



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 9, 2013 **REPORT NO.** PC-13-045

ATTENTION: **Planning Commission, Agenda of May 16, 2013**

SUBJECT: ERUV LINE OF DEMARCATION – PROJECT NO. 300287
PROCESS 4.

**OWNER/
APPLICANT:** Chabad Center of University City (ATTACHMENT 9)
David Caron, Construction Testing and Engineering

SUMMARY

Issue(s): Should the Planning Commission approve a Site Development Permit to allow the establishment and installation of an Eruv Line of Demarcation using eight new utility poles within the public right-of-way?

Staff Recommendation: APPROVE Site Development Permit No. 1103092.

Community Planning Group Recommendations: On January 8, 2013, the University Community Planning Group voted 12-0-0 to recommend that the Planning Commission approve the proposed project (Attachment 7). They added a condition that reflective tape 2 inches in (width) size at 15 foot intervals be added so birds can avoid the lines, which has been accepted by the applicant. A condition for the reflective tape to be added to the monofilament line has been added to the draft permit.

Environmental Review: This activity is covered under Mitigated Negative Declaration, Project No. 48457, which was certified on June 8, 2006. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The prior environmental document adequately covered this activity as part of the previously approved project and the activity is not a separate project for the purpose of California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15162.

Fiscal Impact: All of the cost associated with processing this application is paid for by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The request for a Site Development Permit for the establishment of an Eruv line will not result in the creation of additional housing units, nor result in the loss of any existing housing within the University Community.

BACKGROUND

The Chabad Center of University City originally began as a synagogue as the Chabad of La Jolla in 1978. The synagogue became established as the Chabad of University City at its current location at 3813 Governor Drive in 1999. The Chabad Center of University City is an Orthodox Jewish community comprised of approximately 285 families.

The Chabad Center of University City is requesting the approval of a Site Development Permit to establish an Eruv within the proximity of their synagogue. An Eruv is a “symbolic boundary” enclosing the area around the synagogue. The area within the confines of the Eruv is considered a single “private domain” by the members of the congregation which in turn allows certain activities to be undertaken on the Sabbath in compliance with Jewish Law.

Virtually this same project, a Public Right-of-Way Permit, Project No. 48457 for an Eruv within the public right-of-way was approved by the Planning Commission on June 8, 2006, however, the applicant did not utilize the permit within the three year period and the permit expired.

DISCUSSION

Project Description:

The project proposes to place approximately 600 linear feet of monofilament line, 200 pound test, and the related hardware to attach the line to eight new poles to be located within the public right-of-way. The monofilament line will be attached near the top of the utility poles approximately 15 to 20 feet above the existing grade. The project site is described as portions of the public right-of-way located at the following four locations, Project Site 1 – approximately 75 linear feet at Genesee Avenue west of the University City High School, Project Site 2 – approximately 134 linear feet at Governor Drive west of I-805, Project Site 3 – approximately 58 linear feet at Regents Road north of the State Route 52 and Project Site 4 – approximately 59 linear feet at Genesee Avenue north of State Route 52 as shown on the Aerial Photo (ATTACHMENT 1) and the Site Plan (ATTACHMENT 4). The purpose of the Site Development Permit is to establish a process for approval of encroachments in the public right-of-way when the applicant is not the record owner of the property on which the encroachment would be located. The intent of the Site Development Permit is to protect the public right-of-way for use and enjoyment by the public, to protect the public health, safety and welfare, and to

maintain the aesthetic character of the community.

In order to approve the proposed encroachment, the decision maker must make all of the findings in Section 126.0504 that affirm the encroachment is reasonably related to public travel, or benefits a public purpose; would not interfere with the free and unobstructed use of the public right-of-way for public travel; is not detrimental to the public health, safety or welfare; does not interfere with the record owners' use or enjoyment of their property; does not adversely affect the land use plan; would not be harmful to the aesthetic character of the community; and would not violate any other Municipal Code provisions or other local, state or federal law.

The proposed route of the Eruv starts at Genesee Avenue and the Rose Canyon Open Space Park, extends west along Rose Canyon to Interstate 5, then south along Interstate 5 to State Route 52, then east along State Route 52 to Interstate 805, then north along Interstate 805 to Rose Canyon and then west along Rose Canyon back to the starting point (ATTACHMENT 1). The Eruv line of demarcation is approximately 44,880 linear feet (8.5 miles) encompassing nearly three square miles of the University community. Approximately 44,280 linear feet of the Eruv would be symbolic, established by using existing walls and fencing that provide an unbroken line nearly the entire length of the Eruv. The existing land uses on properties adjacent to the proposed Eruv route vary depending on the zone and include single and multi-family development, commercial development and open space.

The remaining 600 linear feet would be installed using 200-pound test monofilament line attached to 8 new thirty-foot high utility poles. The installation of eight new poles within the public right-of-way would be required to create the Eruv. The proposed monofilament line would not carry any kind of electrical current.

Installation of the Eruv would take approximately five to seven days. The line is required to be inspected and repaired as needed on a weekly basis to ensure the integrity of the Eruv prior to each Sabbath. A public right-of-way permit would be required from the City for the installation of the Eruv.

The Site Development Permit is conditioned to protect the City of San Diego and public utilities. Conditions attached to the permit would ensure that the applicant maintains the encroachment in a safe and sanitary condition at the sole cost, risk and responsibility of the applicant. The permit is also conditioned to install reflective tape at 15 foot intervals along the monofilament line so birds can avoid the lines as recommended by the University Community Planning Group.

Development Services staff has reviewed the proposed Eruv project and determined that all of the required findings can be made to support the encroachment into the right-of-way (Attachment 6). Specifically, staff considered the clear monofilament line appropriate for the line of demarcation as it poses virtually no visual impact in the right-of-way and the surrounding neighborhoods. Staff also considered the strength of the monofilament line (200-pound test) and concluded that the proposed weight of the line is appropriate to avoid unsightly sagging between spans and could best withstand the rigors of the climate and inclement weather so as to not be a

maintenance issue for the applicant. Maintenance of the Eruv is the full responsibility of the applicant. Staff believes that the location and height of the monofilament line would be adequate so as not to interfere with either pedestrian or vehicular travel in or through the right-of-way and would not pose any public health, safety or welfare issues. In addition the permit conditions are sufficient to protect the City and adjacent properties from any risk or liability resulting from the encroachment.

Community Plan Analysis:

The University Community Plan does not address projects dealing with the application of religious or symbolic boundaries within the public right-of-way. As proposed, the project does not adversely impact recommendations found in the University Community Plan.

Conclusion:

Development Services staff has reviewed the proposed encroachment and determined that the design and placement of the Eruv complies with all applicable regulations and land use policies for development within the public right-of-way. Site Development Permit No. 1103092 includes permit conditions that ensure the proposed encroachment would be maintained in a safe and sanitary manner and that the City would not incur any damages as a result of the encroachment. Planning Department staff has determined that the proposed encroachment would not adversely impact the University Community Plan. The University Community Planning Group voted to recommend approval of the project. Staff has determined that all of the findings necessary to affirm the project can be made and therefore recommends that the Planning Commission approve the project.

ALTERNATIVES

1. **Approve** Site Development Permit No. 1103092, with modifications; or
2. **Deny** Site Development Permit No. 1103092, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



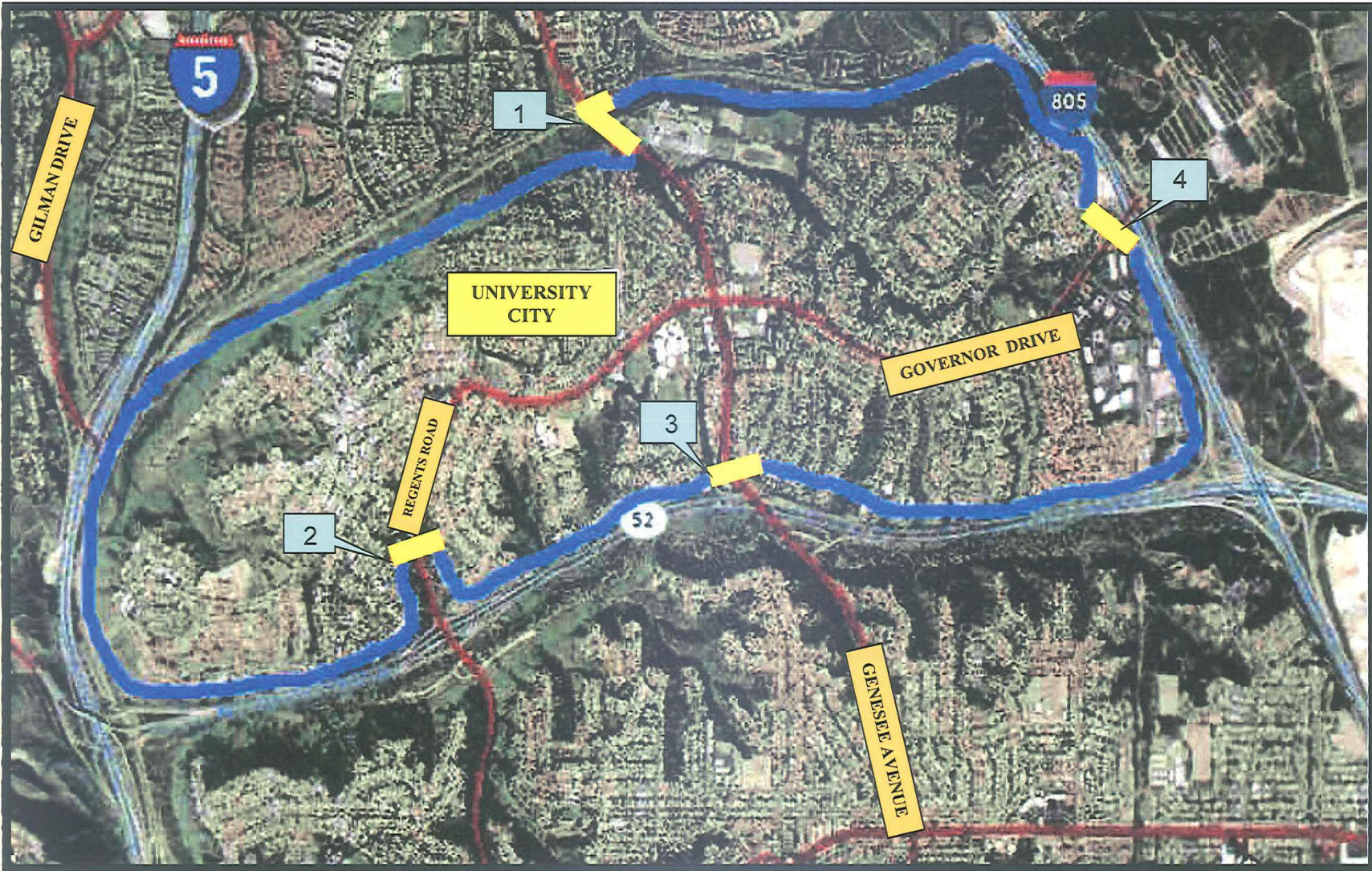
Mike Westlake
Assistant Deputy Director
Development Services Department



Glenn Gargas, Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Plans
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology



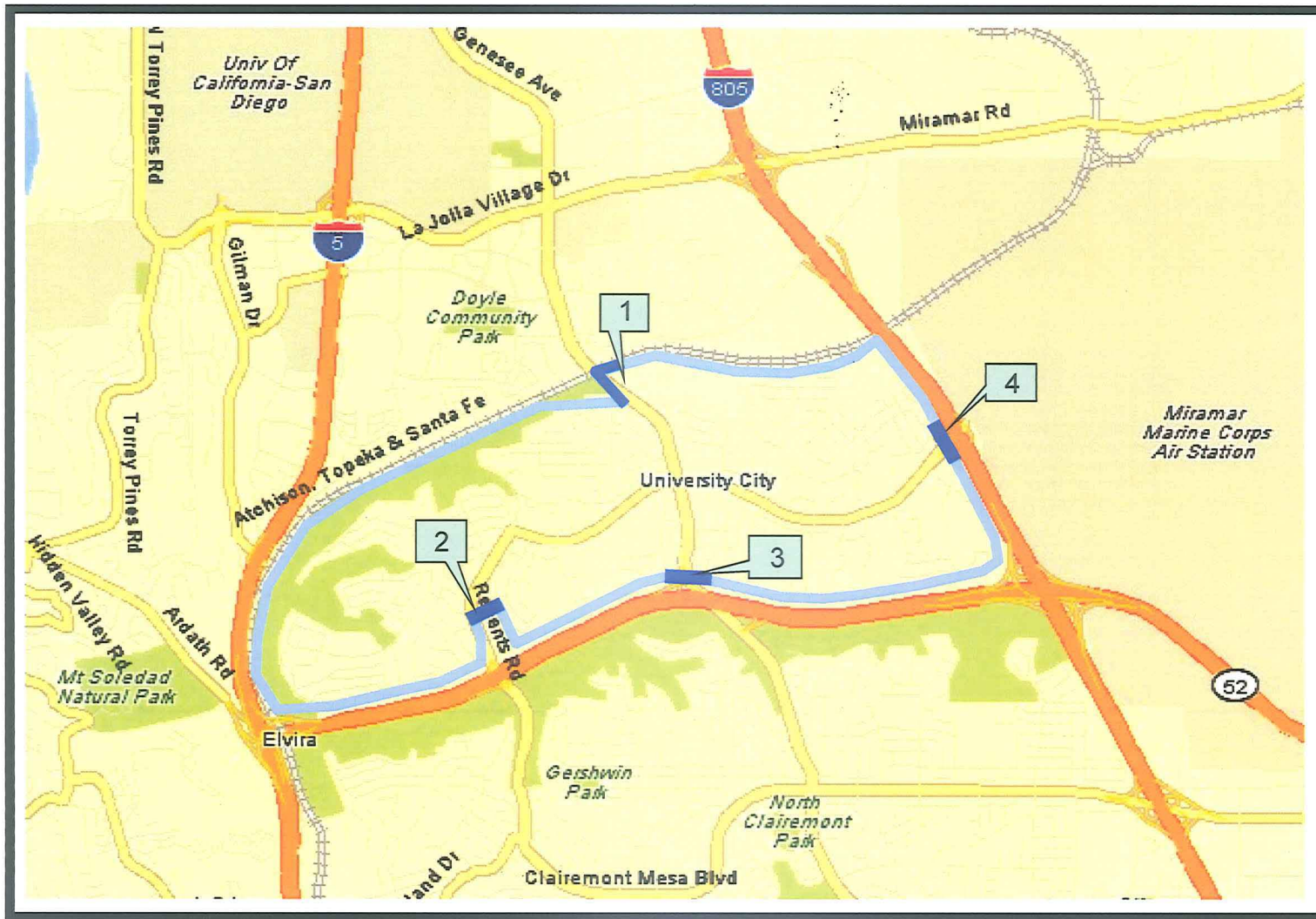
Aerial Photo

ERUV LINE OF DEMARCATION –

PROJECT NUMBER 300287

- Symbolic Boundary
- Monofilament Line





Project Location Map

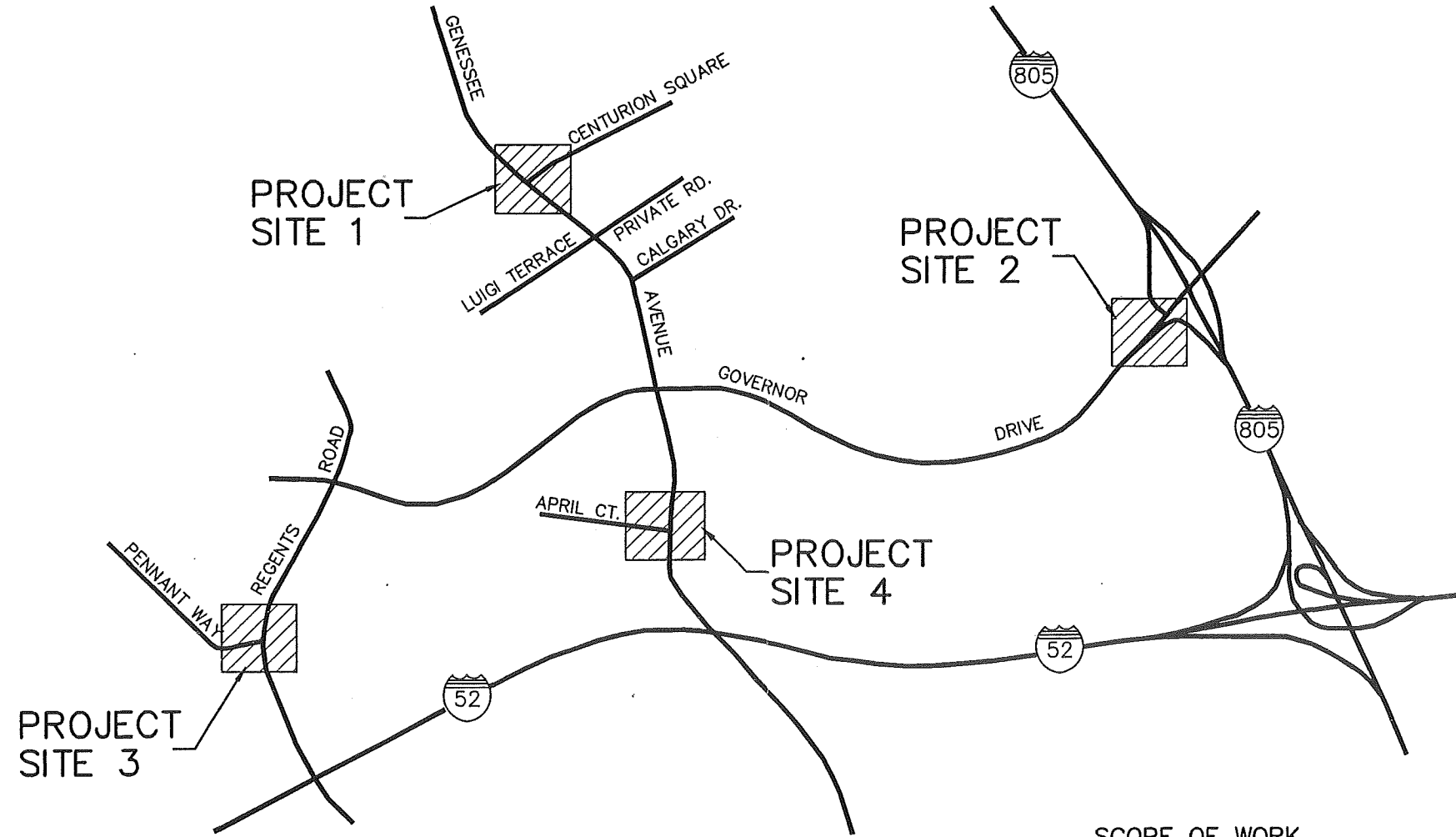
ERUV LINE OF DEMARCATION

PROJECT NUMBER 300287

-  Symbolic Boundary
-  Monofilament Line



TITLE SHEET
SHEET 1 OF 5



PROJECT LOCATION MAP

NOT TO SCALE

LEGEND

- NEW POLE WITH MONOFILAMENT LINE CONNECTION
- 200 LB. MONOFILAMENT LINE
- - C/L - - CENTERLINE
- - R/W - - RIGHT-OF-WAY (R/W)
- /// CALTRANS RIGHT-OF-WAY
- - P/L - - PROPERTY LINE
- EXISTING CURB & SIDEWALK
- EXISTING FENCE
- EXISTING STREET LIGHT/ TRAFFIC LIGHT
- EXISTING STORM DRAIN LINE
- EXISTING CATCH BASIN
- S — EXISTING SEWER LINE
- W — EXISTING WATER LINE
- ⊕ EXISTING FIRE HYDRANT
- E — EXISTING ELECTRICAL LINE
- T — EXISTING TELEPHONE LINE
- F — EXISTING FIRE LINE

SCOPE OF WORK

1. THE PROJECT SITE IS DESCRIBED AS PORTIONS OF THE PUBLIC RIGHT-OF-WAY LOCATED BETWEEN THE CURB AND ADJACENT PROPERTY LINES SPECIFICALLY LOCATED AT THE FOLLOWING LOCATION: GENESSEE AVE. WEST OF THE UNIVERSITY CITY HIGH SCHOOL; GENESSEE AVE. NORTH OF THE STATE ROUTE 52; REGENTS RD. NORTH OF THE STATE ROUTE 52; AND AT GOVERNOR DR. WEST OF 1-805.
2. 3" X 20' GALVANIZED POLE
3. APPROXIMATELY 600 LINEAR FEET OF MONOFILAMENT LINE (200-LB TEST) AND THE RELATED HARDWARE TO ATTACH THE LINE TO NEW UTILITY POLES WITHIN THE PUBLIC RIGHT-OF-WAY.
4. THE HEIGHT OF THE MONOFILAMENT LINE IS BETWEEN 15' TO 20'.

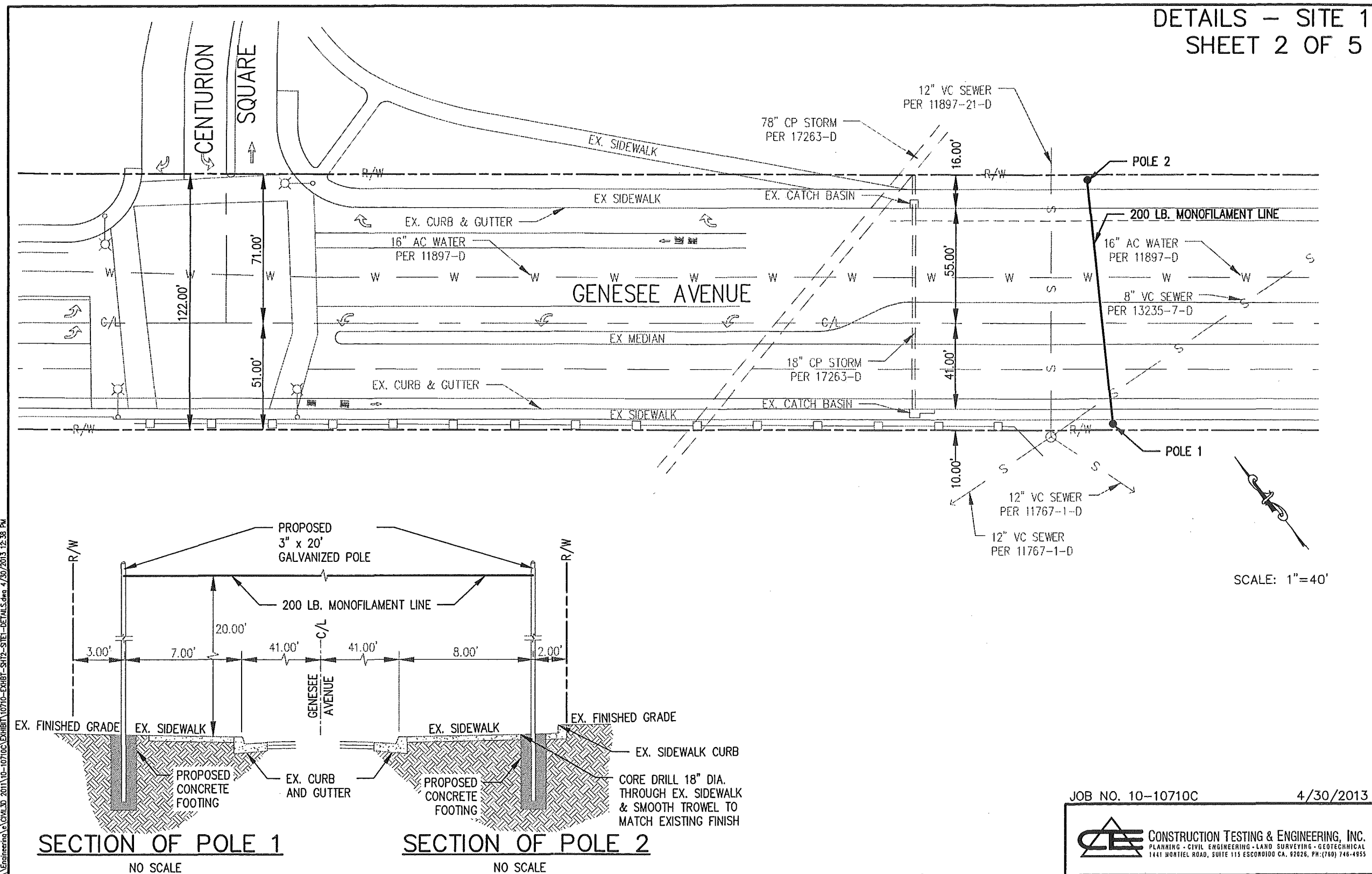
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JOB NO. 10-10710C

4/30/2013

C&E CONSTRUCTION TESTING & ENGINEERING, INC.
 PLANNING - CIVIL ENGINEERING - LAND SURVEYING - GEOTECHNICAL
 1441 MONTIEL ROAD, SUITE 115 ESCORCADO CA. 92826, PH: (760) 746-4955

DETAILS - SITE 1
SHEET 2 OF 5

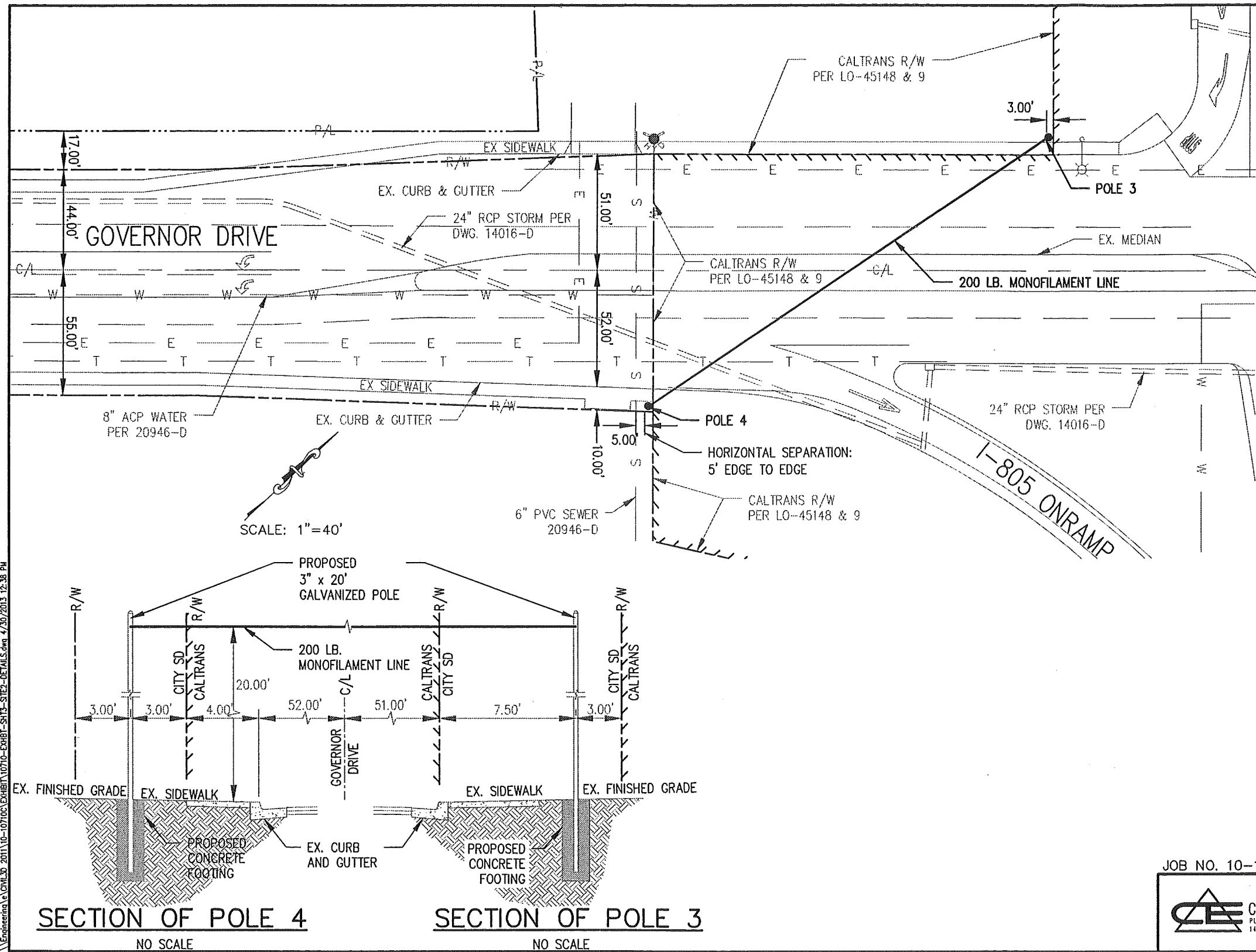


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JOB NO. 10-107100 4/30/2013

CET CONSTRUCTION TESTING & ENGINEERING, INC.
 PLANNING - CIVIL ENGINEERING - LAND SURVEYING - GEOTECHNICAL
 1411 HORTTEL ROAD, SUITE 115 ESCORCADO CA. 92026, PH: (760) 746-1955

DETAILS - SITE 2
SHEET 3 OF 5

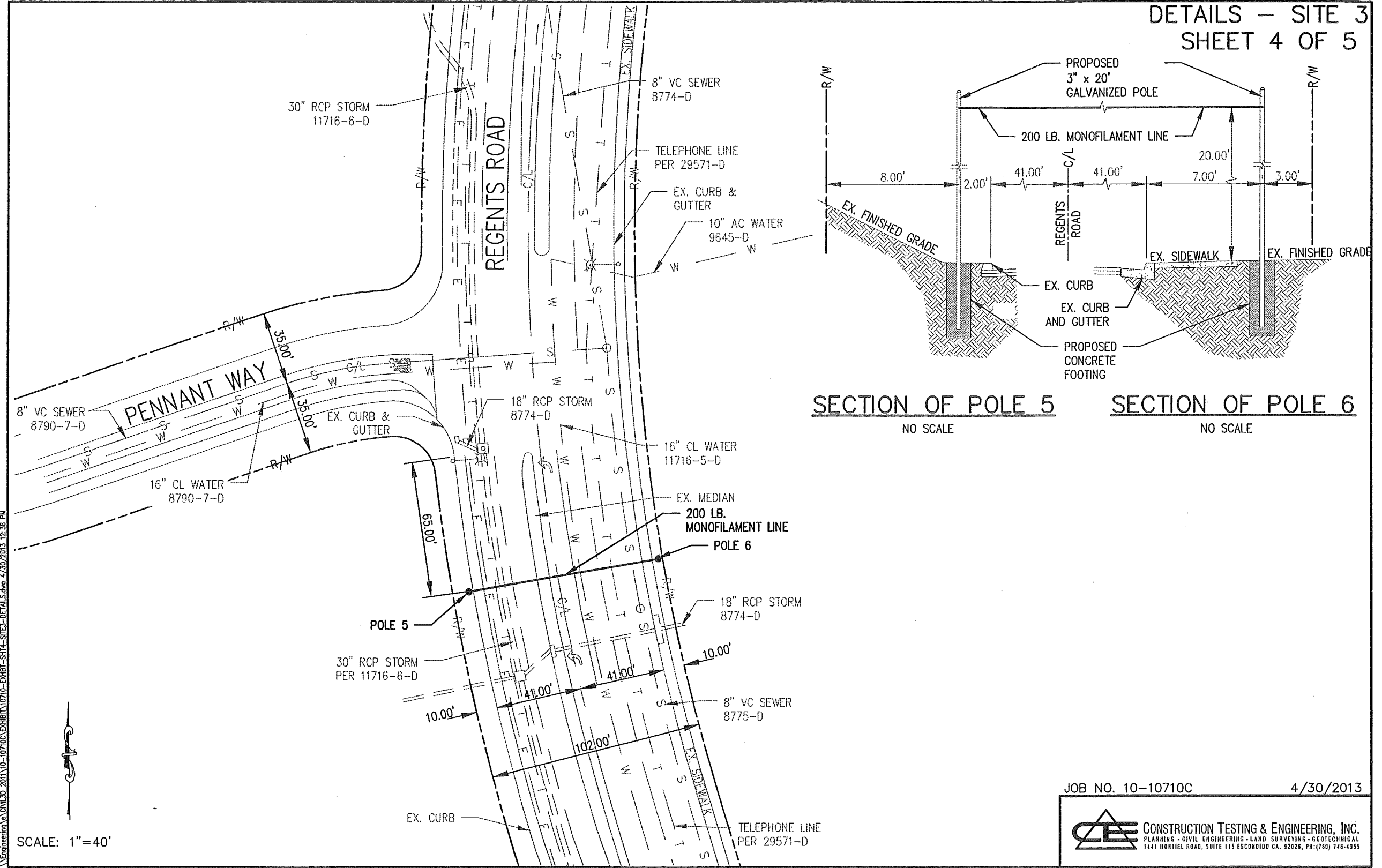


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JOB NO. 10-10710C 4/30/2013



DETAILS - SITE 3
SHEET 4 OF 5

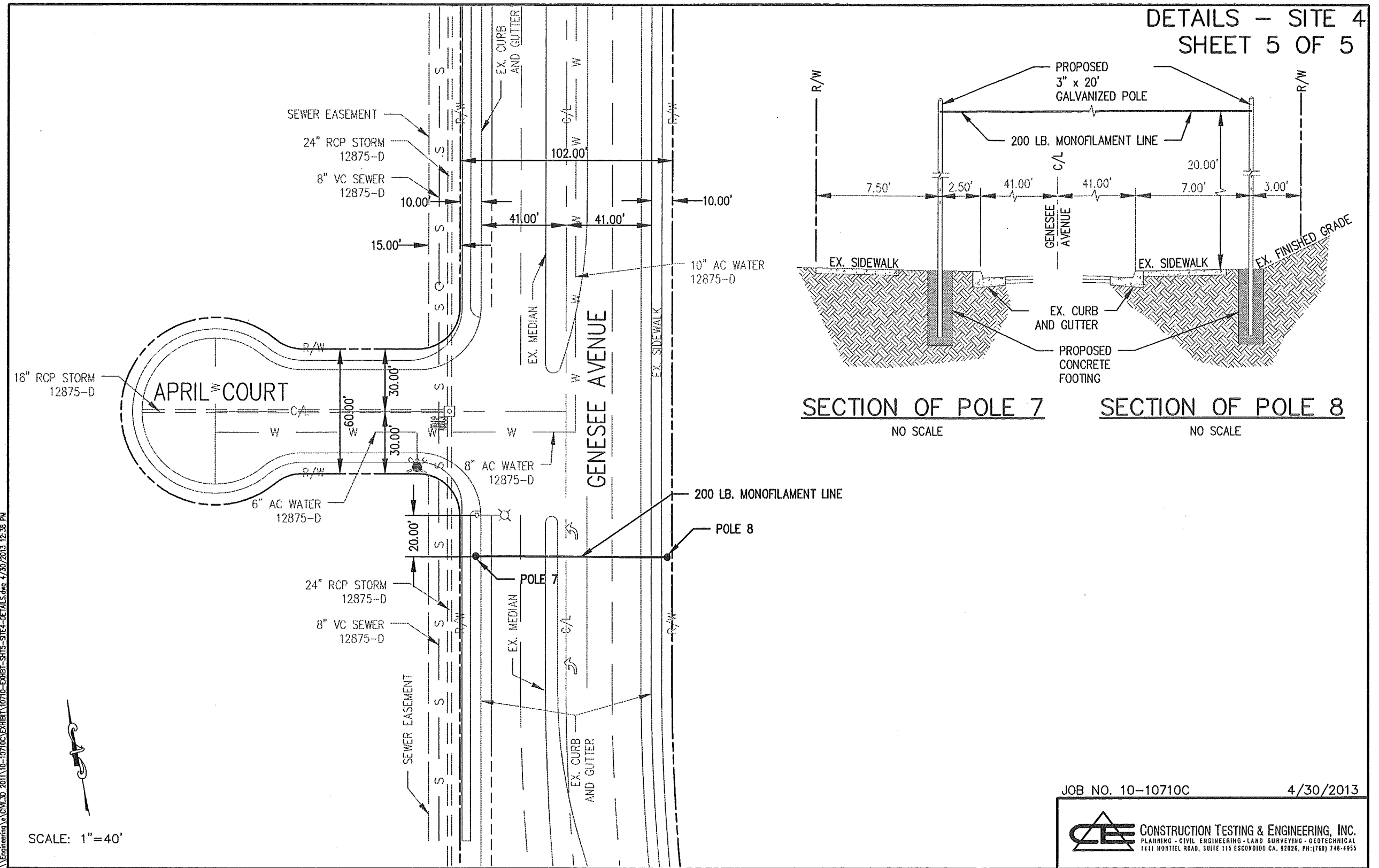


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JOB NO. 10-10710C 4/30/2013

CET CONSTRUCTION TESTING & ENGINEERING, INC.
 PLANNING - CIVIL ENGINEERING - LAND SURVEYING - GEOTECHNICAL
 1411 NORTIEL ROAD, SUITE 115 ESCONCADO CA. 92629, PH: (760) 746-4955

DETAILS - SITE 4
SHEET 5 OF 5



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SCALE: 1" = 40'

SECTION OF POLE 7
NO SCALE

SECTION OF POLE 8
NO SCALE

JOB NO. 10-10710C 4/30/2013

CET CONSTRUCTION TESTING & ENGINEERING, INC.
 PLANNING - CIVIL ENGINEERING - LAND SURVEYING - GEOTECHNICAL
 1411 HORTIEL ROAD, SUITE 115 ESCONTOIDO CA, 92026, PH: (760) 746-4955

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24003343

SITE DEVELOPMENT PERMIT NO. 1103092
ERUV LINE OF DEMARCATION - PROJECT NO. 300287
PLANNING COMMISSION

This Site Development Permit No. 1103092 is granted by the Planning Commission of the City of San Diego to Chabad Center of University City, Owner / Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The four area sites within the public right-of-way are located within the University Community Plan area, centered around a site located at 3813 Governor Drive, the Project's proposed four areas of installation of monofilament line cross over the RM-1-1, RS-1-7, CO-1-2, zones of the University Community Plan area. The project site is described as portions of the public right-of-way located at the following four locations, Project Site 1 - Genesee Avenue west of the University City High School, Project Site 2 - Governor Drive west of I-805, Project Site 3 - Regents Road north of the State Route 52 and Project Site 4 - Genesee Avenue north of State Route 52 as shown on Exhibit A dated May 16, 2013.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to install an approximate 600 linear feet of monofilament line in four areas of University City described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 16, 2013, on file in the Development Services Department.

The project shall include:

- a. Approximately 600 linear feet of monofilament line (200-pound test) and the related hardware to attach the line to eight new utility poles at a height of approximately 15 feet to 20 feet above existing grade, located within the public right-of-way of four areas within the University Community Plan area as illustrated on Exhibit A;
- b. Installation and placement of eight (8) new, 3 inch wide by 20 foot high galvanized utility poles within the public right-of-way;

- c. 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 May 30, 2016.
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. 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.

8. 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.

9. 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.

10. 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 Game [CDFG] pursuant to California Fish and Game 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 CDFG, 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.

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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. 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.

13. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No.48457, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 48457, 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: Biology.

ENGINEERING REQUIREMENTS:

15. The Permittee shall obtain a public right-of-way permit for the installation of poles and filaments in the public right-of-way as shown on the approved Exhibit 'A'.

16. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix G of the City's Storm Water Standards, satisfactory to the City Engineer.

18. Proposed encroachments in the Caltrans right-of-way (Governor Drive and Interstate 805) are subject to the review and approval of Caltrans, and are not under the City's permitting authority. The proposed encroachment request must be submitted directly to the Caltrans Permits Office to obtain an encroachment permit from this Agency prior to installation of any private structures in its right-of-way.

PLANNING/DESIGN REQUIREMENTS:

19. Prior to issuance of the Public Right-of-Way Permit, construction plans shall illustrate, note or detail the addition of reflective tape, two inches in width, at 15 foot intervals to be added to the proposed monofilament line so birds can avoid the lines.

20. 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.

TRANSPORTATION REQUIREMENTS

21. A public use right-of-way permit and traffic control permit will be required for the installation of the proposed encroachments in City right-of-way.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

22. Proposed poles shall maintain a minimum horizontal separation of ten (10) feet edge to edge from the existing water mains and ten (10) feet from the existing sewer utilities, to the satisfaction of the Public Utilities Department.

23. The Owner/Permittee shall be responsible for any damage caused to City of San Diego sewer facilities in the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public sewer facility in a manner satisfactory to the Director of Public Utilities and the City Engineer.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 Planning Commission of the City of San Diego on May 16, 2013, by Resolution No. _____.

PLANNING COMMISSION RESOLUTION NO. _____
SITE DEVELOPMENT PERMIT NO. 1103092
ERUV LINE OF DEMARCATION - PROJECT NO. 300287

WHEREAS, Chabad Center of University City, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit to place encroachments within the public right-of-way for the erection of an overhead monofilament line of demarcation (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Site Development Permit No. 1103092), within the public right-of-way on portions of four sites within the University Community;

WHEREAS, the project site is located at 3813 Governor Drive in the RM-1-1, RS-1-7, CO-1-2 zones of the University Community Plan area;

WHEREAS, the project site is legally described as portions of the public right-of-way located at the following four locations, Project Site 1 - Genesee Avenue west of the University City High School, Project Site 2 - Governor Drive west of I-805, Project Site 3 - Regents Road north of the State Route 52 and Project Site 4 - Genesee Avenue north of State Route 52 as shown on Exhibit A dated May 16, 2013;

WHEREAS, on May 16, 2013 the Planning Commission of the City of San Diego considered Site Development Permit No. 1103092 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated May 16, 2013.

FINDINGS:

Site Development Permit - Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan;

The project proposes an ERUV (Religious belief and practice by Orthodox Jews) to place approximately 600 linear feet of monofilament line, 200 pound test, and the related hardware to attach the line to eight new utility poles to be located within the public right-of-way at a minimum height of 15 feet above grade within four areas of the community. The University Community Plan does not address projects dealing with the application of religious and/or symbolic boundaries within the public right-of-way, or projects involving the erection of structures, such as those by the instant project, for non-religious reasons. As proposed, the project would not adversely impact the community plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed encroachment consists of a thin 200-pound test, monofilament line and the hardware used to attach the line to the top of the new utility poles within the public right-of-way. The new utility poles are approximately 3 inches wide by 20 feet high galvanized poles and the

monofilament line is clear and presents minimal visual impact on the community. The line itself is inert, meaning that it does not carry any form of energy nor does it bear any load other than the minimal weight of the line. The line is affixed to the top of the poles approximately fifteen to twenty feet above ground level. Therefore, the proposed encroachment would not pose any danger to pedestrians using the right-of-way or vehicular travel through the right-of-way. Site Development Permit No. 1103092 includes specific conditions that would ensure the line is maintained in a safe and structurally sound manner including weekly inspections to identify any breaks along the route. Also during environmental review, it was determined that the project would not have a significant environmental effect, which included an analysis of the project's potential impact on public health and safety, and prepared a Mitigated Negative Declaration, Project No. 48457, with mitigation measures for biological resources. A permit condition was added as recommended by the Community Planning Group requiring that the monofilament line include reflective tape, 2 inches wide at 15 foot intervals so birds can avoid the lines. Also the Site Development Permit is conditioned to protect the City of San Diego and public utilities. Conditions attached to the permit would ensure that the applicant maintains the encroachment in a safe and sanitary condition at the sole cost, risk and responsibility of the owner/permittee. The construction of the proposed ERUV would therefore 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.

The project proposes an ERUV to place approximately 600 linear feet of monofilament line, 200 pound test, and the related hardware to attach the line to eight new utility poles to be located within the public right-of-way in four areas around the University Community. The proposed project will comply with all the municipal code requirements and there are no proposed deviations.

N. Supplemental findings—Public Right-of Way Encroachments – Section 126.0503

1. The proposed *encroachment* is reasonably related to public travel, or benefits a public purpose, or all *record owners* have given the applicant written permission to maintain the *encroachment* on their property.

The project proposes an ERUV to place approximately 600 linear feet of monofilament line, 200 pound test, and the related hardware to attach the line to eight new utility poles to be located within the public right-of-way. The ERUV use is for religious purposes serving the members of the Chabad Center of University City, a active religious group within the community. The proposed encroachment is located fully within the public right-of-way and is not located on or within any private property. There is a portion located within CalTrans Right-of-Way, which as a condition of the permit requires approval of the encroachment by CalTrans. There would be no other written permission needed for this proposed encroachment.

2. The proposed encroachment does not interfere with the free and unobstructed use of the public *right-of way* for public travel.

The project proposes an ERUV to place approximately 600 linear feet of monofilament line, 200 pound test, and the related hardware to attach the line to eight new utility poles to be located within the public right-of-way. The new utility poles are approximately 3 inches wide by 20 feet high galvanized poles and the monofilament line is clear and presents minimal visual impact on the community. The line itself is inert, meaning that it does not carry any form of energy nor does it bear any load other than the minimal weight of the line. The line is affixed to the top of the poles approximately fifteen to twenty feet above ground level. Therefore, the proposed encroachment would not pose any danger to pedestrians using the right-of-way or vehicular travel through the right-of-way.

3. The proposed *encroachment* will not adversely affect the aesthetic character of the community.

The project proposes an ERUV to place approximately 600 linear feet of monofilament line, 200 pound test, and the related hardware to attach the line to eight new utility poles to be located within the public right-of-way. The proposed monofilament line is clear and presents minimal visual impact on the community. The line itself is inert, meaning that it does not carry any form of energy nor does it bear any load other than the minimal weight of the line. The line is affixed to the top of the poles approximately fifteen to twenty feet above ground level. The proposed ERUV with monofilament line will not adversely affect the aesthetic character of the community.

4. The proposed *encroachment* does not violate any other Municipal Code provisions or other local, state, or federal law.

The project proposes an ERUV to place approximately 600 linear feet of monofilament line, 200 pound test, and the related hardware to attach the line to eight new utility poles to be located within the public right-of-way in four areas around the University Community. The proposed project will comply with all the municipal code requirements and there are no proposed deviations.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1103092 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1103092, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager
Development Services

Adopted on: May 16, 2013

Job Order No. 24003343



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101

Community Planning Committee Distribution Form Part 2

Project Name: ERUV Line of Demarcation/Site	Project Number: 300287	Distribution Date: 12/18/2012
Project Scope/Location: UNIVERSITY: Site Development Permit (Process 4) for approximately 495 ft of monofilament line in 4 areas of the University Community. sites include Genesee Ave, west of University High School, Genesee Ave. and SR52, Regents Rd and Pennants Way, Governor Dr and I-805 Project crosses multiple zones, RM-1-1, RS-1-7, CO-1-2, ESL's, FAA Part 77 MCAS Miramar & Montgomery Field, Brush Management, Geo Haz 21, 32 & 53 Notice Card 3		
Applicant Name: Cindy Grady		Applicant Phone Number: (760) 746-4955
Project Manager: Glenn Gargas	Phone Number: (619) 446-5142	Fax Number: (619) 446-5245
E-mail Address: GGargas@sandiego.gov		
Committee Recommendations (To be completed for Initial Review):		
<input type="checkbox"/> Vote to Approve	Members Yes	Members No
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes 12	Members No 0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No
<input type="checkbox"/> Vote to Deny	Members Yes	Members No
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		<input type="checkbox"/> Continued
CONDITIONS: Reflective tape 2" inch in size at 15' intervals so birds can avoid them.		
NAME: Janay Brewer		TITLE: Chair
SIGNATURE: Janay Brewer		DATE: 1/8/13
<i>Attach Additional Pages If Necessary.</i>		Please return to: Project Management Division City of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101
Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services . Upon request, this information is available in alternative formats for persons with disabilities.		

Project Title:	Project No. (For City Use Only)
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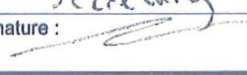
Part II - To be completed when property is held by a corporation or partnership


Legal Status (please check):

Corporation Limited Liability -or- General) What State? _____ Corporate Identification No. 26-4554091
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached Yes No

Corporate/Partnership Name (type or print): Chabad Center of University City	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address: 3813 Governor Dr.	
City/State/Zip: San Diego, CA 92122	
Phone No: 858 455 1670	Fax No: 858 455 1443
Name of Corporate Officer/Partner (type or print): Moishe Leider	
Title (type or print): Director	
Signature: 	Date: Mar 14, 2013

Corporate/Partnership Name (type or print): Chabad Center of University City	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address: 3813 Governor Dr	
City/State/Zip: S. Diego, CA 92122	
Phone No: 858 455 1670	Fax No: 858 455 1443
Name of Corporate Officer/Partner (type or print): Alex Gordon	
Title (type or print): Secretary	
Signature: 	Date: 3/20/2013

Corporate/Partnership Name (type or print): Chabad Center of University City	
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address: 3813 Governor Dr.	
City/State/Zip: S. Diego, CA 92122	
Phone No: 858 455 1670	Fax No: 858 455 1443
Name of Corporate Officer/Partner (type or print): Moishe Leider Yuhell Raiz	
Title (type or print): Treasurer	
Signature: 	Date: 3/20/2013

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:

Corporate/Partnership Name (type or print):	
<input type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee	
Street Address:	
City/State/Zip:	
Phone No:	Fax No:
Name of Corporate Officer/Partner (type or print):	
Title (type or print):	
Signature :	Date:



City of San Diego
 Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title _____ **Project No. For City Use Only** _____

Eruv Line of Demarcation/Site

Project Address:

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

ERUV LINE OF DEMACATION
 Project No. 300287
 Project Chronology

Date	Action	Description	City Review Time	Applicant Response
11/05/12	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
1/09/13	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month 16 Days	
1/28/13	Resubmitted revised plans	Distributed plans for staff review.		19 Days
3/05/13	End of the Second Review Cycle	Sent e-mail identifying a few remaining issues.	1 Month 7 Days	
3/14/13	Resolved remaining few issues set for Hearing	Scheduled the hearing date.		9 Days
5/16/13	Planning Commission Hearing	Public Hearing	2 Months 2 Days	
TOTAL STAFF TIME		Averaged at 30 days per month	4 Months 25 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		28 Days
TOTAL PROJECT RUNNING TIME			5 Months, 23 Days	