formerly Second Street) as said Street is shown on said Map Nos. 434 and 695 of said Silver Terrace, thence along said prolongation, North $15^{\circ}13'30''$ West 30 feet to a line which is parallel with and 80 feet Northerly at right angles, from said Northerly right of way line of said State Highway, thence along said parallel line, South $75^{\circ}18'30''$ West, 56 feet to a point in the Southerly line of Block 23 of said Silver Terrace (said Southerly line being also the Northerly line of Ruby Street, formerly May Street, as shown on said Map Nos. 434 and 695), thence along said Southerly line of said Block 23, South $74^{\circ}33'10''$ West, 448.27 feet to the common line, being said Pueblo Lots 296 and 1177, thence along said common line, South $35^{\circ}09'20''$ West, 128.00 feet to the Northerly line of Block "A" of said Silver Terrace, Map Nos. 434 and 695, thence along said Northerly block line (being also along the Southerly line of said Ruby Street above mentioned) North $74^{\circ}33'10''$ East 80.95 feet to the most Northerly corner of said Block "A", thence along the Easterly line of said Block "A" (being also along the Westerly line of Azusa Street, recorded as First Street, later known as Auburn) South $15^{\circ}13'30''$ East 83.77 feet to a point in the 1030 foot radius curve (concave Southeasterly) of a portion of said Northerly right of way line of said State Highway as said portion is described in Deed to the State of California, recorded May 25, 1944 in Book 1684, Page 180 of Official Records, thence Southwesterly along said curve of said right of way line 349.57 feet through an angle of $19^{\circ}26'43''$ to the common line between said Block "A" and said Pueblo Lot 297, thence along said common line, North $36^{\circ}09'20''$ East 99.39 feet to the most Southerly corner of said Northeasterly Half of said Pueblo Lot 297, thence Northwesterly along the Southwesterly line of said Northeasterly Half of said Pueblo Lot 297 to the most Westerly corner thereof, in the Southeasterly line of said Southeasterly Half of Pueblo Lot 286, thence Southwesterly along said Southeasterly line to the most Southerly corner of said Pueblo Lot 286, thence Northwesterly along the Southwesterly line of said Southeasterly Half of Pueblo Lot 286 to the most Westerly corner thereof, thence Northeasterly along the Northwesterly line of said Southeasterly Half of Pueblo Lot 286 to the most Northerly corner thereof, in the Southwesterly line of said Pueblo Lot 287, thence Northwesterly along said Southwesterly line to the most Westerly corner of said

Pueblo Lot 287, thence Northeasterly along the Northwesterly line of said Pueblo Lots 287 and 288 to the most Southerly corner of said Pueblo Lot 267, being an angle point in the boundary of land described in Deed to the County of San Diego, recorded September 29, 1975 as instrument no. 75-264395 of Official Records, thence along the boundary of said land North 08°07'50" West 32.00 feet and South 65°34'44" East 933.00 feet to the most Easterly corner of said land, thence South 11°36' East 1178.21 feet to the true point of beginning.

Excepting therefrom that portion thereof described as follows:

That portion of Pueblo Lots 286, 287, 294, 295, 296, 297 and 1177 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe in 1870, a copy of said Map having been filed as Miscellaneous Map No. 36 on November 14, 1921 in the Office of the County Recorder of San Diego County, said portions of Pueblo Lots including also portions of Silver Terrace, according to Map thereof No. 434, filed in the Office of the County Recorder of San Diego County December 24, 1887 and being more particularly described as a whole as follows:

Beginning at the intersection of the Easterly prolongation on of the Northerly line of Josephine Street (formerly Post Street) with the Northerly prolongation of the Westerly line of Block 20 of said Silver Terrace, Map No. 434 (said Westerly Block line being also the Easterly line of Brunner Street, formerly Silver Street), as said streets and said Block 20 are shown on said Map No. 434; thence along said prolongation and along said Northerly line of said Josephine Street, South 75°19'30" West 246.04 feet; thence North 11°36' West 488.02 feet; thence South 73°42'30" West 18.28 feet to the beginning of a tangent 1000 foot radius curve (concave Northerly); thence Westerly along said curve 81.88 feet through an angle of 4°41'30"; thence tangent to said curve South 78°24' West 518.33 feet to the beginning of a tangent 596.30 foot radius curve (concave Northerly); thence Westerly along said curve 46.92 feet through an angle of 4°30' 30"; thence radial to said curve South 2°05'30" East 40 feet to the true point of beginning of the property herein described, said true point of beginning being also in a 636.30 foot radius curve (concentric with said 596.30 foot radius curve above mentioned); thence Westerly along said curve 56.39 feet through an angle of 5°04'40"; thence tangent to said curve South 87°59'10" West 242.94 feet to the beginning of a tangent 460 foot radius curve (concave Southeasterly); thence Southwesterly along said curve 293.06 feet through an angle of 36°30'10"; thence tangent to said curve South 51°29' West 272.61 feet to the beginning of a tangent 235 foot radius curve (concave Easterly); thereon Southerly along said curve 433.24 feet through an angle of 105°37'42"; thence North 78°24' East 890.18 feet to a line which bears South 11°36' East from the true point of beginning thence North 11°36' West 487.90 feet to the true point of beginning.

Parcel N: (APN 436-280-02)

That portion of Pueblo Lots 286, 287, 294, 295, 296, 297 and 1177 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe in 1870, a copy of said Map having been filed as Miscellaneous Map No. 36 on November 14, 1921 in the Office of the County Recorder of San Diego County, said portions of Pueblo Lots including also portions of Silver Terrace, according to Map thereof No. 434, filed in the Office of the County Recorder of San Diego County December 24, 1887 and being more particularly described as a whole as follows:

Beginning at the intersection of the Easterly prolongation on of the Northerly line of Josephine Street (formerly Post Street) with the Northerly prolongation of the Westerly line of Block 20 of said Silver Terrace, Map No. 434 (said Westerly Block line being also the Easterly line of Brunner Street, formerly Silver Street), as said streets and said Block 20 are shown on said Map No. 434; thence along said prolongation and along said Northerly line of said Josephine Street, South 75°19'30" West 246.04 feet; thence North 11°36' West 488.02 feet; thence South 73°42'30"

West 18.28 feet to the beginning of a tangent 1000 foot radius curve (concave Northerly); thence Westerly along said curve 81.88 feet through an angle of 4°41'30"; thence tangent to said curve South 78°24' West 518.33 feet to the beginning of a tangent 596.30 foot radius curve (concave Northerly) ; thence Westerly along said curve 46.92 feet through an angle of 4°30' 30"; thence radial to said curve South 2°05'30" East 40 feet to the true point of beginning of the property herein described, said true point of beginning being also in a 636.30 foot radius curve (concentric with said 596.30 foot radius curve above mentioned) ; thence Westerly along said curve 56.39 feet through an angle of 5°04'40"; thence tangent to said curve South 87°59'10" West 242.94 feet to the beginning of a tangent 460 foot radius curve (concave Southeasterly); thence Southwesterly along said curve 293.06 feet through an angle of 36°30'10"; thence tangent to said curve South 51°29' West 272.61 feet to the beginning of a tangent 235 foot radius curve (concave Easterly) ; thereon Southerly along said curve 433.24 feet through an angle of 105°37'42"; thence North 78°24' East 890.18 feet to a line which bears South 11°36' East from the true point of beginning thence North 11°36' West 487.90 feet to the true point of beginning.

Parcel O: (APN 436-320-01)

The Northwesterly one-half of Pueblo Lot 286 of the Pueblo Lands of San Diego, in the City of San Diego, State of California, according to Map thereof made by James Pascoe in 1870.

PARCEL P: (APN 436-370-19)

PARCEL 1 OF PARCEL MAP NO. 16480, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY MAY 23, 1991 AS INSTRUMENT NO. 91-244450 OF OFFICIAL RECORDS.

PARCEL Q: (APNS 436-390-02, 436-390-03, 436-390-04, 436-390-05, 436-390-06, 436-390-07, 436-390-08, 436-390-20, 436-390-11 AND 436-390-19)

LOTS 1 THROUGH 19, INCLUSIVE OF BLOCK "C" OF SILVER TERRACE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 695, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 12, 1891.

EXCEPTING FROM SAID LOT 9, THAT PORTION THEREOF DESCRIBED IN FINAL ORDER OF CONDEMNATION TO THE STATE OF CALIFORNIA, RECORDED JUNE 06, 1946, IN BOOK 2117, PAGE 226 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 9; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 9, SOUTH 75° 19' 30" WEST, 50 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 9; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 9, NORTH 15° 13' 30" WEST, 65.89 FEET; THENCE NORTH 62° 29' EAST, 51.17 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 9; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 15° 13' 30" EAST, 77.26 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING FROM SAID LOT 10, THAT PORTION THEREOF DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED JUNE 10, 1944, IN BOOK 1703, PAGE 11 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 10; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 10, SOUTH 75° 19' 30" WEST, 50 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 10; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 10, NORTH 15° 13' 30" WEST, 54.51 FEET; THENCE NORTH 62° 29' EAST, 51.17 FEET TO

THE NORTHEASTERLY LINE OF SAID LOT 10; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 15° 13' 30" EAST, 65.89 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING FROM SAID LOT 11, THAT PORTION THEREOF DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, DATED APRIL 05, 1944, AND RECORDED SEPTEMBER 27, 1944, IN BOOK 1756, PAGE 35 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 11; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 11, SOUTH 75° 19' 30" WEST, 50 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 11; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 11, NORTH 15° 13' 30" WEST, 43.14 FEET; THENCE NORTH 62° 29' EAST, 51.17 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 11; THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 15° 13' 30" EAST, 54.51 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 12; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 12, SOUTH 75° 19' 30" WEST, 50 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 12; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 12, NORTH 15° 13' 30" WEST, 31.76 FEET; THENCE NORTH 62° 29' EAST, 51.17 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 12; THENCE ALONG SAID EASTERLY LINE SOUTH 15° 13' 30" EAST, 43.14 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 13; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOTS 13, 14 AND 15, SOUTH 75° 19' 30" WEST, 139.63 FEET; THENCE NORTH 62° 29' EAST, 142.90 FEET TO THE NORTHEASTERLY LINE OF SAID LOT 13; THENCE ALONG SAID NORTHEASTERLY LINE, SOUTH 15° 13' 30" EAST, 31.76 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION

Real property in the City of San Diego, County of San Diego, State of California, described as follows:

Parcel 1:

The Northeasterly 1/2 of Pueblo Lot 298, in the City of San Diego, County of San Diego, State of California, according to partition map thereof on file with the County Clerk of San Diego County, in Action Entitled Steele Vs Steele, by the Superior Court under Case No. 5620, of San Diego County.

Excepting therefrom that portion described in Deed to the State of California, recorded August 2, 1947 in Book 1719, Page 260 of Official Records.

Portion of Parcel 4:

Portion of Lot 1 of Gue Subdivision, excepting the Southeasterly 150 feet thereof, in the City of San Diego, State of California, according to the Map thereof No. 4722, filed in the Office of the County Recorder of San Diego County, February 23, 1961.

Portion of Parcel 5:

Portion of the Southeasterly 150 feet of Lot 1 of Gue Subdivision in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4722, filed in the Office of the County Recorder of San Diego County, February 23, 1961.

Parcel 5A:

An easement for road purposes 12 feet wide across a portion of Lot 1 of Gue Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4722, filed in the Office of the County Recorder of San Diego County, February 23, 1961, the center line of said easement being described as follows:

Beginning at a point on the Northwesterly line of said Lot 1 which is South 36°27'40" West 2 feet from the Southeasterly terminus of the center line of Cushman Place as shown on said Map No. 4722; thence due South along the easement described in Deed to Galen B. Gue et ux recorded February 28, 1962 as instrument no. 34571 of Official Records, 72 feet and South 53°46'20" East 135 feet to the Northwesterly line of the Southeasterly 150 feet of said Lot 1.

Parcel 6:

That portion of Lot "A" of Pueblo Lot 285 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, as shown on the Partition Map thereof filed in the Office of the County Clerk of San Diego County, in action entitled "Steele vs. Steele" Case No. 5620 of the Superior Court of the State of California, in and for the County of San Diego, described as follows:

Beginning at a point on the Northwesterly line of said Lot "A" distant thereon 165.00 feet Northeasterly from the most Westerly corner of said Lot; thence Southeasterly along a line parallel with the Southwesterly line of said Lot, 330.00 feet, more or less, to a point on the Southeasterly line thereof; thence Northeasterly along said Southeasterly 165.00 feet, more or less, to the most Easterly corner of said Lot, being designated as "Poole 285 No. 2"; thence Northwesterly along the Northeasterly line of said Lot, 330.00 feet, more or less, to the most Northerly corner thereof, being designated as "Poole 285, No. 1"; thence Southwesterly along the Northwesterly line of said Lot, 165.00 feet, more or less, to the Point of Beginning.

Excepting therefrom that portion lying Northwesterly of a line described as follows:

Commencing at the most Westerly corner of said Lot "A" of Pueblo Lot 285; thence Northeasterly along the Northwesterly line of said Lot, 165.00 feet; thence Southeasterly parallel with the Southwesterly line of said Lot "A", 155.00 feet to the most Southerly corner of that parcel of land conveyed to James E. Bignell, by deed dated June 17, 1941 and recorded in Book 1198, Page 92 of Official Records; thence continuing Southeasterly parallel with the Southwesterly line of Lot "A" 50.00 feet to the True Point of Beginning; thence Northeasterly parallel with the Northwesterly line of said Pueblo Lot 285 a distance of 165.00 feet, more or less, to the Northeasterly line of said Lot.

Parcel 7

That portion of Lot "A" of Pueblo Lot 285 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, as shown on the Partition Map thereof filed in the Office of the County Clerk of San Diego County, in action entitled "Steele vs. Steele" Case No. 5620 of the Superior Court of the State of California, in and for the County of San Diego, described as follows:

Commencing at the most Westerly corner of said Lot "A" of Pueblo Lot 285; thence Northeasterly along the Northwesterly line of said Lot, 165.00 feet; thence Southeasterly parallel with the Southwesterly line of said Lot "A", 155.00 feet to the True Point of Beginning being the most Southerly corner of that land conveyed to James E. Bignell, by deed dated June 17, 1941 and recorded in Book 1198, Page 92 of Official Records; thence continuing Southeasterly parallel with the Southwesterly line of Lot "A" 50.00 feet; thence Northeasterly parallel with the Northwesterly line of said Pueblo Lot 285, a distance of 165 feet, more or less, to the Northeasterly line of said Lot; thence Northwesterly along said Northeasterly line 50 feet to a point on the Northeasterly prolongation of the Southeasterly line of said parcel conveyed to Bignell; thence Southwesterly along said Northeasterly prolongation, and said Southeasterly line, 165 feet, more or less, to the True Point of Beginning.