THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 25, 2017 REPORT NO. PC-17-044

HEARING DATE: June 1, 2017

SUBJECT: UNIVERSITY OF SAN DIEGO MASTER PLAN UPDATE. Process Five Decision

PROJECT NUMBER: 417090

OWNER/APPLICANT: University of San Diego

SUMMARY

Issue: Should the Planning Commission recommend City Council approval of amendments to the University of San Diego Master Plan Project located at 5998 Alcala Park in the Linda Vista Community Plan area?

Staff Recommendations:

1. Recommend that the City Council CERTIFY Subsequent Environmental Impact Report No. 417090/SCH No. 1993121032, ADOPT the Findings and Statement of Overriding Considerations, and ADOPT the Mitigation, Monitoring, and Reporting Program (MMRP);

2. Recommend that the City Council APPROVE Conditional Use Permit No. 1605027 (amending Conditional Use Permit/Resource Protection Ordinance No. 92-0568) and Site Development Permit No. 1831047;

3. Recommend the City Council APPROVE Easement Vacations Nos. 1794303, 1794547, 1794552, 1807203, and 1807207.

Community Planning Group Recommendation: On February 27, 2017, the Linda Vista Community Planning Group voted 8-0-1 to recommend approval of the project subject to a non-binding recommendation that USD continue to work with one of the adjacent neighbors (Attachment 10).

Environmental Review: Subsequent Environmental Impact Report (SEIR) No. 417090 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring and Reporting Program (MMRP) has been prepared and would be implemented with this project to reduce some but not all of the potential impacts to resources identified in the initial review to below a level of significance.

These resources were identified as Transportation/Circulation, Biological Resources, Historical Resources, Air Quality, Public Utilities, Visual Effects/Neighborhood Character, and Paleontological Resources.

Fiscal Impact Statement: None. All costs are recovered through a deposit account funded by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: Buildout of the USD Master Plan Update will result in an additional 1,003 beds providing housing to students residing on the University of San Diego campus.

BACKGROUND

Chartered in 1949, the University of San Diego occupies approximately 180 acres of land, located across several parcels at 5998 Alcala Park, in the Linda Vista Community of San Diego, California (Attachments 1, 3). The 180-acre site is located approximately 4 miles north of Downtown San Diego, east of Interstate 5 and north of Interstate 8. Tecolote Canyon Natural Park forms the northern border of the property; Morena Boulevard is located to the west, with Via Las Cumbres bordering the campus on the east, and Linda Vista Road to the south. Academic uses are generally concentrated on the west mesa, with professional programs arranged in a line of buildings that stretches across the south side of Marian Way and the Colachis Plaza (which serve as a central organizing axis/spine for the campus). The eastern end of campus is predominantly used for student housing and athletic purposes. The low and westernmost end of campus (Alcala West) is used for academic and administrative uses associated primarily with continuing education programs of the university. Access to the campus is provided from Linda Vista Road, with two primary entrances: the West Entrance at the intersection of Linda Vista Road with Marian Way, and the Main Entrance at the intersection of Linda Vista Road and Alcala Park Way.

With the exception of hillsides, the site is developed and operates as an educational institution for undergraduate and graduate studies, with university support facilities (e.g. residential buildings, parking lots, athletic fields, etc.) and associated landscaping. The campus is located in the Linda Vista Community Plan Area (Attachment 2). The Linda Vista Community Plan (1998) designates a majority of the property as "institution," with small portions designated as "open space." The community plan contains policies specific to USD, including requiring a conditional use permit to guide future use and development of the campus, to promote the expansion of the university "in a manner that positively affects the community," to minimize impacts to circulation and parking, to promote use of alternative transit (including bicycles, pedestrian environment and the shuttle), to maintain sensitive hillsides, to respect the 16th Century Spanish Renaissance architectural style of the campus, and to allow an increase in enrollment if resulting impacts to the community can be adequately absorbed. The primary land uses surrounding the university are residential, commercial and open space uses. The University of San Diego development area has multiple zones, including 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. The campus is located in the Community Plan Implementation Overlay Zone (CPIOZ) Type A of the Linda Vista Community Plan, the Parking Impact

Overlay Zone (Campus Impact Area), 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 FAA Part 77 Notification Area for the SDIA and Montgomery Field. Tecolote Canyon Natural Park contains undeveloped regional open space to the north of the campus. The City's Multi-Habitat Planning Area (MHPA) overlays approximately 7.6 acres along the northern edge of the campus and extends offsite into Tecolote Canyon.

USD received approval of its existing Master Plan, including Design Guidelines, in 1996 to guide the phased buildout of the campus through the year 2030. Concurrent with the City's approval of the 1996 Master Plan, Conditional Use Permit (CUP)/Resource Protection Ordinance (RPO) Permit No. 92-0568 (Attachment 14) was issued to allow the campus to construct 23 projects outlined in the 1996 Master Plan and expand student population to 7,000 FTE students. Of the 23 projects identified in the 1996 Master Plan, seven of those projects have been constructed, leaving 16 projects having received discretionary review approval but have yet to be constructed. Over the past 20 years, several CUP amendments and Substantial Conformance Review (SCR) approvals have been granted to the University by the City during the implementation of the 1996 Master Plan. In conjunction with the Master Plan approval, the City certified the 1996 Master Plan Final Environmental Impact Report (FEIR) (SCH No. 93121032), including its associated technical studies. Subsequent to approval of CUP/RPO Permit No. 92-0568, the following projects and discretionary actions have been approved for the site:

- June 23, 1999: CUP No. 98-1188 - Addition of a 2.41-acre parcel containing office buildings.
- November 2, 2000: Amendment to CUP/ RPO Permit No. 92-0568 (LDR No. 40-0419) – Casa de la Paz project: Short-term residential housing for visiting scholars, speakers, and professors on sabbatical.
- April 5, 2001: Amendment to CUP/RPO Permit 92-0568 (LDR No. 41-0091 – Science and Technology Center.
- March 19, 2002: Amendment to CUP/RPO Permit 92-0568 (LDR No. 41-0092) – Lower West Parking Complex.
- April 5, 2005: Amendment to CUP/RPO Permit 92-0568/CUP 10325/SDP 10326 – School of Education and Child Development Center
- February 5, 2009: Amendment to CUP/RPO Permit 92-0568/CUP No. 489856, Site Development Permit (SDP) No. 585430, and Planned Development Permit (PDP) 585432 – Wellness Recreation Center and Softball, Golf and Club Sports Facility

As noted previously, USD currently operates under CUP/RPO No. 92-0568 (which will remain in full effect and cover the previously approved projects, which are now numbered project Nos. 1-16). The proposed CUP No. 1605027/SDP No. 1831047 will cover new projects No. 17-30 as described in detail in the USD Master Plan Update and Technical Appendix.

DISCUSSION

Project Description:

The USD Master Plan Update (Attachment 13) encompasses a comprehensive update of the 1996

Master Plan and Design Guidelines and an amendment to the Conditional Use Permit/Resource Protection Ordinance Permit No. 92-0568 for the campus. The USD Master Plan Update is a document that records the plan and goals of the physical campus, and provides a conceptual framework to guide campus development over the next fifteen to twenty years. This plan is updated to reflect the changes in demographics and the economy that affect higher education today and into the future. Paired with the USD Master Plan Update is the Technical Appendix (Attachment 15) which includes site specific technical drawings and analyses in support of the project concepts.

The USD Master Plan Update provides a comprehensive revision of the 1996 Master Plan and Design Guidelines, as well as the campus' building space and infrastructure needs associated with increasing enrollment from 7,000 to 10,000 On-Campus Full-Time Equivalent Students (FTE) over the next 20 years. The Project identifies 14 newly-proposed facility or improvement projects for the construction of academic/administrative buildings, student housing, student services uses, athletics/athletic support/administrative buildings, parking, pedestrian circulation and landscape improvements not contemplated in the 1996 Master Plan and related EIR. The phased development of the 14 projects identified in the Master Plan Update would collectively add 471,738 assignable square footage (ASF) of new building space to the campus, including approximately 1,003 student housing beds. This new ASF and housing would be contained within the approximately 922,230 gross square feet (GSF) of the new or renovated structures proposed by the Project. The supply of parking on campus would increase under the USD Master Plan Update, from an existing count of 2,433 structured spaces to a proposed count of 4,512 (increase of 2,079 spaces), while surface parking would be provided to include approximately 1,687 to 1,790 total surface spaces on campus. The project sites, facility types, parking and space needs identified in the USD Master Plan Update were developed to accommodate projected student population growth to 10,000 on-campus FTE.

Design guidelines contained in the USD Master Plan Update would provide a comprehensive design framework to guide all campus development, including the 16 projects that have received approvals under the existing CUP/RPO Permit but have not been constructed. In addition to the 14 newly proposed project sites (Project Nos. 17 – 30), the USD Master Plan Update addresses other potential physical changes that the University could implement on campus, specifically pertaining to landscape, circulation, and recreation. These include improvements to the loop road and campus perimeter, pedestrian, trail, and plaza improvements. Various off-site curb and intersection improvements within the public right-of-way (ROW) along the edge of campus would also be completed in the USD Master Plan Update.

<u>Primary Objectives of the USD Master Plan Update include:</u>

- Developing new and renovated facilities and capital improvements;
- Renovating or replacing buildings to improve degraded conditions;
- Siting new buildings in locations that offer programmatic advantages;
- Siting facilities to enhance spatial usage of the campus;
- Designing to be compatible with the established style and scale of existing campus structures;
- Improving pedestrian access to, from, and within campus;
- Incorporating accessibility features into existing and new buildings; and

- Providing additional on-campus housing and proximate parking.

Additional USD Master Plan Update - Project Objectives identified by USD:

- Prioritize the campus mesa for the highest and best use of campus land, especially the academic core;
- Ensure adequate space is available for projected academic growth and for an on-campus population to 10,000 FTE students;
- Develop a framework and design guidelines for building and landscape improvements;
- Identify campus development opportunities that balance the University's mission and its financial sustainability;
- Allow the campus to expand internally without altering its physical boundary by infilling surface parking lots and underutilized or vacant campus lands, thereby reducing the need to acquire additional property and reducing potential conflicts with neighbors;
- Guide the intensification of the campus as it grows in a way that does not significantly alter the campus character, but contributes to its enhancement and quality;
- Integrate administrative, academic, housing, athletic, and recreational uses into a cohesive physical campus and campus experience;
- Update the living and learning environment to better reflect campus residential life and academic goals;
- Enhance the student experience and elevate academic excellence on campus;
- Enhance mobility and access throughout the campus and expand mobility options on campus; and
- Guide the creation of an aesthetically pleasing, well-functioning university campus that is integrated within, contributes positively to, and respects the surrounding community.

USD Master Plan Update - Format and Contents:

The USD Master Plan Update includes Design Guidelines that identify the plan for the future development of the campus over the next 15-20 years. The document provides an introduction, plan summary and plan context for future growth of the campus. The physical framework of the plan is provided in Section 4, and includes five key components:

- Strengthening campus districts;
- Strengthening program uses;
- Building and enhancing the residential life and dining experience on campus;
- Improving mobility, connectivity and parking on campus to promote multi-modal access (walking, biking and transit use); and
- Preserving and enhancing the open space, landscape and recreation areas of campus.

Section 5 of the USD Master Plan Update summarizes the enrollment and space projections and

resulting space needs of the campus. Proposed project sites and their characteristics are enumerated in Section 6 of the USD Master Plan Update, including a development Project Matrix (Tables 4 and 5 of the Master Plan – excerpt below) that identifies the development standards and areas of each proposed project. The plan includes a section on sustainability (Section 7) that addresses how the campus plan promotes institution-wide sustainability initiatives and principles with respect to land use decisions, development intensity, transportation management and building landscape design practices. This section is supplemented with sustainability guidelines in Section 8 of the plan. The USD Master Plan Update includes a comprehensive set of design guidelines that provide direction on site planning, circulation design, architectural design and landscape design. This section includes guidelines for Brush Management, Storm Water Management, Lighting, Signs, Art, and Sustainable Design on campus. Design Guidelines are complemented with Focus Area Guidelines, which detail site-specific and project-specific guidelines for the proposed projects and the various areas of campus.

PROPOSED PROJECTS

Site #	Lot Area (approx. sq. ft.) (1)	Building Footprint (approx. sq. ft.)	Lot Coverage (2)	Building Gross Sq. Ft. (3)	Building Assignable Sq. Ft. (4)	# Beds	Building Height (5)		Project Description
							(Stories/Levels) Above Grade (5)	Maximum Height (ft) (6)	
17	36,500	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Former Lower Olin Future Study Area;Trails/ Landscape Enhancements
18	61,850	27,200	44%	136,000	n/a	n/a	3.0	40.0	Parking/Administrative/Support. Two stories below grade Parking Garage
19	36,800	5,000	14%	n/a	n/a	n/a	1.0	45.0	Plaza/Mall/Bridge
20	55,940	25,000	45%	32,000	19,200	n/a	2.0	24.0	Academic/Administrative/ Support
21	22,520	9,000	40%	13,500	8,100	n/a	2.0	30.0	Academic/Administrative/ Student Services Building
22	152,120	50,000	33%	175,000	105,000	n/a	4.0	65.0	Academic/Administrative Building (step down with grade)
23	74,540	49,000	66%	148,240	88,944	329	4.0	55.0	Student Housing/Parking Structure (step down with grade)
24	41,650	22,000	53%	65,000	39,000	186	5.0	60.0	Student Housing/ Student Services/ Parking.
25	34,910	23,700	68%	71,100	42,660	n/a	3.0	45.0	Academic/ Administrative / Parking Building
26	43,980	26,000	59%	69,500	41,700	n/a	3.0	45.0	Former Engineering Expansion of Loma Hall; Academic/Administrative Building
27	89,690	28,570	32%	85,710	51,426	245	3.0	40.0	Student Housing/ Student Services
28	22,790	6,200	27%	12,400	7,440	n/a	2.0	30.0	Athletics/Administrative Building
29	22,580	4,280	19%	4,280	2,568	n/a	1.0	15.0	Facilities/ Athletics Support
30	131,780	36,500	28%	109,500	65,700	243	3.0	40.0	Student Housing/Student Services/ Parking/Athletics
Totals	**827,650**	**312,450**	**38%**	**922,230**	**471,738**	**1,003**			

Required Approvals:

Conditional Use Permit - Approval of a CUP (amending CUP No. 92-0568) is required per SDMC Section 126.0303 to allow the continued operation of the site as a college/university use within residential base zones and to allow for an expansion of approximately 922,230 square feet of school facilities and student housing; and per the Linda Vista Community Plan, to allow for an increase in the number of students from 7,000 On-Campus Full-Time Equivalent (FTE) to 10,000 FTE.

Site Development Permit - Approval of an SDP is required to accommodate deviations to development regulations allowed for sustainable building projects in accordance with SDMC Section

143.0920 and Section 126.0504; the following summarizes proposed deviations to the development regulations of the RS-1-7 Zone and RM-1-1 Zone:

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	• 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	• 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	• Allows height consistent with existing CUP • More energy efficient structures

Approval of a SDP is also required for development on a premises containing Environmentally Sensitive Lands including steep slopes and sensitive biological resources. Projects 17 and 19 propose circulation trails, paths and a pedestrian bridge that impact 0.5 acres of upland habitat and Multiple Species Conservation Program (MSCP) covered species. Project 23 proposes development of an approximately 175,000 gross square foot academic/ administrative building partially within a steep slope (as defined by SDMC Section 113.0103). Site area 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.

Easement Vacations - There are over 370 public easements that encumber the campus. Four City water service easements and one City storm drain easement would be vacated as part of the proposed project, as described in concept within the USD Master Plan Update (and shown on Pages C3.0-C11.0 of the USD Master Plan Update Technical Appendix) and further identified per the Easement Vacations Exhibits (Attachment 9). As specific projects get implemented over time, these public service easements will be quitclaimed and new easements will be dedicated to the City to facilitate future development to the satisfaction of the City Engineer and the Development Services Director.

Community Plan Analysis:

The USD Master Plan Update is in conformance the Linda Vista Community Plan, which designates the USD site as Institutional with portions of Open Space and establishes policies and proposals to mitigate the impacts of USD's growth on the surrounding community.

The Community Plan states that students, staff, and faculty should be encouraged to live on or near

campus to reduce commute distances. In order to create USD's living-learning community, USD requires that first and second year students live on campus.

The Community Plan also states that impacts to circulation systems and on street parking should be minimized by encouraging structured parking and alternative modes of transportation and limiting enrollment beyond 7,000 full-time equivalent students based on the ability of the transportation system to handle additional student traffic. For those living on and off campus, USD is looking to address traffic impacts by becoming a multimodal campus. USD will have Pedestrian Priority Zones at the academic core of the campus; a Loop Road with two-way traffic, two bicycle lanes, and pedestrian walkways with trails on both sides; special parking areas for ride and car sharing programs; electric vehicle parking and charging areas; continued on-site tram service that also extends to the Old Town Trolley Station with potential to expand to the Morena/Linda Vista Trolley Station; and bicycle parking with potentially a bicycle share program. Parking is addressed by providing underground parking, parking garages that are screened with trees, and connecting parking garages to destinations via the campus tram. As for traffic generated external to the project area, a Traffic Impact Analysis was created to provide means of mitigating impacts.

The Community Plan states that the campus should not encroach on open space and should respect hillsides as well as sensitive vegetation and that the 16th Century Spanish Renaissance theme should be maintained in new and rehabilitated buildings. On page 57, the community plan goes into further detail that new development adjacent to Tecolote Canyon should incorporate sensitive grading techniques, be setback from the rim of the canyon, provide breaks in structures, be low profile to reduce visual prominence, and be built of materials that blend in with the canyon. For focus areas (areas designated for more specific design guidelines in the USD Master Plan) along Tecolote Canyon, language is included that complements the Community Plan. The Master Plan states that new development along the canyon should: incorporate sensitive grading techniques, orient the narrow ends of buildings to the canyon to reduce bulk and create visual breaks, be terraced, maintain a low profile, use materials that blend with the canyon, and provide open space connections to the canyon edge. As for the architectural style of new and existing construction, Chapter 8.4 of the Design Guidelines in the USD Master Plan states that the 16th Century Spanish Renaissance architecture is to be maintained and that new construction will reference the existing architecture of the original buildings. The architecture of the campus is seen as a functional and symbolic embodiment of the university.

The Community Plan additionally lays out that USD should continue to operate under a Conditional Use Permit and that USD, the Linda Vista Planning Group, and the City should continue to work together to ensure compatibility of USD with the surrounding neighborhoods.

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 previously addressed such as architecture, historic character, and development next to natural features. The USD Master Plan addresses the aforementioned design guidelines via Section 8.11 on 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.

Environmental Analysis:

Subsequent Environmental Impact Report (SEIR) No. 417090 has been prepared in accordance with California Environmental Quality Act (CEQA) Guidelines. A Mitigation and Monitoring Reporting Program (MMRP) is proposed and has been made a condition of the project. A Statement of Overriding Considerations will be adopted to address significant unmitigable impacts to traffic and air quality (Attachment 5). Conditions have been added to the draft permit to address potential impacts of the proposed project, and to minimize, if not preclude, adverse effects to the community.

CONCLUSION

Staff has reviewed this update and supports that the project conforms to the purpose and intent of the applicable Land Development Code regulations, including the policies and guidelines of the Linda Vista Community Plan, and can support the draft findings included in Attachment 6.

ALTERNATIVES

1. Recommend the City Council Approve CUP No. No. 1605027, SDP No. 1831047 and Easement Vacations Nos. 1794303, 1794547, 1794552, 1807203, and 1807207, with modifications;

2. Recommend the City Council Deny CUP No.1605027, SDP No. 1831047 and Easement Vacations Nos. 1794303, 1794547, 1794552, 1807203, and 1807207 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Elyse W. Lowe
Deputy Director
Development Services Department

Martha Blake
Development Project Manager
Development Services Department

VACCHI/MKB

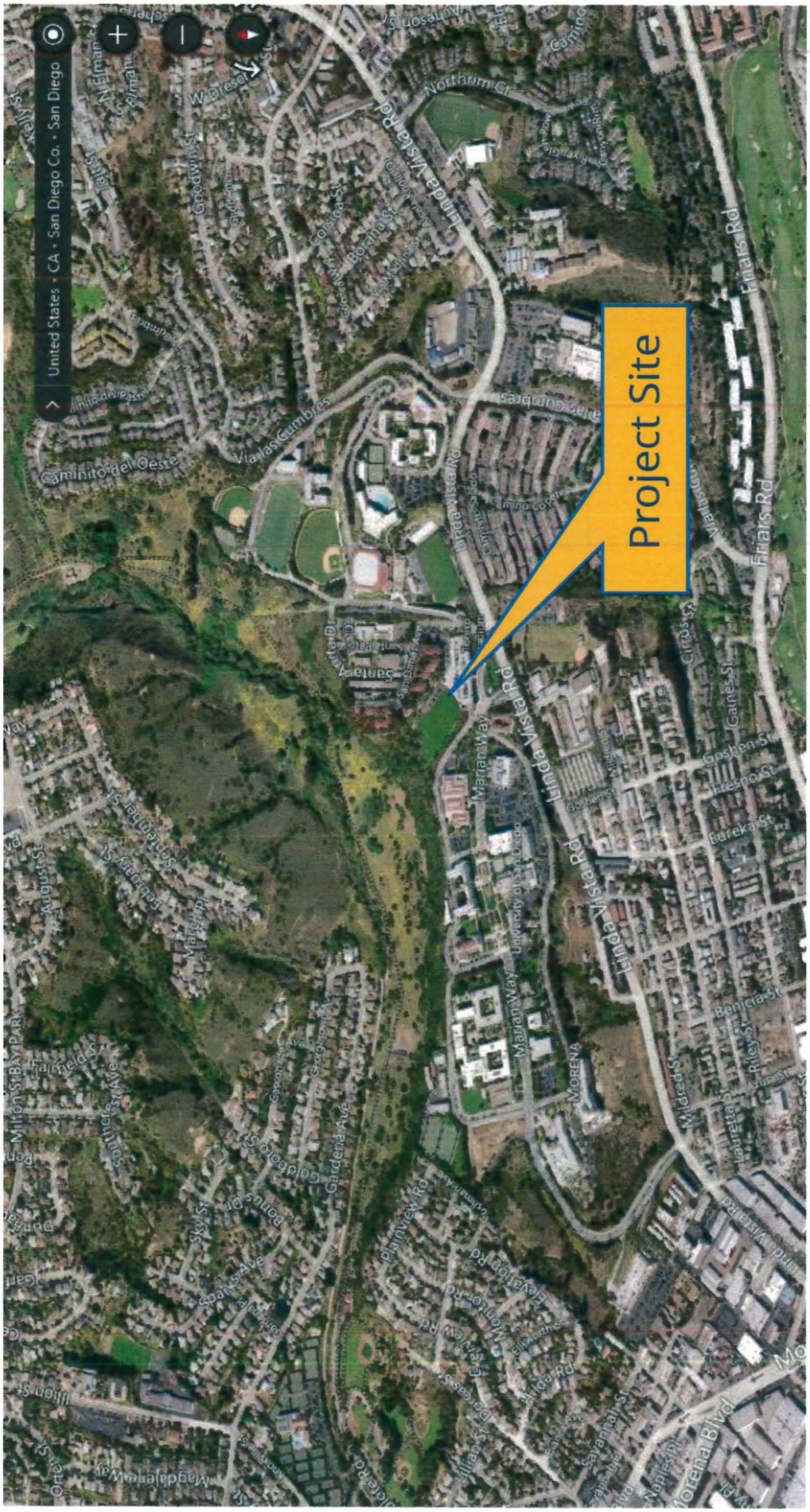
Attachments:

1. Aerial Photographs
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Environmental Resolution with MMRP
5. EIR Findings & Statement of Overriding Considerations
6. Draft Permit Resolution with Findings
7. Draft Permit with Conditions
8. Draft Resolution Approving Easement Vacations
9. Easement Vacations Exhibits
10. Community Planning Group Recommendation
11. Ownership Disclosure Statement
12. Copy of Recorded/Existing Permit (CUP/RPO No. 92-0568)
13. USD Master Plan Update (distributed to PC on May 17, 2017)
14. USD Master Plan Update – Errata (Sheet Nos. 13 and 65)
15. USD Master Plan Update Technical Appendix

The following Attachments 16–19 are available online at https://www.sandiego.gov/planning-commission/documents/pcreports or Planning Commission Reports June 1

16. Copy of Recorded/Existing Permit (CUP/RPO No. 92-0568)
17. USD Master Plan Update (distributed to PC on May 17, 2017)
18. USD Master Plan Update – Errata (Sheet Nos. 13 and 65)
19. USD Master Plan Update Technical Appendix

ATTACHMENT 1

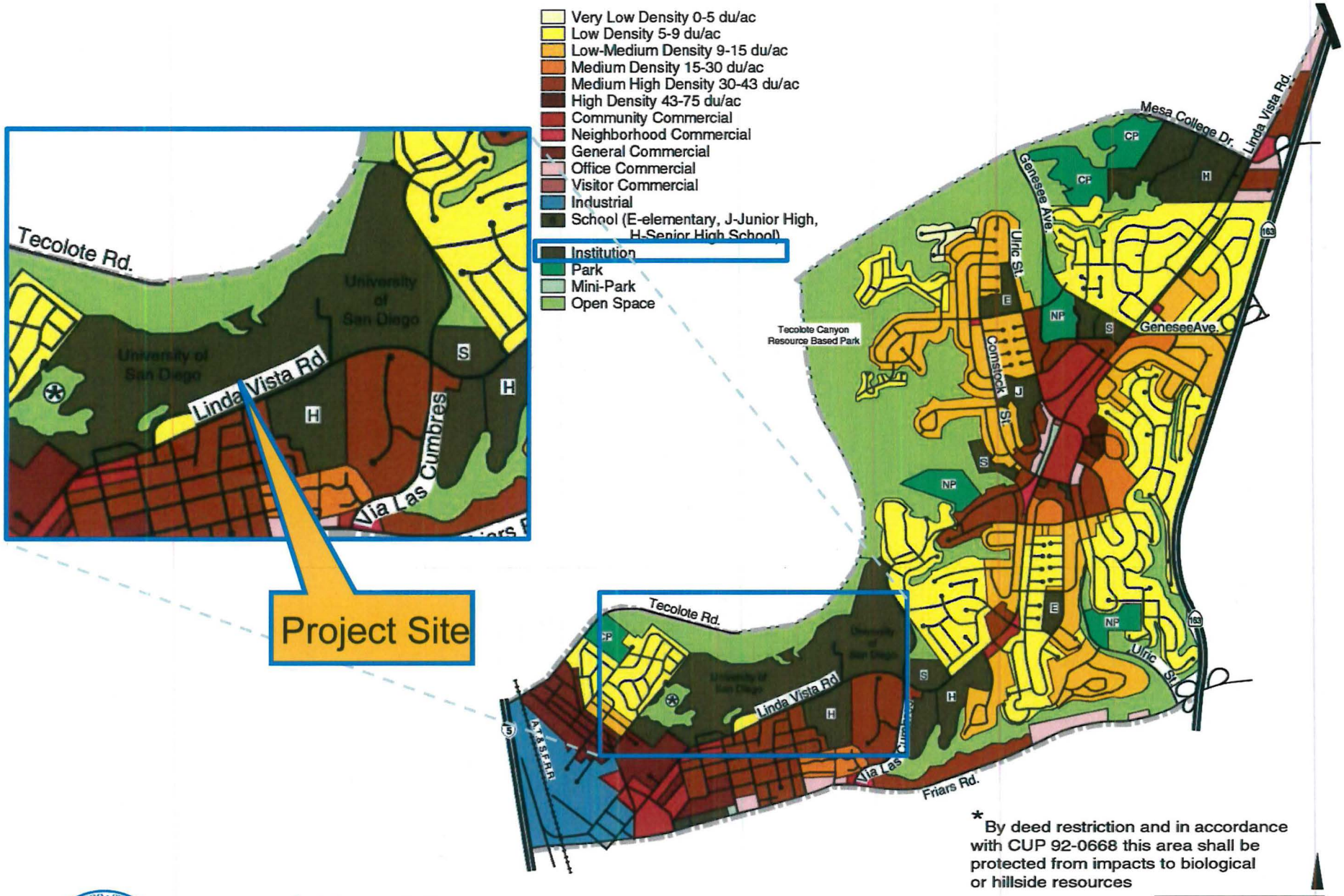


North

Aerial Photo

USD Master Plan Update/ 5998 Alcala Park

PROJECT NO. 471090



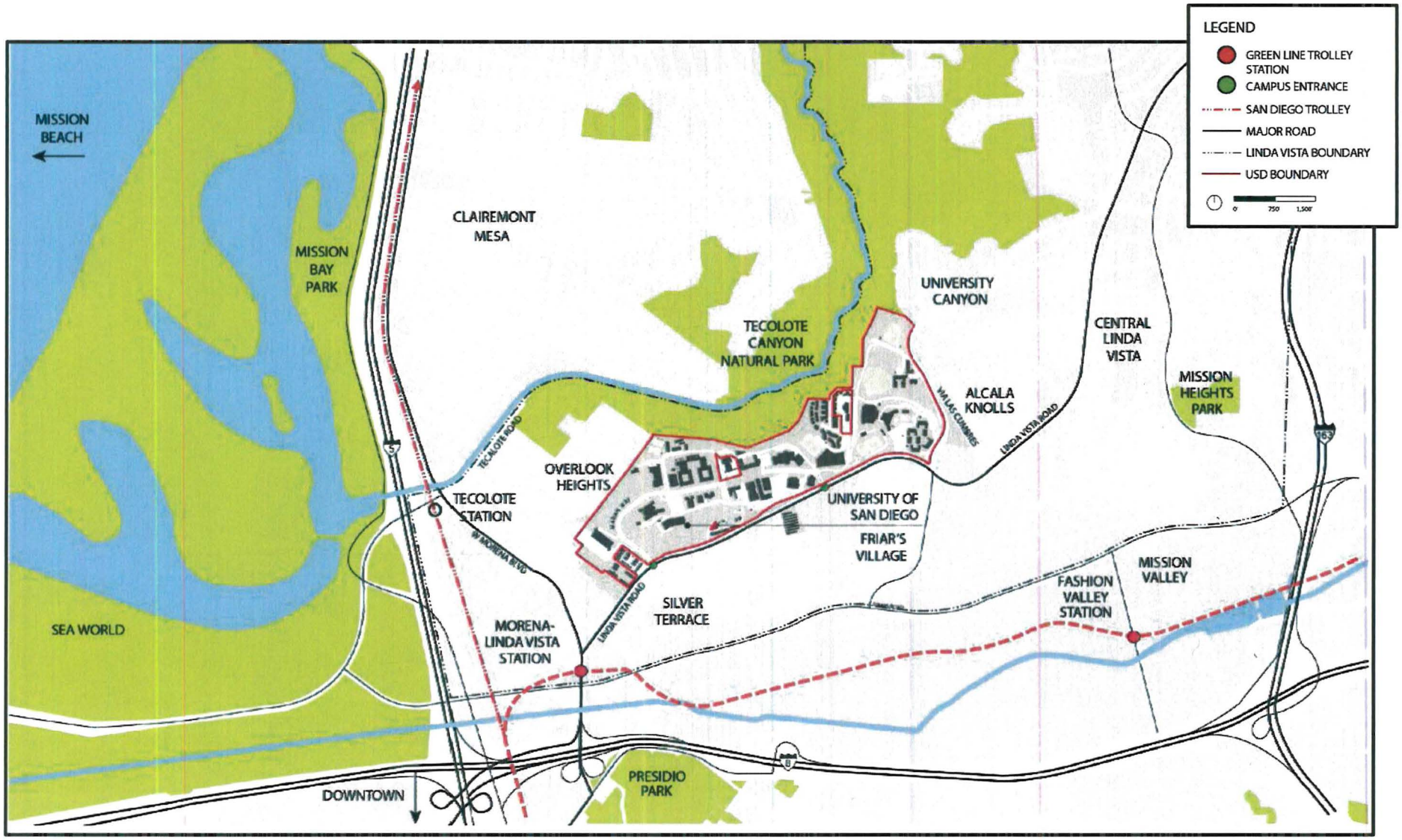
*By deed restriction and in accordance with CUP 92-0668 this area shall be protected from impacts to biological or hillside resources

North

Land Use Map

USD Master Plan Update/5998 Alcala Park
PROJECT NO. 417090

ATTACHMENT 2



Project Location Map

USD Master Plan Update/5998 Alcala Park
PROJECT NO. 417090

North

ATTACHMENT 3

ATTACHMENT 4

RESOLUTION NUMBER R- _____

ADOPTED ON _____

WHEREAS, on November 20, 2015, Ky Snyder, University of San Diego, submitted an application to Development Services Department for a Conditional Use Permit, Site Development Permit, and Easement Vacations for the USD Master Plan Update (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 417090 / SCH No. 1993121032 (Report) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the [DECISION-MAKER] in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit C.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that the CITY CLERK is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: _____, CITY ATTORNEY

By: _____
[NAME], [DEPUTY CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

ATTACHMENT(S): Exhibit A, Findings
Exhibit B, Statement of Overriding Considerations
Exhibit C, Mitigation Monitoring and Reporting Program

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

CONDITIONAL USE PERMIT / SITE DEVELOPMENT PERMIT / EASEMENT VACATION
PROJECT NO. 417090 / SCH No. 1993121032

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 417090 / SCH No. 1993121032 shall be made conditions of **CONDITIONAL USE PERMIT / SITE DEVELOPMENT PERMIT / EASEMENT VACATION** as may be further described below.

Transportation/Circulation

Direct Impacts – Intersections

Tra-1 Traffic Monitoring Program

- Prior to the implementation of mitigation measure Tra-4 and upon enrollment of 7,500 FTE and each increase of 500 additional FTE, USD shall conduct a traffic mitigation monitoring program to monitor current conditions at the impacted intersection and confirm that the traffic signal warrants and LOS operations that serve as the basis for the mitigation measure are met based on the traffic volumes present at that time. The following monitoring steps shall be taken by USD to comply with this measure:

    a. USD shall submit annual FTE numbers to the City within 6 months of the beginning of the Fall semester following approval of the Master Plan Update. Applicable increases in FTE, as summarized in b) and/or d) below, will trigger the need to conduct a mitigation monitoring study reviewing the conditions at the subject intersection.

    b. Upon reaching an annual enrollment of 7,500 FTE and upon each subsequent increase of 500 FTE, USD shall submit a mitigation monitoring study for the Linda Vista Road/Alcalá Vista Apartments Entrance intersection. As summarized in Table 12-3 of the Project's TIA study, the significant impact at the Linda Vista Road/ Alcalá Vista Apartments Entrance is expected with the addition of 500 FTE.

    c. The mitigation monitoring study requires that USD shall conduct AM and PM peak hour intersection counts at the subject intersection. The counts shall be done for one day on a Tuesday, Wednesday, or Thursday when school is in session during the Fall semester.

        i. Two analyses shall be conducted in the mitigation monitoring study. The subject intersection shall be analyzed to determine if a significant impact is caused by USD traffic based on the City LOS criteria. The LOS and delay calculated under "Near-Term without Project" conditions in the Project's TIA study will serve as the baseline

for comparing LOS and delay in the mitigation monitoring study. A peak hour traffic signal warrant shall also be conducted using the peak hour traffic counts.

ii. If the mitigation monitoring analysis determines that USD traffic causes a significant impact and if the peak hour signal warrant shows that the warrant is met, USD shall be responsible for implementing the intersection mitigation measure of signalizing the intersection as noted in Tra-4, which includes providing a dedicated southbound left turn lane and a dedicated southbound right turn lane, and coordinating the signal with the downstream signal at the Linda Vista Road/Via las Cumbres intersection to the east.

iii. If the mitigation monitoring analysis identifies a significant impact, but signal warrants are not met, an alternative mitigation measure restricting left-turns out of the Alcalá Vista Apartments Entrance by constructing a raised median within Linda Vista Road shall be implemented.

iv. The mitigation monitoring study, including the intersection and signal warrant analyses, must be completed and turned into the City's Transportation Development Section each year a study is needed.

d. If implementation of the mitigation measure is not found to be necessary under the FTE increases outlined in b) above, USD shall be responsible for monitoring the conditions at the intersection(s) with each subsequent increase of 500 FTE (500 FTE, 1,000 FTE, 1,500 FTE etc.).

e. USD shall be responsible for monitoring the intersection until the need for one of the mitigation measures is triggered, or when the FTE increase reaches 3,000 FTE.

Tra-2 Linda Vista Road/Napa Street

Upon enrollment of 7,350 FTE, USD shall make the first payment of a "fair-share" contribution of $297,000 (to be paid in equal payments over a period of five years) toward future improvements to the Morena Corridor Specific Plan area (including the Linda Vista Road/Napa Street intersection), as specified in detail under Tra-5, would partially mitigate the Project's contribution to this impact. Impacts would still be considered significant and unmitigable because the balance of the cost for the future, undefined, improvements is unfunded and not assured.

Tra-3 Linda Vista Road/Colusa Street

The Project applicant shall assure by permit and bond the signalization of the Linda Vista Road/Colusa Street intersection, to the satisfaction of the City Engineer.

To improve overall intersection operations, it is also recommended, but not required, to eliminate six parking spaces along the east curb of Colusa Street to provide a dedicated 150-foot northbound left-turn lane and a dedicated northbound right-turn lane at Linda Vista Road. The provision of the dedicated northbound right-turn and left-turn lanes is not required to mitigate the significant impact.

Tra-4 Linda Vista Road/Alcalá Vista Apartments Entrance

Prior to enrolling 7,500 FTE students, one of two mitigation options shall be implemented once warranted by the mitigation monitoring program outlined in Tra-1.

Option 1: If the monitoring program identifies a significant impact and if the peak hour signal warrant shows that the warrant is met, the Project applicant shall assure by permit and bond the signalization of the Linda Vista Road/Alcalá Vista Apartments Entrance intersection, provide a dedicated southbound left turn lane and dedicated southbound right turn lane, and coordinate the signal with the downstream signal at Via las Cumbres to the east, to the satisfaction of the City Engineer.

Option 2: If the monitoring program identifies a significant impact, but signal warrants are not met, the Project applicant shall assure by permit and bond an alternative measure restricting left-turns out of the Alcalá Apartments Entrance by constructing a raised median within Linda Vista Road. Left-turns in would continue to be allowed.

Direct Impacts – Roadway Segments

Tra-5 Linda Vista Road: Napa Street to Marian Way (Mildred Street)

The following measure is required to partially mitigate the Project's direct significant impact to the subject roadway segment, with the impact still considered significant and unmitigable because the balance of the cost for the future, undefined, improvements is unfunded and not assured

- Prior to enrolling 7,350 FTE students, the Project applicant shall be required to provide a "fair share" contribution of $297,000 (to be made in five equal payments over five years) towards future improvements to the Morena Corridor 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.

Cumulative Impacts – Intersections

The following measures are required to mitigate the Project's cumulatively significant impacts to intersections:

Tra-6 Linda Vista Road/Napa Street

Implementation of Tra-2, as outlined above under Direct Impacts, would partially mitigate the Project's proportionate share of the cumulative impacts; however, the identified cumulative impact to the Linda Vista Road/Napa Street intersection is considered cumulatively significant and unmitigated because the balance of the cost of the future, undefined, improvements is unfunded and not assured.

Tra-7 Linda Vista Road/Colusa Street

Implementation of Mitigation Measure Tra-3, as outlined above under Direct Impacts, would mitigate the Project-related significant cumulative impact at the Linda Vista Road/Colusa Street intersection.

Implementation of Mitigation Measures Tra-1 and Tra-4, as outlined above under Direct Impacts, would mitigate the Project-related significant cumulative impact at the Linda Vista Road/Alcalá Vista Apartments Entrance intersection.

Cumulative Impacts – Roadway Segments

The Long-Term (2035) scenario assumes the fully funded Phase I of the SR 163/Friars Road Interchange Project, which includes improvements to the segment of Friars Road from Avenida de las Tiendas to Ulric Street/SR 163 SB Ramps. The timing and scope of Phases II and III of the Interchange Project are yet to be determined, contingent on funding, and will likely not include further improvements to this segment. Since there are no improvement projects towards which the Project can contribute a fair share payment, this impact is considered cumulatively significant and unmitigated in the Long-Term condition.

Biological Resources

Bio-1 Biological Resource Protection

I. Prior to Construction

A. **Biologist Verification** – The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the biological monitoring program in this mitigation measure. The letter shall include the names and contact information of all persons involved in the biological monitoring of the Master Plan Update area.

B. **Preconstruction Meeting** – The Qualified Biologist shall attend a pre-construction meeting, discuss the Master Plan Update's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

C. **Biological Documents** – The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.

D. **Biological Construction Mitigation/Monitoring Exhibit** – The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the Biological Documents listed above. In addition, include as applicable: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the Master

Plan Update's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

F **Resource Delineation** – Prior to construction activities, the Qualified Biologist shall supervise the placement of silt and orange construction fencing or equivalent along the limits of disturbance (for Project Sites Nos. 17, 19, 20, 22, 23, and 27) and verify compliance with any other conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

G. **Education** – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

A. **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR shall be e-mailed to MMC on the first day of monitoring, the first week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

B. **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc.). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

III. Post Construction

A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, State, and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

Bio-2 Sensitive Vegetation Communities

Impacts to 0.5 acre of Diegan coastal sage scrub shall be mitigated at a ratio of 1:1 pursuant to Table 3, Upland Mitigation Ratios, in the City's Biology Guidelines (City 2012) for impacts outside the MHPA and mitigation inside the MHPA. Mitigation shall be accomplished via payment in to the City's Habitat Acquisition Fund equal to 0.5 acre of habitat.

Bio-3 Nesting Cooper's Hawks

To avoid impacts to Cooper's hawk, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for this species (February 1 to September 15).

If removal of habitat within 300 feet of the MHPA (Projects 20, 21, 24, 27, and 28) must occur during the breeding season (February 1 to September 15), the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting Cooper's hawk within the proposed area of disturbance. The pre-construction (precon) survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the precon survey to City DSD for review and approval prior to initiating any construction activities.

If nesting Cooper's hawk are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan will include the establishment of a 300-foot construction avoidance area that shall be maintained around any active Cooper's hawk nest located inside the MHPA until the nest is no longer active as determined by the Qualified Biologist. The report or plan shall be submitted to the City DSD for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction. If nesting Cooper's hawk are not detected during the precon survey, no further mitigation is required.

Historical Resources

Hist/Arch-1

Built Environment. The following measure shall be implemented for USD Master Plan Update project sites impacting structures 45 years of age or older at the time the construction permit, including any demolition permit, is submitted:

I. Prior to Permit Issuance

For any future projects that propose additions or modifications to structures or landscape features 45 years old or older, the structure or landscape feature shall be reviewed by qualified historic staff at the City of San Diego to determine whether or not the resource may meet one or more criteria for historic designation and therefore be considered potentially historic. If the structure or landscape

feature being modified or removed by the construction is not assessed as potentially historic, the project shall proceed and no further mitigation will be required. If the evaluation determines that the project could affect potentially significant historic resources, then the following three listed items shall apply:

1. If the evaluation determines that the project is consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties, then the potential historic significance will be documented and the project may be found to be in Substantial Conformance with the Master Plan and SEIR.

2. If the evaluation determines that the project is not consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties, the project shall be redesigned to be consistent with the Standards, or a historic report that evaluates the building or landscape feature's integrity and eligibility under all designation criteria shall be completed and forwarded to the Historical Resources Board for review and consideration.

Historical Resources

Hist/Arch-2

Archaeology. The following measure shall be implemented for USD Master Plan Update project sites relative to unknown cultural resources:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.

3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (¼-mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
   a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored
   a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
   b. The AME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur
   a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
   b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request

shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.

3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the CSVR. The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion)**, and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or **BI, as appropriate.**

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
   a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
   b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
   c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.

2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate Discovery Site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.

2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.

3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.

2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.

4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.

5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:

   a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;

   b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,

   c. In order to protect these sites, the Landowner shall do one or more of the following:

      (1) Record the site with the NAHC;
      (2) Record an open space or conservation easement on the site;
      (3) Record a document with the County.

d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. <u>If Human Remains are NOT Native American</u>

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.

2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).

3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/ landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. <u>If night and/or Weekend Work is Included in the Contract</u>

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

a. No Discoveries: In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.

b. Discoveries: All discoveries shall be processed and documented using the existing procedures detailed in Sections III – During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries: If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III – During Construction and IV-Discovery of Human Remains shall be followed.

d. The PI shall immediately contact MMC, or by 8 AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. <u>If Night and/or Weekend Work Becomes Necessary During the Course of Construction</u>

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. <u>All other procedures described above shall apply, as appropriate</u>.

VI. Post Construction

A. <u>Preparation and Submittal of Draft Monitoring Report</u>

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**

   a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

   b. Recording Sites with State of California Department of Parks and Recreation: The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

3. The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. The PI shall include the Acceptance Verification from the curation institution in the **Final Monitoring Report submitted to the RE or BI and MMC.**

3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

Air Quality (Air Toxics)

AQ-1 Health Risk Assessment

Prior to the issuance of grading permits for any new facility that would have the potential to emit TACs, in accordance with AB 2588, an emissions inventory and health risk assessment shall be

prepared. Building permits shall only be issued for facilities that demonstrate TAC emissions below the standards listed in Table 5.5-4 (excess cancer risk of 1 in 1 million or 10 in 1 million with Toxics-Best Available Control Technology [T-BACT] and non-cancer hazard index of 1.0).

Public Utilities

PU-1 Wastewater Infrastructure Improvements

At the time of the Building Permit application for Project Site Nos. 22, 23, 25 and/or 26, located within the off-site Linda Vista sewer basin, the University shall conduct sewer flow metering of the undersized sewer mains. If the results of the sewer flow metering are different than those included in the Master Plan Sewer Study (KLE 2016b), the University shall present the results to the City PUD for review and approval. For each project located within the Linda Vista Road sewer basin that is calculated to result in increased flows to the undersized sewer main reaches 10 through 13, the University shall work with the City's PUD to either:

- Determine appropriate phasing and potential cost sharing for the upsizing of sewer reaches 10 through 13 to 10-inch sewer mains; or

- Pursue redirecting, via a private sewer pump station, the project(s)'s sewer flows from the existing public offsite Linda Vista sewer system into the existing public Tecolote Canyon Trunk Sewer. If this option is pursued, the offsite Linda Vista undersized sewer mains would not be required to be upsized as part of the above mentioned campus projects.

Visual Effects/Neighborhood Character

Vis-1

Steep Slopes. Prior to issuance of a grading permit for construction proposed to encroach into steep slopes (i.e., Project Site No. 22), a detailed grading plan shall be submitted to the City's Development Services Department and shall demonstrate to the satisfaction of the City Engineer substantial conformance with all grading policies in place at the time of project application. Special design requirements for slopes that are to be graded shall be clearly indicated on the grading plan. At a minimum, proposed manufactured slopes shall imitate, to the extent feasible, the existing landform features through the use of: (1) contour grading and terracing to avoid extreme slope faces; (2) undulation to avoid straight slope faces; (3) rounding the tops and toes of slopes to simulate natural contours; and (4) slopes that do not exceed a grade of 2:1. Grading plans shall be reviewed by the City to ensure that sensitive grading techniques are being utilized.

SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS FROM 1996 MASTER PLAN FEIR

Paleontological Resources

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the ADD Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.

3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site-specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.

a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site-specific records search as well as information regarding existing known soil conditions (native or formation).

3. When Monitoring Will Occur

a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence, or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**

2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

3. The monitor shall document field activity via the CSVR. The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly **(Notification of Monitoring Completion)**, and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.

   a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

   b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

   c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

   d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

    a. No Discoveries: In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.

    b. Discoveries: All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

    c. Potentially Significant Discoveries: If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

    d. The PI shall immediately contact MMC, or by 8 AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. <u>If night work becomes necessary during the course of construction</u>

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.

2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. <u>All other procedures described above shall apply, as appropriate.</u>

V. Post Construction

A. <u>Preparation and Submittal of Draft Monitoring Report</u>

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

    a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.

    b. Recording Sites with the San Diego Natural History Museum
    The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.

3. The PI shall submit revised Draft Monitoring Report to MMC for approval.

4. MMC shall provide written verification to the PI of the approved report.

5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.

2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.

2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

DRAFT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE USD MASTER PLAN UPDATE PROJECT

Project No. 417090
SCH No. 1993121032
May 2017

SECTION 1: THE PROJECT

I. INTRODUCTION

The University of San Diego (USD or University) Master Plan Update will provide a comprehensive revision of the existing Master Plan and Design Guidelines, as well as the campus' building space and infrastructure needs. USD received approval of its existing Master Plan, including Design Guidelines, in 1996 (1996 Master Plan) to guide the phased buildout of the campus through the year 2030. Concurrent with the City's approval of the 1996 Master Plan, Conditional Use Permit (CUP)/Resource Protection Ordinance (RPO) Permit No. 92-0568 was issued to allow the campus to construct 23 projects outlined in the 1996 Master Plan and expand student population to 7,000 FTE. The Final Environmental Impact Report (Final EIR) prepared for the 1996 Master Plan (1996 Master Plan FEIR; State Clearinghouse #1993121032) was prepared pursuant to the California Environmental Quality Act (CEQA).

As the CEQA Lead Agency, the City reviewed the Master Plan Update and determined that proposed revisions to the 1996 Master Plan, and/or the circumstances surrounding its implementation, require revisions to the existing City entitlements and certified CEQA document, pursuant to §15162(a) of the State CEQA Guidelines. Specifically, CEQA Guidelines §15162 provides that a Subsequent Environmental Impact Report (SEIR) is warranted if the Lead Agency determines, among other things, that substantial changes have occurred to a project that will have one or more significant effects not discussed in the previous EIR, or the revised project has the potential to increase the severity of significant impacts in the previous EIR. For the proposed Project, described below under Section I.II, the amount of campus development and student enrollment would increase beyond levels that were previously contemplated in the 1996 Master Plan and addressed in the 1996 Master Plan FEIR, potentially resulting in new and/or substantially more severe impacts.

The Final SEIR prepared for the Master Plan Update considered, pursuant to Public Resources Code §21166, whether any new potentially significant impacts would result or whether there would be an increase in the severity of previously identified significant impacts, from the project due to substantial changes in circumstances or from new information discovered since adoption of the 1996 Master Plan. The new information presented in the Final SEIR reflects changes in circumstances or contains information that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified. As permitted by §15150 of the State CEQA

Guidelines, the Final SEIR incorporates by reference information and analysis contained in the project-level analysis conducted in the 1996 Master Plan FEIR (Project No. 92-0568 / SCH No. 1993121032), including its associated technical studies.

II. PROJECT DESCRIPTION

USD proposes to update its existing campus Master Plan, which provides a framework for guiding the physical development of the USD campus. The USD Master Plan Update (or Project) provides a comprehensive revision of the 1996 Master Plan and Design Guidelines, as well as the campus' building space and infrastructure needs associated with increasing enrollment from 7,000 to 10,000 full-time equivalent (FTE) students over the next 20 years. The Project would increase the amount of physical development permitted on the USD campus, as well as the number of enrolled students. The USD campus includes approximately 180 acres within a generally rectangular-shaped area devoted to university-related uses. The campus is located in the Linda Vista Community of the City of San Diego (City), approximately five miles east of the Pacific Ocean, four miles north of downtown San Diego, 0.5 mile east of Interstate (I-) 5 and 0.5 mile north of I-8.

The Project includes 14 projects that would occur as the campus grows over the next 20 years, within the following categories: academic/administrative buildings (including support uses); student housing; student services uses; athletics/athletic support/administrative buildings; physical plant and facilities; parking structures and lots; pedestrian circulation/plaza/bridge; and trails/landscape enhancements. The noted categories are not mutually exclusive, however, and in many cases multiple uses would be grouped into one building or complex. The phased development of the 14 projects would collectively add 471,738 assignable square feet (ASF) of new building space to the campus, including 1,003 student housing beds. This new ASF and housing would be contained within the approximately 922,230 gross square feet (GSF) of the new or renovated structures. Specifically, ASF is the space within a room that can be designated for a particular use, while GSF is the total space within the exterior walls of a building.

In addition to the 14 project sites noted above, the Project addresses other potential physical changes to support optimal future campus development, including modifications related to mobility, circulation, and recreation, as well as off-site roadway/intersection improvements. Additional proposed projects within the campus include: (1) improvements to the existing campus Loop Road alignment and campus perimeter to accommodate multi-modal circulation, including two-way traffic, bike lanes, parking, pedestrian walkway and/or trails, and multiple tram stops (with additional tram stops also proposed along internal and perimeter roads on the west and east sides of campus); (2) pedestrian, trail and plaza improvements, including creation of a pedestrian promenade ("Paseo") that would generally bisect the campus from west to east, vehicular drop-off areas at the west and east Paseo entrances (with non-emergency traffic to be routed to the Loop Road), three north-south pedestrian connections across the Paseo, and up to four new traditional university-style "quads" or "commons" to encourage gatherings among campus users; (3) additional paths, trails, stairs, and connecting walkways in other portions of the campus (with connections to off-site roadways and

neighborhoods); and (4) a boundary line correction for the Multi-Habitat Planning Area (MHPA) along the northern University interface with Tecolote Canyon.

The Project includes general and detailed Design Guidelines that provide the primary means for consistently implementing the campus landscape and recognizable architectural character. The Design Guidelines provide direction on the physical development of the campus, and support key overall planning principles and framework plans for different areas of campus as established in the Master Plan Update. More specifically, the Design Guidelines document frames the aesthetics of campus development by describing and illustrating site planning, vehicular and pedestrian circulation, parking, architecture, landscape, lighting, and signage as related to existing campus and future development. Future campus planners, architects, landscape architects, and designers of lighting, signs, and other amenities, as well as maintenance personnel, would use the USD Design Guidelines to provide direction for their campus-related work. The Design Guidelines include General Design Guidelines and Focus Area Guidelines, as well as Sustainability Guidelines, intended to encourage resource conservation, energy efficiency, and healthy and quality living and working environments.

The discretionary approvals required from the City to implement the Project include a Conditional Use Permit (CUP) a Site Development Permit (SDP), and six public utility easement vacations and new easement dedications, which would be recorded separately as part of future project applications under the Master Plan Update. All of the noted approvals would be subject to review and approval by City Council.

III. PROJECT OBJECTIVES

The main purpose of the Project is to serve as an updated framework for guiding the physical development of the USD campus over the next 20 years, further achieving the academic goals and objectives of the campus outlined in the 1996 Master Plan. Many of the goals and objectives identified in the 1996 Master Plan FEIR are relevant and applicable to the Project, including those related to:

- Developing new and renovated facilities and capital improvements;
- Renovating or replacing buildings to improve degraded conditions;
- Siting new buildings in locations that offer programmatic advantages;
- Siting facilities to enhance spatial usage of the campus;
- Designing to be compatible with the established style and scale of existing campus structures;
- Improving pedestrian access to, from, and within campus;
- Incorporating accessibility features into existing and new buildings; and
- Providing additional on-campus housing and proximate parking.

Additional Project objectives have been identified by USD as part of the Master Plan Update planning process, including:

- Prioritize the campus mesa for the highest and best use of campus land, especially the academic core, wherein all traditional degree programs will be focused into instructional spaces;
- Ensure adequate space is available for projected academic growth and for an on-campus population of up to 10,000 FTE students;
- Develop a framework and design guidelines for building and landscape improvements;
- Identify campus development opportunities that balance the University's mission and its financial sustainability;
- Allow the campus to expand internally without altering its physical boundary by infilling surface parking lots and underutilized or vacant campus lands, thereby reducing the need to acquire additional property and reducing potential conflicts with neighbors;
- Guide the intensification of the campus as it grows in a way that does not significantly alter the campus character, but contributes to its enhancement and quality;
- Integrate administrative, academic, housing, athletic, and recreational uses into a cohesive physical campus and campus experience;
- Update the living and learning environment to better reflect campus residential life and academic goals;
- Enhance the student experience, elevate academic excellence on campus, and continue to distinguish USD as a place for education, scholarship, and service;
- Enhance mobility and access throughout the campus and expand mobility options on campus; and
- Guide the creation of an aesthetically pleasing, well-functioning university campus that is integrated within, contributes positively to, and respects the surrounding community.

SECTION 2: ENVIRONMENTAL REVIEW PROCESS

The Lead Agency approving the Project and conducting environmental review under CEQA (California Public Resources Code §§21000, et seq.), and the Guidelines promulgated thereunder in California Code of Regulations, Title 14, §§15000 et seq. (CEQA Guidelines), hereinafter collectively, (CEQA) shall be the City. The City as Lead Agency shall be primarily responsible for carrying out the Project. In compliance with §15082 of the CEQA Guidelines, the City published a Notice of Preparation (NOP) on April 4, 2016, which began a 30-day period for comments on the appropriate scope of the Project EIR. The City received NOP comment letters from the California Department of Fish and Wildlife, California

Department of Transportation, Native American Heritage Commission, and San Diego Association of Governments. A copy of the NOP and SEIR Scoping Letter, the NOP distribution list, and public comment letters received on the NOP are provided in Appendix A of the Final EIR.

The Draft SEIR for the project was then prepared and circulated for review and comment by the public, agencies, and organizations for a public review period that began on January 6, 2017, and concluded on February 21, 2017. A Notice of Completion of the Draft SEIR was sent to the State Clearinghouse, and the Draft SEIR was circulated to state agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 1993121032). A Notice of Availability of the Draft SEIR was filed with the County Clerk. Comments on the Draft SEIR were received from the Office of Planning and Research, State Clearinghouse, California Department of Fish and Wildlife, California Department of Transportation, San Diego County Archaeological Society, San Diego Association of Governments, Save Our Heritage Organisation, Rincon Band of Luiseño Indians, Ms. Beverly Blessent and Ms. Virginia LaGuardia. After the close of the public review period, the City provided responses in writing to all comments received on the Draft SEIR.

The Final SEIR dated May 12, 2017 has been prepared in accordance with CEQA and the State CEQA Guidelines. The City, acting as the Lead Agency, has reviewed and edited as necessary the submitted drafts and certified that the Final SEIR reflects its own independent judgment and analysis under CEQA Guideline §15090(a)(3) and CEQA §21082.1(a)-(c).

The Final SEIR is intended to serve as an informational document for public agency decision-makers and the general public regarding the objectives and components of the Project. The Final SEIR addresses the potential significant adverse environmental impacts associated with the Project, and identifies feasible mitigation measures and alternatives that may be adopted to reduce or eliminate these impacts. The Final SEIR is incorporated by reference into this CEQA Findings document.

The Final SEIR is the primary reference document for the formulation and implementation of a mitigation monitoring program for the project. Environmental impacts cannot always be mitigated to a level that is considered less than significant. In accordance with CEQA, if a Lead Agency approves a project that has significant unavoidable impacts that cannot be mitigated to a level below significance, the agency must state in writing the specific reasons and overriding considerations for approving the project based on the final CEQA documents and any other information in the public record for the project. (CEQA Guidelines §15093). This is called a "statement of overriding considerations." (SOC; CEQA Guidelines §15093).

The documents and other materials which constitute the administrative record for the City's actions related to the Project are located at the City of San Diego, Development Services Center, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. The City Development Services Center is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Development Services Center. This information is provided in compliance with Public Resources Code §21081 .6(a)(2) and CEQA Guidelines §15091(e).

SECTION 3: FINDINGS

I. INTRODUCTION

The CEQA Guidelines require that no public agency shall approve or carry out a project which identifies one or more significant environmental impacts of a project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the FEIR.

The State CEQA Guidelines (§15096(g) requires that the Lead Agency adopt mitigation measures or alternatives where feasible to avoid or mitigate significant environmental impacts that would otherwise occur with the implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency. For those significant impacts that cannot be mitigated to a less than significant level, the Lead Agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment (CEQA §21081[b]) and State CEQA Guidelines §15093). If such findings can be made, the Guidelines state in §15093 "...the adverse environmental effects may be considered acceptable." CEQA also requires that findings made pursuant to §15091 be supported by substantial evidence in the record (State CEQA Guidelines, §15091[b]). Under CEQA, substantial evidence means enough relevant information has been provided (reasonable inferences from this information may be made) to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicated on facts, and expert opinion supported by facts (State CEQA Guidelines, §15384).

The findings reported in the following pages incorporate the facts and discussions in the SEIR for the Project as fully set forth therein. Although §15091 of the CEQA Guidelines does not require findings to address environmental impacts that an EIR identifies as merely "potentially significant", these findings will nevertheless fully account for all such effects identified in the Project SEIR. For each of the significant impacts associated with the project, the following sections are provided:

Description of Significant Impacts: A specific description of the environmental impacts identified in the SEIR or 1996 Master Plan FEIR, in applicable, including a conclusion regarding the significance of the impact.

Mitigation Measures: Identified feasible mitigation measures or actions that are required as part of the Project and, if mitigation is infeasible, the reasons supporting the finding that the rejected mitigation is infeasible.

Finding: One or more of the three specific findings set forth in CEQA Guidelines §15091.

Rationale: A summary of the reasons for the finding(s).

Reference: A notation on the specific section in the SEIR which includes the evidence and discussion of the identified impact.

For environmental impacts that are identified in the SEIR to be less than significant and do not require mitigation, a statement explaining why the impacts are less than significant is provided.

II. ENVIRONMENTAL IMPACTS THAT ARE LESS THAN SIGNIFICANT AND DO NOT REQUIRE MITIGATION

The City Council of the City of San Diego hereby finds that the following environmental impacts will be less than significant. These findings are based on the discussion of impacts in Sections 5.0 and 6.0 of the SEIR.

A. Land Use

1. ***General Plan/Community Plan/Other Applicable Plan or Code Consistency:*** The Project was found to be consistent with the City's adopted General Plan as analyzed in Section 5.1, *Land Use*, of the SEIR. The project would also be consistent with the applicable goals and policies of the Linda Vista Community Plan, the Tecolote Canyon Natural Park Master Plan (NRMP), and the Tecolote Rim Development Guidelines, and would not result in associated conflicts. The Project would be consistent with City Land Development Code (LDC) regulations associated with ESL, Historic Resources, the Community Plan Implementation Overlay Zone (CPIOZ), and the Parking Impact Overlay Zone. The Project was also found to be consistent with applicable requirements related to regional air quality strategies, water quality and Hydromodification Management requirements, and existing land uses (with related discussion of consistency with Multiple Species Conservation Program [MSCP] and MHPA standards provided below under Item 2 and in Section 3.II.B). No significant land use policy impacts related to plan consistency would occur under the Project.

2. ***Consistency with the City MSCP or Other Approved Local, Regional or State Habitat Conservation Plans:*** The Project would not result in direct impacts to the MHPA, and the proposed Boundary Line Correction would remove developed land from the preserve. Project compliance with the Land Use Adjacency Guidelines (LUAG) through conditions of approval would 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, would also be conducted by the University. As a result, the Project would comply with policies protecting environmental resources in the MHPA as outlined in the MSCP Subarea Plan. The Project would also comply with the maintenance, usage, and development guidelines of the Tecolote Canyon NRMP and Tecolote RDG as noted above. No associated significant land use policy impacts would occur under the Project.

3. ***Noise Ordinance Standards and General Plan Noise Element Compatibility Guidelines:*** The Master Plan Update would be consistent with the noise limits expressed in the Noise Element of the General Plan, and associated projects would be located outside of the 60 dBA Community Noise Equivalent Level (CNEL) noise contours associated with the San Diego International Airport (SDIA) and Montgomery Field. No significant land use compatibility impacts related to noise would occur from the Project.

4. ***Incompatibility with Airport Land Use Compatibility Plans:*** The campus is not located within any of the designated safety zones for the SDIA or Montgomery Field. The campus is in Review Area 2 of the Airport Influence Area for both noted airports, with associated requirements for overflight disclosures and project reviews to be conducted in conformance with the related policies in the adopted ALUCPs for both facilities and the San Diego Municipal Code. The Master Plan Update would not cause any new campus uses to be incompatible with the ALUCPs for SDIA and Montgomery Fields, because it would not be incompatible with the uses defined in those plans. No land use impacts related to ALUCPs would occur under the Project.

B. Transportation/Circulation

1. ***Traffic Generation, Existing Traffic Load/Capacity of Street System, and Existing/Planned Transportation Systems:*** The SEIR evaluated 27 intersections, 26 roadway segments, and nearby freeway (Interstates 8 and 5) mainline segments and ramps under the near-term plus project and long-term plus project scenarios. As described in Section 5.2, *Transportation/Circulation*, of the SEIR, no significant direct impacts were identified under the near-term plus project scenario for the following: (1) 24 of the 27 intersections evaluated; (2) 25 of the 26 roadway segments evaluated; and (3) all of the freeway segments/ramps evaluated. For the long-term plus project scenario, no significant cumulative impacts were identified for: (1) 24 of the 27 intersections evaluated; (2) 24 of the 26 roadway segments evaluated; and (3) all of the freeway segments/ramps evaluated.

As a result, the Project would not generate significant impacts at the noted intersections, roadway segments or freeway segments/ramps in relation to traffic generation, traffic loads/street system capacities, or existing/planned transportation systems. The remaining intersections and roadway segments that were identified as exhibiting significant direct or cumulative impacts are discussed below in Sections 3.III and 3.IV.

2. ***Adopted Policies, Plans, or Programs Supporting Alternative Transportation Models:*** The Project would enhance existing bicycle, transit, and pedestrian transportation modes on campus, as well as expanding current Transportation Demand Management efforts. As a result, the Project would be consistent with the City's alternative transportation policies and no associated significant impacts would occur.

3. ***Existing Circulation Movements, Including Effects on Existing Public Access to Beaches, Parks, or Other Open Space Areas:*** The Project would enhance access to Tecolote Canyon and would not restrict circulation movements, including public access to open space. Accordingly, no significant impacts related to substantial alterations to circulation movements or access to open space areas would occur.

C. Biological Resources

1. ***Candidate, Sensitive, or Special Status Species; and Sensitive (Tier I, TIER II, Tier IIIA, or Tier IIIB) Habitats***: Direct impacts to sensitive plant species, including San Diego barrel cactus and ashy spike-moss, are considered less than significant due to the relatively low sensitivity of these species, as well as the fact that San Diego barrel cactus is an MSCP covered species and the affected individuals are outside of the MHPA.

   Direct impacts to loggerhead shrike and Nuttall's woodpecker would be less than significant due to the relatively low sensitivity of these species. Direct impacts to the San Diego black-tailed jackrabbit would be less than significant, as this species is not expected to occupy areas that would be affected by the Project. Direct impacts to coastal California gnatcatcher, Belding's orange-throated whiptail, southern California rufous-crowned sparrow, and Cooper's hawk from habitat loss outside the MHPA would be less than significant, because they are MSCP Covered Species.

   Indirect impacts related to drainage and toxics, lighting, noise, public access, invasive plant species, and fugitive dust would be less than significant, based on required conformance with the MHPA LUAG noted above under Section 3.II.A.2, as well as implementation of project features related to applicable storm water standards, outdoor lighting regulations, brush management/landscaping standards, noise limits, public access, and noise/invasive plant species control.

   The project would remove 0.5 acre of Diegan coastal sage scrub outside the MHPA, with direct impacts related to Tier II habitat considered significant and discussed in Section

3.III.B. Indirect impacts related to nesting Cooper's hawks in the MHPA are considered significant and discussed below in Section 3.III.C.

2. ***Wetland Habitats:*** The project would not involve effects to federal-, State-, or City-designated wetlands from direct removal, filling, hydrological interruption, or other means, and no associated impacts would result.

3. ***Wildlife Corridors, Movements and Nursery Sites:*** The Project would not interfere with wildlife corridors or movements, and would not impede the use of any wildlife nursery sites. As a result, no associated significant impacts would result.

4. ***Habitat Conservation Plans:*** The Project would conform to the MSCP Subarea Plan LUAG and the Area Specific Management Directives for MSCP Covered Species. Therefore, the project would not conflict with the provisions of the MSCP.

5. ***Edge Effects/MSCP Land Use Adjacency Guidelines, Invasive Species, and Local Policies/Ordinances:*** As noted above in Section 3.II.A.2, the Project would comply with the City MSCP LUAG related to grading/land development, drainage and toxics, lighting, public access, barriers, invasive species, brush management, and noise. Additionally, while significant indirect impacts could occur to nesting Cooper's hawks in the MHPA during construction, those impacts would be reduced below a level of significance through implementation of related mitigation as discussed below in Section 3.III.B. As a result, the Project would not conflict with applicable regulations under the MSCP or local policies/ordinances, and associated impacts would be less than significant.

D. Historical Resources

Religious/Sacred Uses, or Human Remains: There are no known archaeological materials or sites located within the Project impact areas, with potential impacts related to known resources therefore considered less than significant. Potentially significant impacts associated with historic structures and currently unknown resources/human remains are discussed below in Section 3.III.C.

E. Air Quality

1. ***Conflict with Applicable Air Quality Plan:*** The Project would not conflict with the applicable air quality plan because it would not generate population growth beyond the levels assumed for the region, nor would it conflict with any regional population projections. In addition, the Project would comply with all existing and new rules and regulations as they are implemented by the Air Pollution Control District, California Air Resources Board, and/or U.S. Environmental Protection Agency in relation to emissions generated during construction. As a result, the Project would be consistent with the

Regional Air Quality Strategies/State Implementation Plan and no associated significant impacts would occur.

2. ***Violate Air Quality Standards, Contribute to an Existing or Projected Air Quality Violation, or Exceed 100 Pounds Per Day of Particulate Matter (PM, Dust):*** The Project would not result in a violation of any air quality standard, nor would it contribute substantially to an existing or projected air quality violation that would contribute to a direct impact to air quality. Additionally, as described in Section 5.5, *Air Quality*, of the SEIR, none of the Project construction phases would exceed 100 pounds per day of particulate matter (PM) dust. Accordingly, associated potential construction period and operational air quality impacts would be less than significant.

3. ***Expose Sensitive Receptors to Substantial Pollutant Concentrations:*** No exceedance of standards related to Carbon Monoxide or construction-related generation of toxic air contaminates (TACs) would result from the Project, with associated impacts to sensitive receptors therefore less than significant. Potentially significant impacts to sensitive receptors related to new sources of TACs from Project operation are discussed below in Section 3.III.D.

F. Hydrology/Water Quality

1. ***Substantial Increases in Impervious Surfaces and Runoff, and Substantial Alteration to Drainage Patterns:*** As discussed in Section 5.6, *Hydrology/Water Quality*, of the SEIR, the Project includes a number of design considerations to address hydrologic concerns and accommodate post-development runoff, such as designing drainage systems in conformance with applicable City and related storm water standards. As a result, potential Project-related on- and off-site impacts associated with additional impervious surfaces, increased runoff rates and amounts, drainage alteration/environmental resources (including biological communities and archaeological sites), and flood-related hazards would be less than significant.

2. ***Pollutant Discharge and Local/Regional Water Quality:***

   Based on Project design elements, including construction and post-construction BMPs/maintenance efforts, as well as required conformance with City storm water standards and related requirements (including the NPDES Construction General, Municipal and Groundwater permits, and applicable hazardous material regulations), potential construction and long-term Project-related water quality impacts would be less than significant.

G. Public Utilities

1. ***Water Supply/Conservation and Water/Wastewater Infrastructure:*** The Water Supply Assessment (WSA) conducted for the proposed Project determined that additional demands for potable water would be consistent with Metropolitan Water District/Sand Diego County Water Authority supply/demand projections and applicable water supply regulations. The City determined that there would be sufficient water supply over a 20-year planning horizon to meet the projected demands of the Project, as well as other applicable existing and planned development projects. The Project would connect to existing water lines adjacent to the campus, and would not require any off-site pipeline upsizing or new water facilities. On-campus water infrastructure would be designed and sized to meet Project water needs in conformance with City standards. Therefore, Project impacts to water infrastructure would be less than significant. Based on the described conditions, potential impacts related to potable water supplies/demand and related infrastructure from Project implementation would be less than significant. Potentially significant impacts related to several reaches of wastewater infrastructure are discussed below in Section 3.III.E.

2. ***Solid Waste:*** A Waste Management Plan (WMP) was prepared for the Project and approved by the City, with implementation of the approved WMP to be a condition of the Project CUP approval. As a result, impacts related to solid waste management during Project construction, demolition and operation would be less than significant.

H. Visual Effects and Neighborhood Character

1. ***Obstruction of Scenic Views/Vistas From Public Viewing Areas:*** The Project would not substantially alter or block scenic vistas/views from public areas, including Linda Vista Road, Tecolote Canyon, and Edward Tyler Cramer Park, based on the following considerations: (1) the majority of public views from these locations are screened by existing landscaping and topography; (2) existing and proposed buildings would blend in with existing campus development; (3) Project sites would be an extension of existing campus uses and would not be substantially more visible than existing structures or be at a location or scale to obstruct existing scenic public views; and (4) the Project would implement design guidelines intended to protect views of open space areas, and individual projects would require conformance with the proposed Master Plan Update. As a result, Project-related impacts to public view blockage would be less than significant.

2. ***Negative Aesthetics, Incompatible Bulk/Scale, Character Alteration:*** Project implementation would be compatible with surrounding development and would not create a negative aesthetic effect. The Project would also not cause substantial alteration to existing/planned character of the area, because: (1) the size, scale, architectural style, color, and exterior details of new buildings and facilities are required to be consistent with existing campus development and comply with applicable City development regulations; (2) buildings would be designed to integrate with existing slopes and topography through stepped or terraced configurations, and provide breaks in façades to reduce the overall

massing and scale, and (3) landscaping would be placed near buildings to soften architectural lines and building mass and to buffer adjacent uses. As a result, impacts related to aesthetics, development bulk/scale, and community character would be less than significant.

Potentially significant impacts related to alteration of steep slopes from Project implementation are discussed below in Section 3.III.F.

I. Cumulative Impacts

The following discussion addresses potential cumulative impacts related to the implementation of the proposed Project and several off-site projects proposed in the project study area and outlined in Table 6-1and concluded to be less than significant without mitigation in Section 6.0, *Cumulative Impacts*, of the SEIR. Cumulative impacts related to transportation/circulation and air quality that were concluded to be potentially significant are addressed separately below in Sections III and IV.

1. ***Land Use***: As discussed in Section 6.2.1 of the SEIR, the effect of the Project on land use in conjunction with other projects in the area specified in Table 6-1 would be less than significant and not be cumulatively considerable, based on the following considerations: (1) the Project would be a continuation of existing uses on campus; (2) the Project would be compatible with surrounding uses; and (3) the Project would comply with all applicable plans and policies. As a result, implementation of the Project, in concert with the additional cumulative projects identified in Table 6-1 (which would be subject to similar land use requirements), would not result in significant cumulative land use impacts.

2. ***Biological Resources***: The discussion in Section 6.2.2 of the SEIR notes that the Project would comply with the City MSCP Subarea Plan though conformance with the MHPA LUAG, Area Specific Management Directives for Covered Species, and by appropriate mitigation measures pursuant to ESL requirements. Based on these considerations, as well as the fact that the cumulative projects identified in Table 6-1 of the SEIR would be subject to similar regulatory requirements, the Project would not contribute considerably to cumulative biological resource impacts.

3. ***Historical Resources***: As described in Section 6.2.3 of the SEIR, the Project would conform with applicable City requirements related to protecting historic and archaeological resources. Specifically, this would entail implementing mitigation to provide appropriate evaluation, investigation, recovery, and/or documentation of cultural resources. Because the additional cumulative projects identified in Table 6-1 of the SEIR would be subject to similar regulatory requirements, the Project would not result in significant cumulative impacts to historical resources.

4. ***Hydrology/Water Quality***: The discussion in Section 6.2.4 of the SEIR notes that the Project would conform with all applicable regulatory requirements related to hydrology/water quality, and that these requirements constitute a regional effort to ensure watershed-

based (cumulative) conformance with applicable criteria such as the Basin Plan. Based on these considerations, as well as the fact that the cumulative projects identified in Table 6-1 would be subject to similar regulatory requirements, potential cumulative impacts associated with hydrology/water quality from Project implementation would be less than significant.

5. ***Public Utilities***: As outlined in Section 6.2.5 of the SEIR, the Project WSA concludes that adequate water supplies and related infrastructure would be sufficient to avoid associated significant direct and cumulative impacts. While potentially significant impacts related to wastewater infrastructure are identified, associated mitigation would be implemented to address this concern and reduce associated impact below a level of significance (refer to Section 3.III.E). Based on these considerations, as well as the fact that the cumulative projects identified in Table 6-1 of the SEIR would be subject to similar requirements as applicable, potential Project-related impacts cumulative to public utilities would be less than significant.

6. ***Visual Effects/Neighborhood Character***: The discussion in Section 6.2.6 of the SEIR concludes that potential Project-related cumulative impacts related to visual/neighborhood character would be less than significant, based on the following considerations: (1) the Project includes required mitigation to address potential impacts to existing landforms (e.g., slopes); (2) USD is not located in proximity to a State Scenic Highway; (3) the Project would be consistent with the existing character in the associated viewshed; (4) none of the additional cumulative projects listed in Table 6-1 of the SEIR are located within the same viewshed as the Project; and (5) the Project would conform with applicable City regulatory requirements to address potential glare and nighttime lighting effects.

III. ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

The City, having reviewed and considered the information contained in the Final SEIR, finds pursuant to Public Resources Code §210819(a)(1) that the following environmental impacts will be less than significant after implementation of the specified mitigation measures. These findings are based on the discussion of impacts in Section 5.0 of the Final SEIR.

A. Transportation/Circulation

1. *Description of Significant Impacts:* As described in Section 5.2.2 of the Final SEIR, the Project would result in significant direct (Near-Term plus Project) and cumulative (Year 2035 plus Project) traffic-related impacts at the following intersections:

    - Linda Vista Road/Colusa Way and
    - Linda Vista Road/Acala Vista Apartments Entrance

Mitigation Measures: Improvements to both intersections are required by Mitigation Measures Tra-1, Tra-3, Tra-4, Tra-7, and/or Tra-8. Specifically, improvements at the Linda Vista Road/Colusa Way intersection under Tra-3 and Tra-7 include: (1) installation of a traffic signal and (2) elimination of six parking spaces along the east curb of Colusa Street.

Improvements at the Linda Vista Road/Acala Apartments Entrance intersection under Tra-1, Tra-4 and Tra-8 include: (1) traffic monitoring to determine when/if signalization is required; and (2) depending on the results of the traffic monitoring, either; (a) Option 1 - installation of a traffic signal; or (b) Option 2 - construction of a raised median within Linda Vista Road to restrict left-turns out of the Acala Apartments Entrance.

Finding: The City finds that with implementation of Mitigation Measures Tra-1, Tra-3, Tra-4, Tra-7, and/or Tra-8, significant direct and cumulative impacts to the Linda Vista Road/Colusa Way and Linda Vista Road/Acala Apartments Entrance intersections would be reduced to less than significant levels.

Reference: SEIR, pages 5.2-10 through 5.2-36.

B. Biological Resources

1. *Description of Significant Impacts:* As described in Section 5.3.2 of the Final SEIR, the Project would result in significant direct impacts to 0.5 acre of Diegan coastal sage scrub (Tier II) habitat.

   Mitigation Measures: Implementation of Mitigation Measures Bio-1 and Bio-2 are required to address the noted impacts. Specifically, Mitigation Measure Bio-1 requires: (1) pre-construction biologist verification, meetings, documentation, resource delineation, and applicant/construction worker education; (2) construction monitoring and resource identification; and (3) post-construction mitigation of additional (unanticipated) impacts, if applicable, and post-construction. Mitigation Measure Bio-2 requires that impacts to 0.5 acre of Diegan coastal sage scrub be mitigated at a ratio of 1:1 for impacts outside the MHPA, through appropriate payment into the City Habitat Acquisition Fund for mitigation inside the MHPA.

   Finding: The City finds that with implementation of Mitigation Measures Bio-1 and Bio-2 significant direct impacts to Diegan coastal sage scrub habitat would be reduced to a less than significant level.

   Reference: SEIR, pages 5.3-30 through 5.3-41.

2. *Description of Significant Impacts:* As described in Section 5.3.2 of the Final SEIR, the Project would result in potentially significant indirect impacts to nesting Cooper's Hawks in the MHPA.

Mitigation Measures: Implementation of Mitigation Measure Bio-3 is required to address the noted impacts. Specifically, Mitigation Measure Bio-3 requires either: (1) limiting the removal of habitat that supports active Cooper's hawk's nests to outside of the associated breeding season (February 1 to September 15); or (2) if removal of habitat within 300 feet of the MHPA must occur during the noted breeding season, a qualified biologist shall conduct a pre-construction presence/absence survey for nesting Cooper's hawks within 10 calendar days prior to beginning construction and monitoring would be conducted if active nests are detected.

Finding: The City finds that with implementation of Mitigation Measures Bio-3, potentially significant indirect impacts to nesting Cooper's hawks in the MHPA would be reduced to a less than significant level.

Reference: SEIR, pages 5.3-30 through 5.3-41.

3. *Description of Significant Impacts:* As described in Section 5.3.6 of the Final SEIR, the Project would result in potentially significant indirect impacts to biological resources in the MHPA through edge effects to nesting Cooper's hawks during construction.

   Mitigation Measures: As noted above in Section 3.III.B.2, implementation of Mitigation Measure Bio-3 would address potential impacts to nesting Cooper's hawks in the MHPA.

   Finding: The City finds that with implementation of Mitigation Measure Bio-3, potentially significant indirect impacts to nesting Cooper's hawks in the MHPA would be reduced to a less than significant level and no additional mitigation ids required.

   Reference: SEIR, pages 5.3-44 through 5.3-46.

C. Historical Resources

1. *Description of Significant Impacts:* As described in Section 5.4.2 of the Final SEIR, The Project would potentially result in significant impacts to historic structures.

   Mitigation Measures: Implementation of Mitigation Measure Hist/Arch-1 would be required to address the noted impacts to potentially historic structures consistent with the City's regulations. Specifically, Mitigation Measure Hist/Arch-1 requires that proposed additions or modifications to structures or landscape features that are at least 45 years old be reviewed by qualified staff at the City to determine if the resource meets applicable criteria for historic designation. If the subject structure or landscape feature is not determined to be potentially historic, the associated project may proceed without further mitigation requirements. If the subject structure or landscape feature is determined to be potentially historic, then an evaluation shall be performed to determine if the project

is consistent with the U.S. Secretary of the Interior Standards for the Treatment of Historic Properties) If the evaluation determines that the project is not consistent with regulations, the project shall be redesigned, or a historic report that evaluates the building or landscape feature's integrity and eligibility under all designation criteria shall be completed and forwarded to the Historical Resources Board for review and consideration.

Finding: The City finds that with implementation of Mitigation Measure Hist/Arch-1, significant potential impacts to potentially historic structures would be reduced to a less than significant level.

Reference: SEIR, pages 5.4-4 through 5.4.7.

2. *Description of Significant Impacts:* As described in Section 5.4.3 of the Final SEIR, the Project would potentially result in significant impacts to currently unknown archaeological resources/human remains.

   Mitigation Measures: Implementation of Mitigation Measure Hist/Arch-2 would be required to address the noted impacts. This mitigation measure establishes protocols for archaeological monitoring, investigation/recovery and reporting, including requirements for the following specific timelines/events; prior to permit issuance, prior to construction, during construction, upon discovery of human remains, during night or weekend work, and post construction.

   Finding: The City finds that with implementation of Mitigation Measure Hist/Arch-2, significant potential impacts to currently unknown archaeological resources/human remains would be reduced to a less than significant level.

   Reference: SEIR, pages 5.4-7 through 5.4-18.

D. Air Quality

1. *Description of Significant Impacts:* As described in Section 5.5.4 of the Final SEIR, the Project would result in potentially significant impacts to sensitive receptors from new operational sources of TAC emissions.

   Mitigation Measures: Implementation of Mitigation Measure AQ-1 would be required for project sites proposing new sources of TAC emissions. This mitigation measure requires that a health risk assessment be conducted in accordance with AB 2588 for any new facility with potential to emit TACs, prior to issuance of associated grading permits. Additionally, Mitigation Measure AQ-1 requires that building permits only be issued for facilities that demonstrate TAC emissions below the associated standards listed in Table 5.5-4 of the Final SEIR.

Finding: The City finds that with implementation of Mitigation Measure AQ-1, potentially significant impacts related to new sources of TAC emissions would be reduced to less than significant levels.

Reference: SEIR, pages 5.5-12 through 5.5-15.

E. Public Utilities

1. *Description of Significant Impacts:* The analysis contained in Section 5.7.2 of the Final SEIR concludes that development of the Project Site Nos. 22, 23, 25 and 26, located within the Linda Vista Road sewer basin, may increase the amount of wastewater flow within the basin and result in potentially significant impacts related to reduced functioning of reaches 10 through 13 of existing wastewater infrastructure.

   Mitigation Measures: Mitigation Measure PU-1 requires that the University conduct sewer flow metering of the undersized sewer mains located within the off-site Linda Vista sewer basin, prior to issuance of building permits for Project Site Nos. 22, 23, 25, and/or 26. If the results of the sewer flow metering are different than those included in the Master Plan Sewer Study (Appendix J of the SEIR), the University shall present the results to the City Public Utilities Department (PUD) for review and approval. The University will work with the City PUD to either: (1) determine appropriate phasing and potential cost sharing for the upsizing of sewer reaches or (2) pursue redirecting, via a private sewer pump station, the project(s)'s sewer flows from the existing public off-site Linda Vista sewer system into the existing public Tecolote Canyon Trunk Sewer.

   Finding: The City finds that with implementation of Mitigation Measure PU-1, potentially significant impacts to wastewater facilities within the Linda Vista Road sewer basin would be reduced to a less than significant level.

   Reference: SEIR, pages 5.7.10 through 5.7-16.

F. Visual Effects/Neighborhood Character

1. *Description of Significant Impacts:* As described in Section 5.8.4 of the Final SEIR, Project implementation could potentially result in significant landform impacts related to alteration of existing steep slopes protected by City ESL regulations and creation of manufactures slopes in excess of 10 feet in height.

   Mitigation Measures: Mitigation Measure Vis-1 would ensure that the described potential impacts related to the alteration and creation of slopes would be properly addressed. Specifically, this mitigation measure requires the submittal and approval of grading plans for proposed alteration or creation of applicable slopes, prior to issuance of associated

grading permits. The noted grading plans would be required to demonstrate, to the satisfaction of the City Engineer, that proposed activities would substantially conform with associated grading polices through efforts such as the use of applicable design requirements and sensitive grading techniques.

Finding: The City finds that with implementation of Mitigation Measure Vis-1, potential impacts related to slope alteration/creation would be reduced to a less than significant level.

Reference: SEIR, pages 5.8-16 through 5.8-19.

G. Paleontological Resources

1. *Description of Significant Impacts:* As outlined in Section 7.2.1 of the Final SEIR, the 1996 Master Plan FEIR identified potentially significant impacts related to Project excavation/disturbance in geologic formations with moderate or high paleontological resource sensitivity, including the Scripps, Friars, Lindavista and Bay Point formations. The SEIR analysis notes that a number of the proposed Project sites are underlain by these same geologic formations, and identifies associated potentially significant impacts.

   Mitigation Measures: Mitigation Measure Paleo-1 would ensure paleontological resources uncovered during grading activities are addressed in accordance with the City's Paleontological Resource Guidelines. Specifically, this mitigation measure establishes protocols for project paleontological monitoring, investigation/recovery and reporting, including requirements for the following specific timelines; prior to permit issuance, prior to construction, during construction, during night or weekend work, and post construction.

   Finding: The City finds that with implementation of Mitigation Measure Paleo-1, potential impacts to paleontological resources would be reduced to a less than significant level.

   Reference: SEIR, pages 7-16 through 7-21.

IV. FINDINGS REGARDING IMPACTS THAT ARE FOUND TO BE SIGNIFICANT AND UNMITIGABLE

The City hereby finds that the following environmental impacts are significant and unmitigated, and that there is no feasible mitigation that is sufficiently certain to mitigate the impacts. "Feasible" is defined in §15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The City may reject a mitigation measure if it finds that it would be infeasible to implement the measure because of specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for

highly trained workers. These findings are based on the discussion of impacts in Sections 5.0 and 6.0 of the SEIR.

A. Transportation/Circulation

1. *Description of Significant Impacts:* As described in Sections 5.2.2 and 6.1.1 of the Final SEIR, Project implementation would result in the following significant traffic-related impacts:

    - Direct (Near-Term plus Project) and cumulative (Year 2035 plus Project) impacts at the Linda Vista Road/Napa Street intersection.

    - Direct (Near-Term plus Project) impacts to the segment of Linda Vista Road between Napa Street and Marian Way/Mildred Street.

    - Cumulative (Year 2035 plus Project) impacts to the segments of Friars Road between Avenida de las Tiendas and the SR 163 Southbound Ramps.

    Mitigation Measures: Recommend mitigation measures for the described direct (Near-Term plus Project) impacts include the following feasible mitigation measures; however, future funding has not been identified for the improvements:

    - Mitigation Measures Tra-2 and Tra-5. Payment of a "fair-share" contribution of $297,000 over a five-year period towards future improvements identified in the Morena Corridor Specific Plan area, to address direct impacts to the Linda Vista Road/Napa Street intersection (Tra-2) and the segment of Linda Vista Road between Napa Street and Marian Way/Mildred Street (Tra-5). The noted payment would be required prior to enrolling 7,350 FTE students, and related improvements must be implemented to the satisfaction of the City Engineer.

    No specific mitigation is identified for the Cumulative (Year 2035 plus Project) impact to Friars Road between Avenida de las Tiendas and the SR 163 Southbound Ramps because planned (Phase II and III) improvements to the SR 163/Friars Road interchange would not address the deficient road segment. Thus, there are no improvement plans towards which the Project can contribute a "fair-share" payment.

    Finding: The City finds that specific economic, legal, social, technological, or other considerations make potential mitigation for the described direct and cumulative impacts infeasible.

    Rationale: Mitigation Measures Tra-2 and Tra-5 would partially mitigate the Project contribution to the described direct impacts at the Linda Vista Road/Napa Street intersection, and the segment of Linda Vista Road between Napa Street and Marian Way/Mildred Street. Because the balance of costs for future related (but currently

undefined) improvements in the Morena Corridor Specific Plan area are unfunded and not assured, however, the associated described direct impacts would be significant and unmitigated.

Similarly (as noted above), the timing and scope of the SR 163/Friars Road Interchange Project, which includes improvements to the segment of Friars Road between Avenida de las Tiendas and the SR 163 Southbound Ramps, are not currently assured. As a result, there are no improvement plans towards which the Project can contribute a "fair-share" payment, and the associated described cumulative impact would be significant and unmitigated.

Reference: SEIR, pages 5.2-10 through 5.2-36, and 6-2 through 6-3.

B. Air Quality

1. *Description of Significant Impacts:* As noted in Sections 5.2.2 and 6.1.2 of the Final SEIR, the 1996 Master Plan FEIR concluded that construction period emissions would result in a significant and unmitigable cumulative impact because of the non-attainment status of the San Diego Air Basin and the inability of any individual project to control emissions in the region. Because the Master Plan analyzed in the 1996 FEIR has not been fully implemented and 16 entitled projects remain unbuilt, any additional project development associated with the proposed Project could exacerbate the described cumulative effect. As a result, the Project would incrementally add to the noted construction period emissions and contribute to the cumulatively significant and unmitigable impacts disclosed in the 1996 Master Plan FEIR.

   Mitigation Measures: While the Project's contribution would not be considerable and construction period impacts would not be significant, the 1996 Master Plan FEIR concludes that: "There is no mitigation for this impact since mitigation could only be achieved through a regional program addressing specific types of emissions."

   Finding: The City finds that specific economic, legal, social, technological, or other considerations make potential mitigation for the described cumulative impacts infeasible.

   Rationale: Although standard construction-period BMPs would be implemented on a project-by-project basis as individual construction projects proceed, there are no feasible mitigation measures to address the cumulative impacts related to construction period emissions due to non-attainment status of the San Diego Air Basin described above. Accordingly, these cumulative air quality impacts would remain significant and unmitigated.

   Reference: SEIR, pages 5.5-8, 5.5-10, and 6-3 through 6-4.

V. FINDINGS REGARDING PROJECT ALTERNATIVES

A. Project Objectives

An important consideration in the analysis of alternatives to the project is the degree to which such alternatives will achieve the objectives of the project. To facilitate this comparison, the Project objectives are described above in Section 1.II (and in Section 3.1 of the Final SEIR).

B. Project Alternatives

In addition to the Project, the Final SEIR evaluated the following three alternatives and compared the impacts of each alternative to those of the proposed Project:

- Alternative 1 - No Project/No Development Alternative
- Alternative 2 - No Project/Existing Master Plan Alternative
- Alternative 3 - Environmentally Sensitive Lands (ESL) Avoidance Alternative

1. *No Project/No Development Alternative* (Final SEIR, Section 8.4.1)

Alternative Description: Under the No Project/No Development Alternative, no change would occur to the current student enrollment or university footprint, and all existing structures and related facilities would remain in their current condition. With the exception of slopes along the northern and western campus border, the majority of the campus is already developed and supports university facilities (buildings, parking lots, athletic fields, etc.) and associated landscaping.

The No Project/No Development Alternative would avoid all of the significant and potentially significant impacts associated with the Project, including: (1) significant and unmitigated transportation/circulation and cumulative air quality (construction-period) impacts; and (2) significant and/or potentially significant but mitigable impacts related to land use, transportation/circulation, biological resources, historical resources, and air quality public utilities and visual effects (all of which would be avoided or reduced below a level of significance through identified mitigation measures and/or design features).

Finding: The City finds that although this alternative would avoid impacts associated with transportation/circulation, air quality, land use, biological resources, historical resources, air quality, public utilities and visual effects, specific economic, legal, social, technological, or other considerations make the No Project/No Development Alternative infeasible, and rejects the No Project/No Development Alternative on such grounds.

Rationale: This alternative would not meet any of the basic Project objectives listed above and in Section 3.1 of the Final SEIR.

2. *No Project/Existing Master Plan Alternative* (Final SEIR, Section 8.4.2)

Alternative Description: Under this alternative, the University would continue to build out the remaining applicable portions of the 1996 Master Plan, which includes the 16 previously approved projects identified in Figure 1-1 and Table 1-1 of the SEIR. All other areas within the campus would remain in their current condition, including the 14 project sites proposed for development under the Master Plan Update. In addition, campus enrollment would be restricted to 7,000 FTE, in accordance with the existing CUP/Resource Protection Ordinance (RPO) permit, which is the existing level of enrollment at the USD campus. The existing Design Guidelines would be applied to all new construction in this alternative, with no updates to the guidelines to be implemented.

The No Project/Existing Master Plan Alternative would avoid a number of significant and potentially significant impacts associated with the Project, including: (1) significant and unmitigated transportation/circulation impacts; and (2) significant and/or potentially significant impacts related to land use, transportation/circulation, biological resources, historical resources, air quality, public utilities and visual effects (all of which would be avoided or reduced below a level of significance through identified mitigation measures and/or design features). The No Project/Existing Master Plan Alternative would also, however, result in: (1) significant and unmitigated cumulative impacts to transportation/circulation and air quality; and (2) significant (but mitigable) impacts related to transportation/circulation, biological resources, air quality, and visual effects. This alternative would fail to meet most or all of the basic project objectives listed above in Section 8.2.1.

Finding: The City finds that although the No Project/Existing Master Plan Alternative would eliminate an unmitigated Project impact to transportation/circulation, as well as significant but mitigable impacts to biological resources, air quality, and visual effects, specific economic, legal, social, technological, or other considerations make this alternative infeasible, and rejects the No Project/Existing Master Plan Alternative on such grounds.

Rationale: The No Project/Existing Master Plan Alternative would fail to meet most or all of the basic Project objectives listed above and in Section 3.1 of the Final SEIR, including proposed expansion of student enrolment to 10,000 FTE and the construction of additional university facilities, including student housing, needed to accommodate the related academic growth.

3. *ESL Avoidance Alternative* (Final SEIR, Section 8.4.3)

Alternative Description: Under the ESL Avoidance Alternative, applicable projects under the Master Plan Update that impact ESL habitats or steep slopes would be eliminated or modified to avoid associated ESL impacts. Specifically, this would include Project Site Nos. 19, 22 and 23 (refer to Figure 3-6 and Table 3-1 in the SEIR). Specifically, the ESL Alternative would eliminate a Plaza/Mall/Bridge over Marian Way (Project Site No. 19) and an Academic/Administrative building (Project No. 22). The proposed building containing Student Housing/Parking Structure (Project No. 23) would be modified to avoid ESL. While Project Site Nos. 20 and 27 would technically encroach into the existing MHPA, these sites have been previously developed/disturbed and contain no biological value, and an MHPA Boundary Line Correction would be included as part of this alternative (similar to the Project) to remove these areas from the MHPA. Based on the removal of Project Site Nos. 19 and 22 and slight modification to Project Site No. 23 from the Master Plan Update under this alternative, the following alterations to development under the Master Plan Update would result:

- The lot area square footage would be reduced from 827,650 square feet (SF) to 638,730 SF (approximately 23 percent).

- The building footprint (the approximate portion of the lot that would be covered by a building) would be reduced from 312,450 SF to 275,450 SF (approximately 18 percent).

- The building GSF would be reduced from 922,230 to 746,230 (approximately 19 percent).

The ESL Avoidance Alternative would avoid or reduce significant and potentially significant impacts associated with issue areas including transportation/circulation, biological resources, historical resources (archaeology), air quality and visual effects (all of which would be avoided or reduced below a level of significance under the Project through identified mitigation measures and/or design features). This alternative would, however, still result in cumulatively significant and unmitigated transportation and construction-related air quality impacts, as well as significant (but mitigable) impacts related to transportation/circulation, biological resources, historical resources, air quality, public utilities and visual effects.

Finding: The ESL Avoidance Alternative would avoid or reduce a number of significant impacts identified for the Project in association with transportation/circulation, biological resources, historical resources (archaeology), air quality and visual effects. As described in the SEIR, however, all of these impacts would be reduced below a level of significance under Project implementation through identified mitigation measures. This alternative would also (similar to the Project) still result in cumulatively significant and unmitgated transportation and construction-related air quality impacts, as well as in significant (but mitigable) impacts related to transportation/circulation, biological resources, historical

resources, air quality, public utilities and visual effects. Accordingly, while the ESL Avoidance Alternative is considered feasible, the City finds that legal, social, technological, or other considerations justify rejecting this alternative on such grounds.

Rationale: While the ESL Avoidance Alternative would avoid or reduce some impacts as noted above, it would generally result in similar impact types and levels as the Project. This alternative would also notably reduce campus development as described above, and would fail to meet some of the basic Project objectives listed above and in Section 3.1 of the SEIR. Specifically this would lessen the campus' ability to accommodate academic growth, in particular academic/classroom space and student housing capacity, for an on-campus population of up to 10,000 FTE students, as well as the proposed level of enhanced pedestrian access/mobility.

VI. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Significant Irreversible Environmental Changes That Will be Caused by the Project (Final SEIR Section 7.5)

Section 15126.2(c) of the CEQA Guidelines requires an evaluation of significant irreversible environmental changes that may occur as a result of project implementation. Development of the Project would result in the consumption of energy and nonrenewable resources, including electricity, energy derived from fossil fuels, construction materials, potable water, and labor during the construction phases. The City finds that use of these resources would have an incremental effect on the regional consumption of these commodities, and therefore, result in long-term irretrievable loses on non-renewable resources such as fuel and energy. The use of such resources, however, would not be expected to negatively impact their availability. An incremental increase in energy demand would also occur during post-construction activities including lighting, heating, and cooling of proposed structures. The Project includes a number of sustainability elements to reduce the consumption of energy and non-renewable resources, however, and associated impacts would be less than significant. The Project site is currently used as a four-year university, and therefore contains no agricultural or forestry resources. No prime farmland or farmland of statewide importance occurs on or adjacent to the campus, and the campus is not located within a designated mineral recovery zone. In addition, no water bodies are located within the Project site or vicinity that would be impacted by the Master Plan Update.

B. Growth Inducing Impacts of the Project (Final SEIR Section 7.3)

The City finds that the Project would not result in short- or long-term growth-inducing impacts. Specifically, during construction of individual projects, demand for various constructions trade skills and labor would increase. It is anticipated that this demand

would be met predominantly by the local labor force, however, and would not require importation of a substantial number of workers or cause a related increased demand for temporary or permanent local housing.

While the Project would contribute to the long-term growth identified in the General Plan EIR and Linda Vista Community Plan EIR, it would be a continuation of institutional uses that have existed on the campus since the original CUP was issued in 1960. The increase in academic/administrative space, as well as the student enrollment, would also incrementally increase the amount of faculty and staff on campus, with this growth to occur gradually over a period of 15 to 20 years. The additional student population of 3,000 FTE would not induce substantial population growth in the area, however, because many of the students would come from the San Diego region or only be temporary residents. In addition, the construction of additional housing on campus would relieve pressure on local housing supplies in the surrounding communities, rather than adding to housing pressures within the region.

All of the lands surrounding the campus are already developed or contained in designated open space (i.e., Tecolote Canyon), and no new public roadway segments or extensions of other public infrastructure would be required to implement the Project. As a result, surrounding properties would not be pressured to increase existing densities due to either job opportunities or the increase in student enrollment proposed for the campus.

VII. FINDINGS REGARDING RESPONSES TO COMMENTS AND REVISIONS IN THE FINAL EIR

The Final SEIR includes the comments received on the Draft SEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines §15088(c).

Finding/Rational: Responses to comments made on the Draft SEIR and revisions in the Final SEIR merely clarify and amplify the analysis presented in the document, and do not trigger the need to recirculate per CEQA Guidelines §15088.5(b).

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

Public Resources Code §21081(b) prohibits approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives, unless the agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. CEQA Guidelines §15093 adds that the decision-making agency must "balance, as applicable, economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project." CEQA further requires that, when the Lead Agency approves a project which will result in the occurrence of significant effects which are identified in the Final SEIR, but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final SEIR

and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record (§15093[b] of the State CEQA Guidelines). This statement does not substitute for, and shall be in addition to, findings required pursuant to §15091 (§15093[c] of the State CEQA Guidelines).

The City Council, (i) having independently reviewed the information in the Final SEIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the Project to the extent feasible by adopting the mitigation measures identified in the Final SEIR; and (iii) having balanced the benefits of the USD Master Plan Update Project against the significant environmental impacts, chooses to approve the Master Plan Update Project, despite its significant environmental impacts, because in its view, specific economic, legal, social, and other benefits of the project render the significant environmental impacts acceptable.

The following statement identifies why, in the City Council's judgment, the benefits of the USD Master Plan Update Project as approved outweigh the unavoidable and unmitigable significant impacts to traffic and air quality. Each of these public benefits serves as an independent basis for overriding all significant, unavoidable and unmitigable impacts. Substantial evidence supports the various benefits, and can be found either in the preceding sections (which are incorporated by reference into this section), the Final SEIR, or in documents that comprise the Record of Proceedings for this matter.

IX. FINDINGS FOR STATEMENT OF OVERRIDING CONSIDERATIONS

1. Expansion of a Nationally and Regionally Significant Educational Institution

USD is the youngest, independent institution on the *U.S. News & World Report* list of top 100 universities in the United States, specifically #85 on this national list. USD's eight academic divisions include the College of Arts and Sciences, the School of Business, the Shiley-Marcos School of Engineering, the School of Law, the School of Leadership and Education Sciences, the Hahn School of Nursing and Health Science, the Joan B. Kroc School of Peace Studies, and the Division of Professional and Continuing Education.

Implementation of the Project will provide much needed academic space, housing, parking, and related facilities to accommodate the existing and projected on-campus population of 10,000 FTE students, thereby allowing the University to meet its anticipated on-going demand for higher education. The Project will contribute to and enhance the ability of the University to provide world-class educational and research opportunities, implement the University's mission, maintain financial sustainability, and retain a high level of competitiveness for attracting outstanding students, faculty and staff.

The Project will benefit students in the San Diego region, state and nation by providing expanded educational opportunities at one of the nation's top college universities conveniently located in the

central portion of the City with convenient access to jobs, housing, shopping and other daily conveniences and regional transportation systems.

2. Increased Spending and Employment Opportunities

USD plays a vital role in the economic health of the San Diego region. Under its current enrollment levels, USD employs 440 full time faculty/466 part time faculty (609 FTE), and 1,550 full- and part-time staff personnel in diverse positions through the campus. According to the USD Finance Office, USD's Fiscal Year (FY) 2017 operating expense budget, excluding student financial aid, is $294.7 million (Memorandum from K. Roig 2017). In FY2016, total spending on vendors in California was $68.3 million, plus $19.0 million in San Diego and surrounding cities (Memorandum from K. Roig 2017). The FY2016 payroll expense for faculty, administration, staff and personnel, and student workers was $159.9 million (Memorandum from K. Roig 2017). The current estimate for the amount USD undergraduate students spend for off-campus housing, food and other expenses for an academic year is $58.1 million. Sales tax paid in FY2016 was $855,000 ($214,000 to San Diego County and $641,000 to the State of California).

The Project will increase the number of students, faculty and staff on the USD campus which will increase the campus budget, including payroll, vendors and indirect expenditures by its students. The enrollment increase and on-campus student housing growth associated with the Project will likely increase the visibility and patronage of existing nearby commercial centers and businesses in the campus vicinity. In addition, the Project will generate $553M of construction expenditures (Memorandum from M. Plaskonos 2017) and related temporary construction jobs as each project is implemented. Campus expansion under the Master Plan will add approximately 58 FTE faculty appointments and 174 FTE staff positions over the approximately 20-year growth period envisioned in the Master Plan Update (MS Steele 2016), contributing directly to employment opportunities in the region.

3. Enhanced Cultural Opportunities

USD hosts notable speakers and events, many of which are held at little or no cost to the general public. Since 2002, USD has hosted the annual Kyoto Prize Symposium in cooperation with San Diego State University and UC San Diego for a three-day celebration of the works of those receiving the Kyoto Prize. Throughout the year, USD hosts hundreds of musical concerts, theater performances, athletic events, speakers and lectures, exhibits and art displays, ceremonies, meetings, conferences, charitable functions, and community celebrations. USD goes to great lengths to work with outside organizations and nonprofits to enhance the engagement of USD with the local community. In addition to cultural events, USD has also opened the campus to elected officials and government agencies for committee hearings, formal proceedings, public forums and even sessions of the California Supreme Court.

The Project will allow USD to continue this tradition of cultural contributions within the community and provide facilities for expanded opportunities.

4. Increased Community Service Opportunities

As a contemporary Catholic university, USD is committed to playing a vital role in providing relevant community services to the San Diego region. While USD's impact is most significant to the Linda Vista community, given its proximity to campus, the Project would expand services to the local community as more students, faculty and staff would partake in community service. Recent examples of USD's community service efforts include the following:

- Sponsorship of and parade participant in the LV Multicultural Fair for the last 30 years;
- Organizer of the Multicultural Fair's "Education Lane" where pro-bono legal clinics and health screening are provided by the USD Law School and Hahn School of Nursing and Health Science;
- Free legal assistance to the community through a variety of clinics by USD Law School students/faculty;
- Active participation by USD administrators and staff in local non-profits/civic organizations, including Linda Vista Town Council, Linda Vista Community Planning Group and Linda Vista Collaborative;
- Student tutoring of ESL students, participating in reading programs, and assisting teachers in classrooms in the local community;
- Partnering with community leaders through the Impact Linda Vista Initiative, started in 2013, which connects students and faculty with the local community to engage and problem-solve on social needs/issues facing residents;
- Regularly hosting and/or participating in various community-wide events throughout the year, most recently including the "Relay for Life" cancer fundraiser, "6th Annual Conference on Restoring Civility to Civic Dialogue," the "Eric Paredes Save A Life Foundation" to screen teens for sudden cardiac arrest, a Fair Trade Fashion show, and the "Taste of Morena" community event.

In addition, USD has been recognized as a Community Engagement Institution by the Carnegie Foundation for the Advancement of Teaching. Based on information from the 2014-2015 academic year, undergraduate students plus law and graduate students, along with faculty members and staff members worked a total of 418,542 hours with 135 different community partners (University Assessment Committee and Mulvaney Center 2015).

Implementation of the proposed Master Plan Update will allow the University to increase its enrollment by an additional 3,000 FTE on-campus students. The number of faculty, administrators and staff will also increase commensurate with the student enrollment growth and there will be a

proportionate increase in the number of persons available to provide service within the Linda Vista community and the region as a whole.

5. Expanded Partnerships with Regional and Local Planning Agencies

USD administrators, faculty and staff contribute resources toward addressing many of the regional and local planning issues facing the San Diego area, including such topics as global climate change, International Border issues, open space protection and mobility enhancements.

The USD Law School operates the Energy Policy Initiative Center (EPIC), as a non-profit and academic and research center that studies energy policy issues effecting San Diego County and the state. EPIC staff serves on SANDAG's Regional Energy Working Group (EWG) to provide input and feedback on issues related to the Regional Energy Strategy and tasks of the Regional Energy Planning Program. EPIC also assisted the City in developing its Climate Action Plan and is a member of the San Diego Climate Collaborative group that received a $689,000 National Oceanic and Atmospheric Administration (NOAA) grant to study sea level rise and its impact.

The Trans-border Institute is part of the Joan B. Kroc School of Peace Studies whose mission is to build sustainable peace in Mexico and the border region through research, outreach and teaching. Members of the Institute participate with SANDAG's Borders Committee to address bi-national planning issues along the U.S.-Mexico Border.

USD also cooperated directly with City staff on the recent Tecolote Canyon Natural Resource Management Plan Update regarding public hiking trails that connect to or around the USD campus. Under the Project, USD proposes adding trash receptacles, kiosks and educational signage to the trailheads that lead from the campus into Tecolote Canyon to improve accessibility and encourage stewardship of the City open space.

USD has offered to work with the City staff on the Morena Boulevard Station Area Specific Plan which is being developed adjacent to the campus. The Specific Plan will enhance community mobility and connectivity with the local trolley stops, introduce new land uses, and expand transit-oriented development opportunities in the Project area.

Expansion of the USD as part of the Project will augment the resources available on campus and within the region to continue and enhance the campus' assistance on regional and local planning issues facing San Diego County.

6. Expanded Mobility and Alternative Transportation System Improvements

USD currently operates or promotes a number of alternative transportation programs designed to minimize the amount of single-occupancy vehicles accessing the campus. Such programs include

tram service between the campus and Old Town Trolley Station; discount transit passes for purchase; carpools and car share services; preferential carpool parking; alternative transportation parking; and discount shuttle fares to San Diego International Airport. According to SANDAG ICommute Program, USD was designated a Bike Friendly University in 2013 by the League of American Bicyclists, the only university in San Diego to earn this distinction. About 1/3 of off-campus students use sustainable transportation to access USD (USD Climate Action Plan 2016).

Implementation of the Project will expand and enhance mobility and access throughout the campus; enhance existing campus pedestrian, bicycle and transit opportunities; provide connections to regional transit opportunities off-campus; and expand the transportation demand management (TDM) programs they currently operate over time.

The Master Plan Update will improve pedestrian access by closing the two streets that run through the center of campus (Marian Way and Torero Way) and establishing a Pedestrian Priority Zone in the Central Paseo, shifting vehicular and bicycle circulation to the loop/ perimeter road. The Master Plan Update also proposes using buildings, paths, stairs and bridges to connect across topography and provide enhanced accessibility to the different areas of campus and the surrounding community. Additionally, the Project will promote an expansion of the campus tram/shuttle to provide a more comprehensive route and offer additional tram stops in areas where significant open spaces, buildings and uses are proposed, including improved signage and additional shelters at the tram stops. With regard to accessibility, the Central Paseo and spine of the campus will provide enhanced accessibility across the academic core of campus. Several building projects will require upgrades to accessible paths, crossings, curb ramps and sidewalks. Several of the proposed buildings (including Project Site Nos. 5, 9, 22, 23, 24 and 25) will help bridge significant changes in grade on campus by providing disabled access across the site within the internal circulation of the building and Project Site No. 19 will construct disabled access from the academic mesa along an ADA path and pedestrian bridge over Marian Way and to the West Parking Structure.

Under the Master Plan update, additional TDM programs will be implemented by USD to promote enhanced usage of existing and expanding alternative transportation. Program enhancements will include incorporating special parking areas for ride and car sharing programs; educating campus populations about transit options; providing additional transit information on the USD website; expanding car sharing services and/or providing free memberships to alternative car sharing services; and offering free or more highly discounted transit passes to commuter students, faculty, and staff willing to forgo a parking permit, among other reduction measures.

These mobility and alternative transportation efforts are not mitigation measures for the project's traffic impacts but are alternative transportation programs that the University will offer to their students, faculty and staff that will minimize off-campus traffic and help to offset some of the traffic-related impacts of expanding student enrollment. The Master Plan Update will be consistent with the City's General Plan Mobility Element goal of supporting multi-modal transportation, as well as Urban

Design Element goals to integrate transit facilities into project design, and design or retrofit streets to improve walkability, bicycling, and transit integration.

7. Increased Affordable Housing Stock Through Construction of On-Campus Student Housing

USD currently owns 11 student housing complexes containing 743 units which contain approximately 2,549 to 2,674 beds for undergraduate students. In addition, USD owns several condominiums immediately off campus which are used for housing faculty. As of 2015, both first and second year students are required to live on the USD campus. The campus also offers housing to upper class and transfer students, as well as graduate/law students, some of which chose to live off campus in private housing. With the student enrollment growth anticipated under the Master Plan Update, the campus will construct an additional 1,003 more beds on their property to meet the projected demand and goal for housing all first and second-year students.

Construction of new affordable housing is an objective of the City General Plan's Housing Element. Student housing is specifically identified in the Housing Element as a means to achieve its goal of expanding affordable housing. Policy HE-B.23 suggests the City seek to facilitate post-secondary students being able to live on campus or near transit lines that access campuses, while Policy HE-B.24 indicates the City should encourage local universities to provide as much student housing as possible. Student housing is also a recognized as need in SANDAG's Regional Housing Needs Assessment Plan forecast for 2050 (SANDAG 2011). SANDAG coordinated with local universities to identify any campus expansion plans when projecting the housing needs for the region. The regional assessment was conducted before the USD expansion plans contained in the Master Plan Update were proposed.

Expansion of the USD campus under the Master Plan Update will augment local housing stock and assist both the City and SANDAG in achieving their housing goals by providing affordable on-campus housing to accommodate the student population growth projected for the University, thus, freeing up affordable off-campus housing for non-students.

X. CONCLUSION

For the foregoing reasons, the City finds that the Project's significant and unmitigable environmental impacts are outweighed by the above-referenced benefits, any one which individually would be sufficient to outweigh the adverse environmental effects of the Project. Therefore, the City has adopted these Findings and Statement of Overriding Considerations.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO GRANTING CONDITIONAL USE PERMIT NO. 1605027/SITE DEVELOPMENT PERMIT NO. 1831047 **UNIVERSITY OF SAN DIEGO MASTER PLAN UPDATE – PROJECT NO. 417090 (MMRP)** (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-_____ 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 _____, 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. <u>Conditional Use Permit – SDMC Section 126.0405</u>

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 land use. 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	• 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	• 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	• 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 and open space uses in the proposed location and 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 - 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 use in the proposed location. 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.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO OF THE CITY OF SAN DIEGO, CALIFORNIA, ON _____.

APPROVED: MARA W. ELLIOTT, CITY ATTORNEY

By _____
NAME
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
R- INSERT

Reviewed by Martha Blake, DPM

Internal Order No. 24005737

Attachment A – Project Legal Description

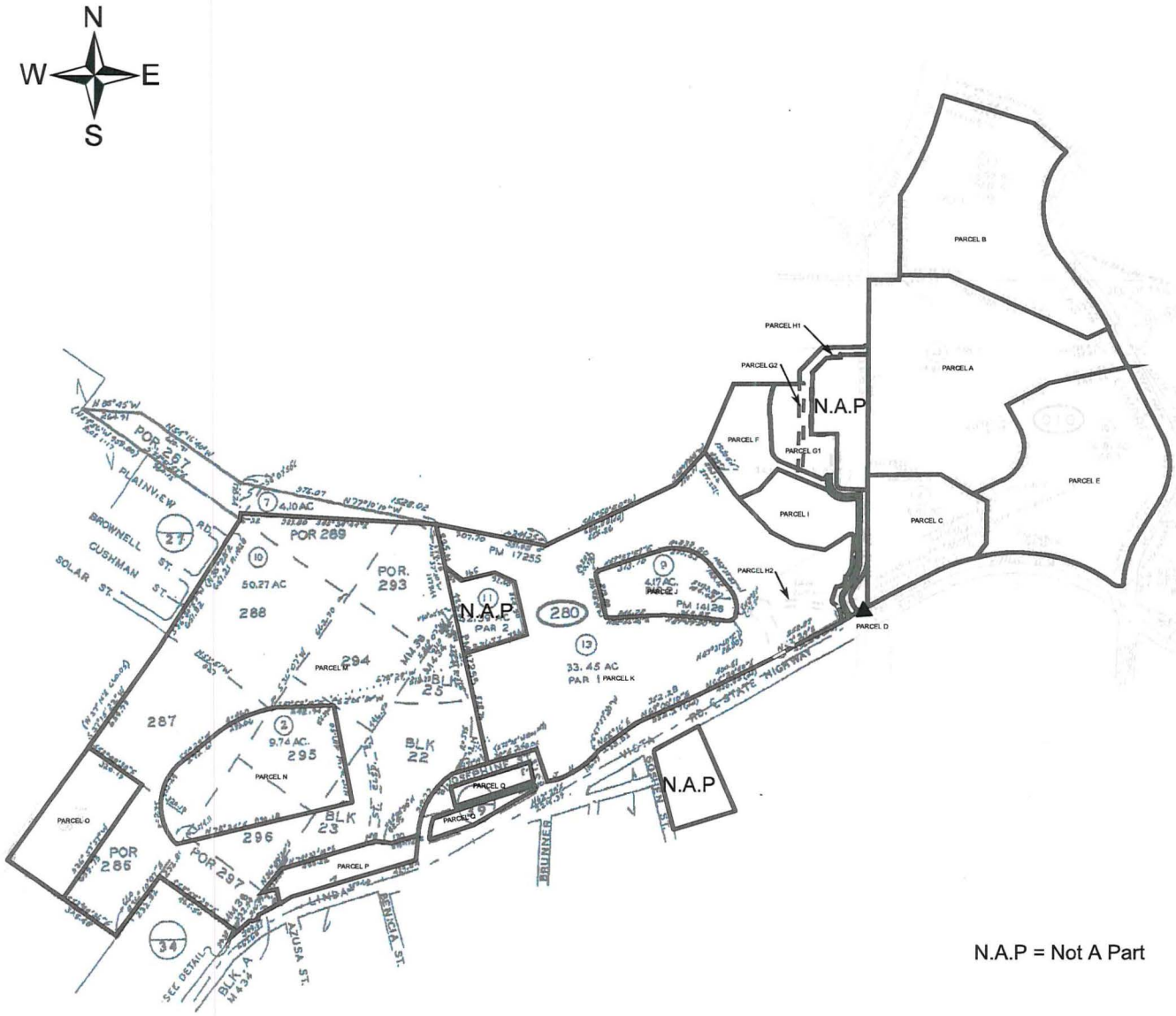
ATTACHMENT A
LEGAL DESCRIPTION

First American Title Company

Reference No.:682685

County:San Diego

Location Map



N.A.P = Not A Part

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

Tax ID:Refer To Title Report

Short Legal:A Portion of County of San Diego

Map Not To Scale

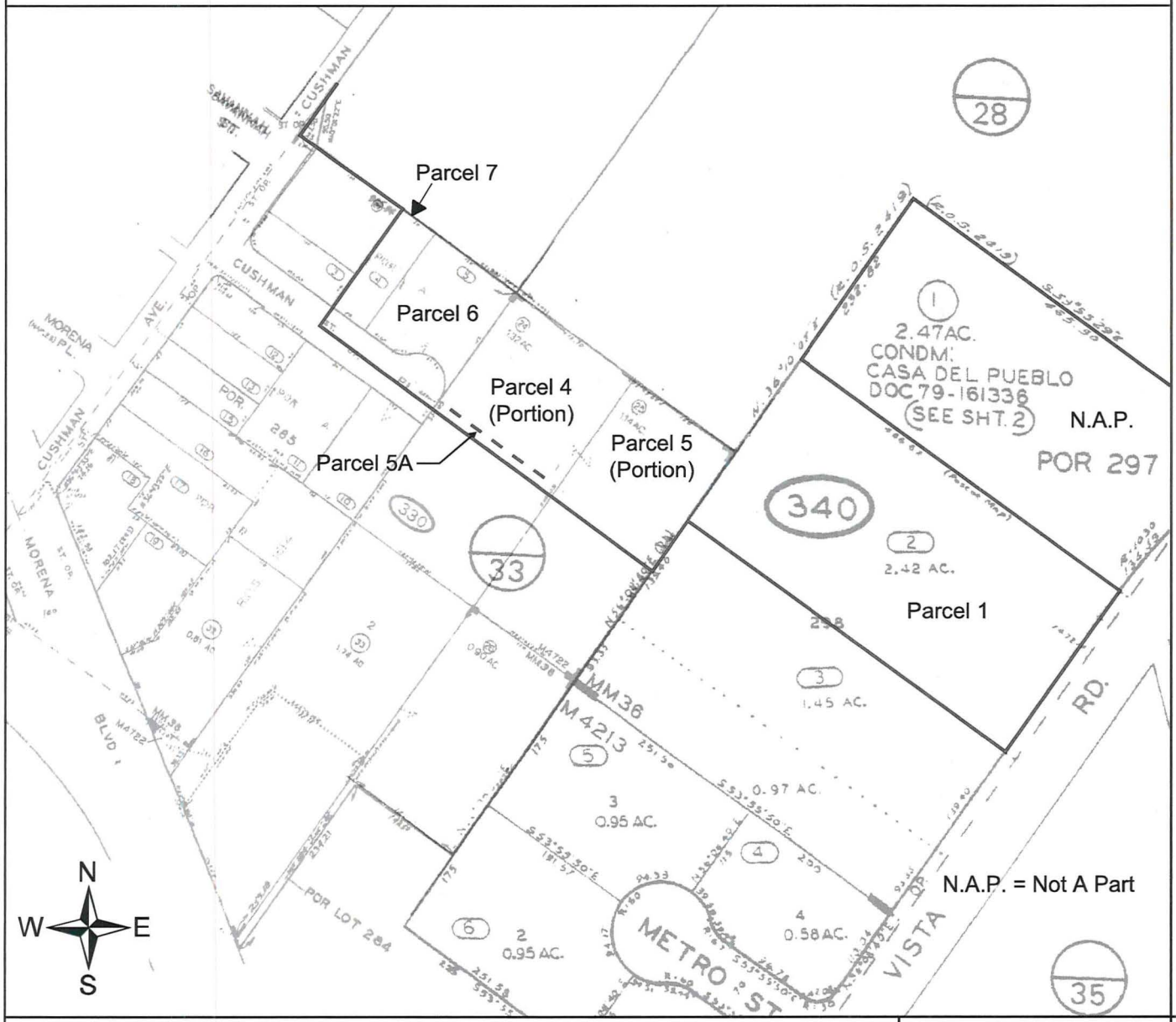
This map may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. First American Title expressly disclaims any liability for alleged loss or damage which may result from reliance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

First American Title Company

Reference No.: 682686

County: San Diego

Location Map



N.A.P. = Not A Part

Legend

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

Tax ID: Refer to Title Report

Short Legal: A Portion of Coutny 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' 26"; 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°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°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°32'52" West, thence Southwesterly along said curve 319.22 feet through an angle of 36°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°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°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°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°33'10" West, 448.27 feet to the common line, being said Pueblo Lots 296 and 1177, thence along said common line, South 35°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°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°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°26'43" to the common line between said Block "A" and said Pueblo Lot 297, thence along said common line, North 36°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 Southery 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.

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 [MMRP]
(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 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. 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 _____, 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 _____.

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" conditions(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 page C10.0 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.

TRANSPORTATION REQUIREMENTS:

63. 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.

64. 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.

65. 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).

66. Prior to enrolling the 7,350th FTE student [redacted]

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 _____and Resolution No. _____.

Approval No.: CUP No. 1605027/SDP 1831047
Date of Approval: _____

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 A
LEGAL DESCRIPTION

RESOLUTION NUMBER R - _____

DATE OF FINAL PASSAGE - _____

A RESOLUTION VACATING WATER EASEMENTS AND A STORM DRAIN EASEMENT AT 5998 ALCALA PARK
(WATER EASEMENT VACATIONS NO. 1794303, 1794547, 1807203 and 1807207 AND STORM DRAIN EASEMENT VACATION NO. 1794552)
PROJECT NO. 417090

WHEREAS, San Diego Municipal Code section 125.1010(a) *et seq* provides a procedure for the vacation of public easements; and

WHEREAS, the UNIVERSITY OF SAN DIEGO, filed an application to vacate existing water and storm drain easements located at 5998 Alcala Park, being described as Easement Vacations No. 1794303, 1794547, 1807203, 1807207 and 1794552 and

WHEREAS, it is proposed that Easement Vacations No. 1794303, 1794547, 1807203, 1807207 and 1794552 be vacated; and

WHEREAS, on June 1, 2017, the Planning Commission of the City of San Diego considered Easement Vacations No. 1794303, 1794547, 1807203, 1807207 and 1794552, and pursuant to Resolution No. PC-_____ voted to recommend approval; and

WHEREAS, the matter was set for public hearing on _____, 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 City Council, that with respect to Easement Vacation Nos. 1794303, 1794547, 1807203, 1807207 and 1794552, the City Council finds that:

(a) There is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.

The existing easements to be vacated were acquired in:

- June 1950 for water pipe line and incidental purposes (No. 1794303)
- June 2010 for water and incidental purposes (No. 1794547)
- July 2001 for water pipe line and incidental purposes (No. 1807203)
- June 1950 for water pipe line and incidental purposes (No. 1807207)
- March 1953 for storm drain and incidental purposes (No. 1794552)

Under the terms of the USD Master Plan Update and Technical Appendix, specific development projects will be implemented in the future which relate to the site areas in which the above easements are located. With the build-out of projects according to the USD Master Plan Update and Technical Appendix, the above water and storm drain easements will be vacated and relocated to areas outside of building footprints, and any new replacement easements will be secured as necessary. When this replacement occurs the existing easements proposed to be vacated (Easement Vacation Nos. 1794303, 1794547, 1807203, 1807207 and 1794552) will have no prospective use. There is no other use of a like nature for these specific easements that can be reasonably anticipated.

(b) The public will benefit from the action through improved utilization of the land made available by the vacation.

The approximately 180-acre project site is presently limited by the existence of the water and storm drain easements in that the property may not develop or place new buildings over the

area of the existing easements, and without vacation of the existing easements, the area of land available for the new developments anticipated by the USD Master Plan Update is constrained. With the construction of new replacement water and storm drain facilities in the future in conjunction with the new projects outlined in the USD Master Plan Update, the land area associated with Easement Vacation Nos. 1794303, 1794547, 1807203, 1807207 and 1794552 will have no public use. The public will benefit from the action through improved utilization of the land made available by the vacations with development of the site as outlined in the USD Master Plan Update and Technical Appendix, and Conditional Use Permit No. 1605027 and Site Development Permit No. 1831047.

(c) The vacation is consistent with any applicable land use plan.

The adopted Linda Vista Community Plan (LVCP) designates the premises for Institutional use, with the exception of approximately 7.6 acres of Multi-Habitat Planning Area (MHPA). Proposed Easement Vacations No. 1794303, 1794547, 1807203, 1807207 and 1794552 will facilitate the build out of the USD campus consistent with the land use designation, and will not adversely affect the Linda Vista Community Plan or the goals and policies contained therein.

(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The existing easements to be vacated were acquired for the purposes of placing and maintaining a public water and storm drain system to serve the needs of the campus and neighborhood. With the removal of the old water service and storm drain facilities and construction of new replacement facilities, as outlined in the USD Master Plan Update and Technical Appendix, and Conditional Use Permit No. 1605027 and Site Development Permit No. 1831047, the present

easements will no longer be necessary, and the purpose for which the easements were acquired will no longer exist. The public facility for which the easements were originally acquired will not be detrimentally affected by Easement Vacations No. 1794303, 1794547, 1807203, 1807207 and 1794552.

BE IT FURTHER RESOLVED, that Easement Vacations No. 1794303, 1794547, 1807203, 1807207 and 1794552, as shown on Drawings No. 39907-B, 39694-B, 39732-B, 39733-B, and 39695-B, marked as Exhibit "B," included in the USD Master Plan Update Technical Appendix, are by this reference incorporated herein and made a part hereof, are ordered vacated.

BE IT FURTHER RESOLVED, that Easement Vacations No. 1794303, 1794547, 1807203, 1807207 are conditioned to ensure that the Owner/Permittee shall grant a new easement for any relocated water utility facilities, and that Easement Vacation No. 1794552 is conditioned to ensure that the Owner/Permittee shall grant a new easement for any relocated storm drain facilities, per approved USD Master Plan Update and Technical Appendix, and Conditional Use Permit No. 1605027 and Site Development Permit No. 1831047, satisfactory to the City Engineer. The Owner/Permittee shall provide the easement free and clear of all encumbrances and prior easements and must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities. In the event this condition is not completed within twenty years following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a copy of this resolution and attached exhibits, in the Office of the County Recorder releasing to the property owner, all rights title and interest in said easement.

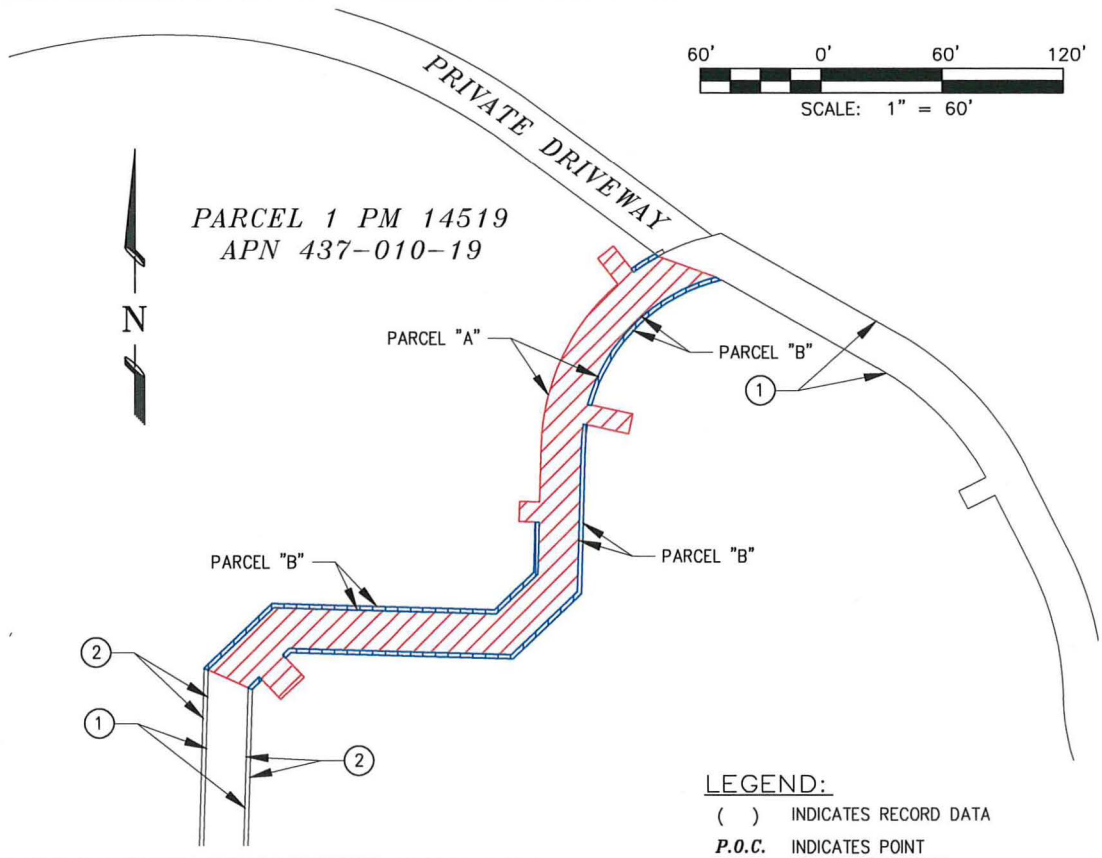
_____

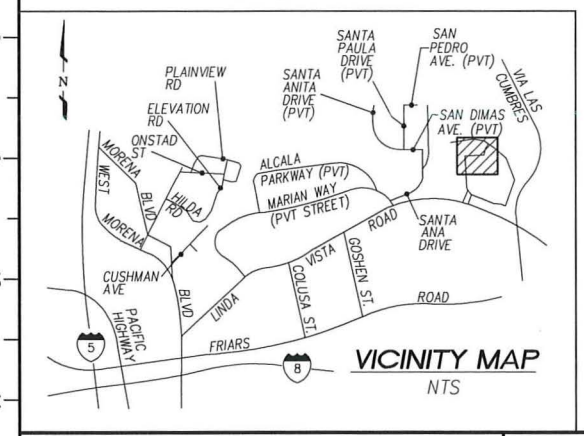
Martha Blake
Development Project Manager
Development Services

Adopted on:
JO: 24005737

Attachment: Drawings No. 39907-B, 39694-B, 39732-B, 39733-B, and 39695-B
R-_____

EXHIBIT 'B'





LEGEND:

( )	INDICATES RECORD DATA
P.O.C.	INDICATES POINT OF COMMENCEMENT
T.P.O.B.	INDICATES TRUE POINT OF BEGINNING
(R)	INDICATES RADIAL BEARING
	INDICATES PARCEL "A" PUBLIC EASEMENT VACATED AREA: 8,076 SF (0.180-ACRE)
	INDICATES PARCEL "B" PUBLIC WATER EASEMENT VACATION AREA: 1,138 SF (0.026-ACRE)
1	20-FOOT PUBLIC WATER EASEMENT PER PARCEL MAP 14519
2	AN EASEMENT FOR WATER AND INCIDENTAL PURPOSES, GRANTED TO THE CITY OF SAN DIEGO, RECORDED JUNE 10, 2010 AS INSTRUMENT 2010-0291208 OF O.R.

KETTLER LEWECK
ENGINEERING
303 A STREET, SUITE 302
SAN DIEGO, CA 92101
t: 619 269-3444 | f: 619 269-3459
www.kettlerleweck.com

WATER EASEMENT VACATION NO. 1794547

IN PARCEL 1 OF PARCEL MAP 14519

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 1 SHEETS

FOR CITY ENGINEER — DATE

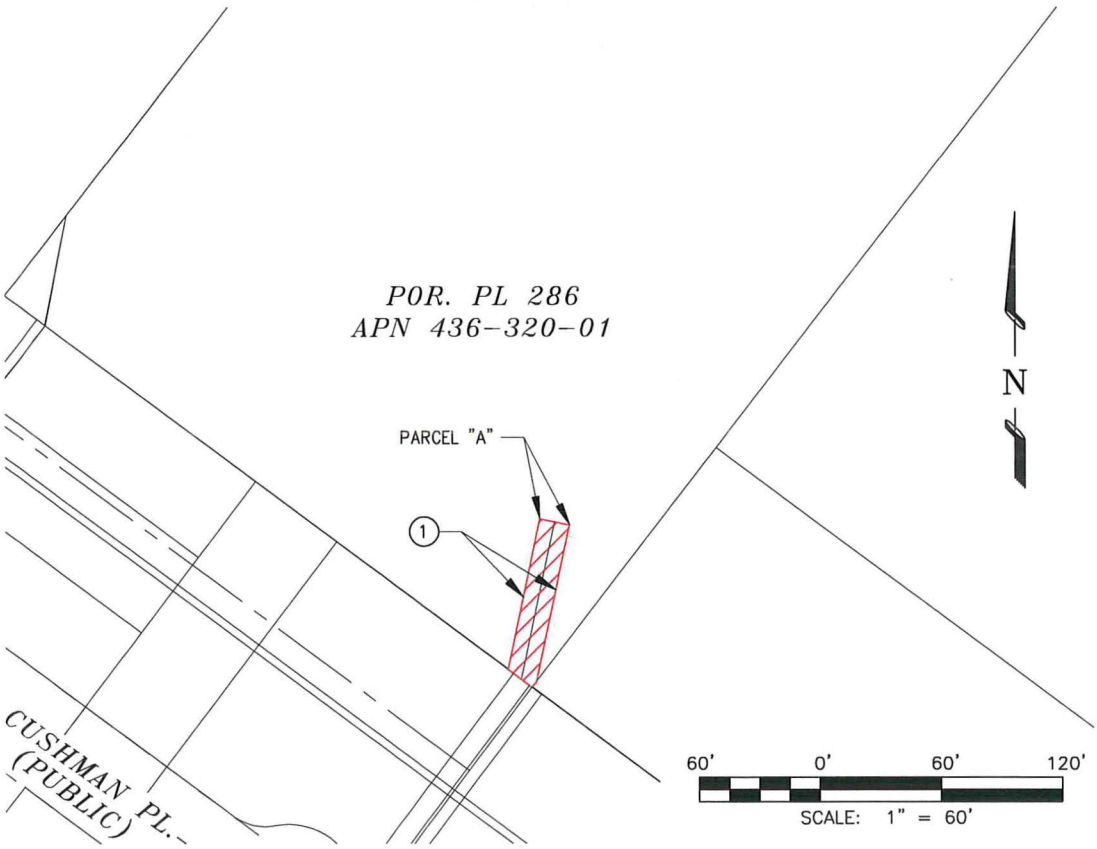
P.T.S. NO. 417090
I.O. NO. 24005737

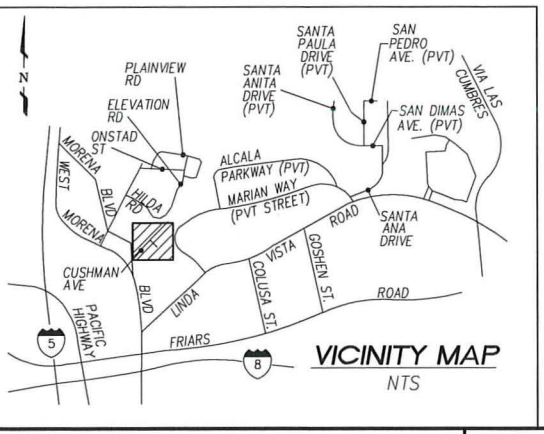
1860-6271
CCS 83 COORDINATES

220-1711
LAMBERT COORDINATES

39694-B

EXHIBIT 'B'





VICINITY MAP
NTS

LEGEND:

( )	INDICATES RECORD DATA
P.O.C.	INDICATES POINT OF COMMENCEMENT
T.P.O.B.	INDICATES TRUE POINT OF BEGINNING
(R)	INDICATES RADIAL BEARING
	INDICATES PARCEL "A" PUBLIC STORM DRAIN EASEMENT VACATED AREA: 1,198 SF (0.02-ACRE)
1	AN EASEMENT FOR STORM DRAIN AND INCIDENTAL PURPOSES, GRANTED TO THE CITY OF SAN DIEGO, RECORDED MARCH 3, 1953 AS BOOK 4768, PAGE 578 OF O.R.

KETTLER LEWECK
ENGINEERING
303 A STREET, SUITE 302
SAN DIEGO, CA 92101
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www.kettlerleweck.com

STORM DRAIN EASEMENT VACATION NO. 194552

IN PORTIONS OF PUEBLO LOT 286

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 1 SHEETS

FOR CITY ENGINEER — DATE

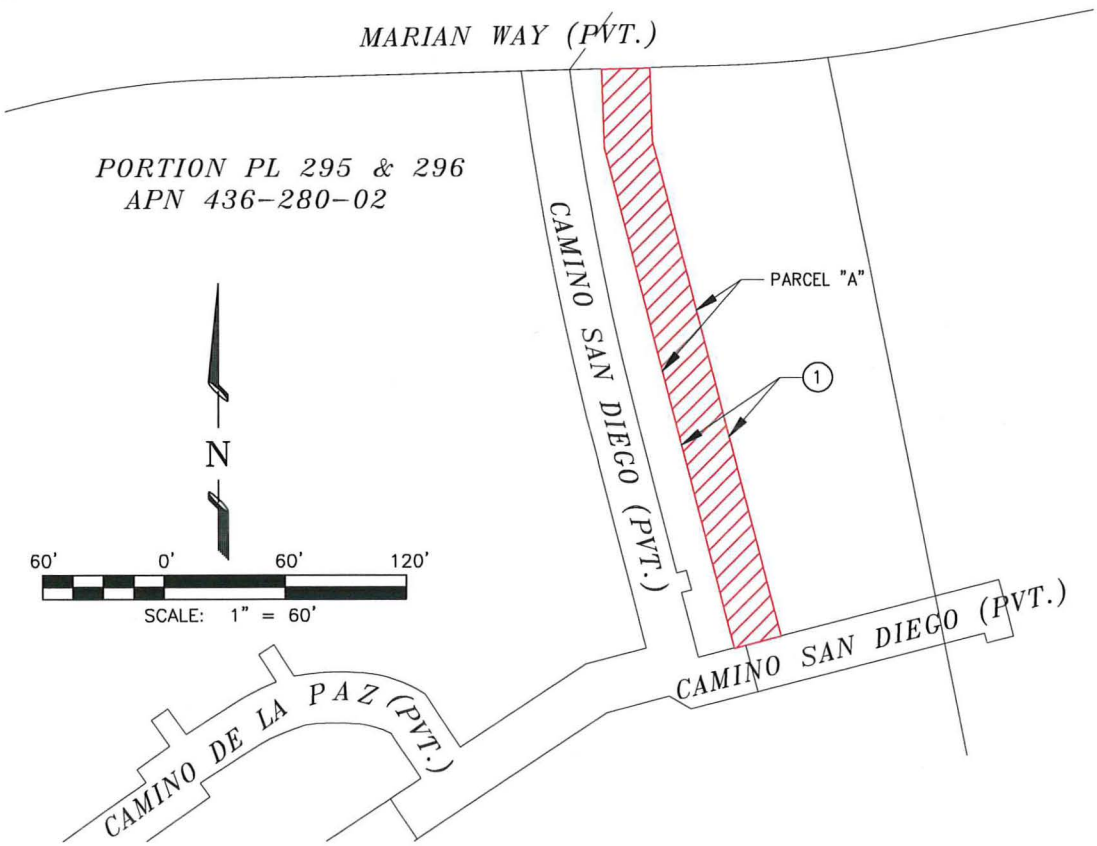
P.T.S. NO. 417090
I.O. NO. 24005737

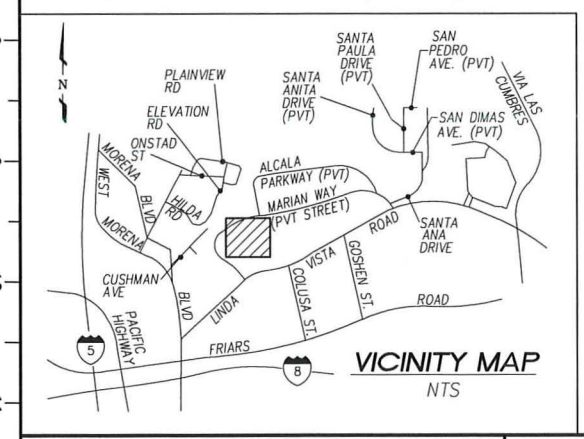
1860-6271
CCS 83 COORDINATES

220-1711
LAMBERT COORDINATES

39695-B

EXHIBIT 'B'





LEGEND:

( )	INDICATES RECORD DATA
P.O.C.	INDICATES POINT OF COMMENCEMENT
T.P.O.B.	INDICATES TRUE POINT OF BEGINNING
(R)	INDICATES RADIAL BEARING
	INDICATES PARCEL "A" PUBLIC WATER EASEMENT VACATION AREA: 7,039 SF (0.16-ACRE)
1	AN EASEMENT FOR WATER PIPE LINE AND INCIDENTAL PURPOSES, GRANTED TO THE CITY OF SAN DIEGO, RECORDED JULY 20, 2001 AS INSTRUMENT 2001-0505264 OF O.R.

KETTLER LEWECK
ENGINEERING
303 A STREET, SUITE 302
SAN DIEGO, CA 92101
t: 619 269-3444 | f: 619 269-3459
www.kettlerleweck.com

WATER EASEMENT VACATION NO. 1807203

IN PARCEL 1 OF PARCEL MAP 14519

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 1 SHEETS

FOR CITY ENGINEER — DATE

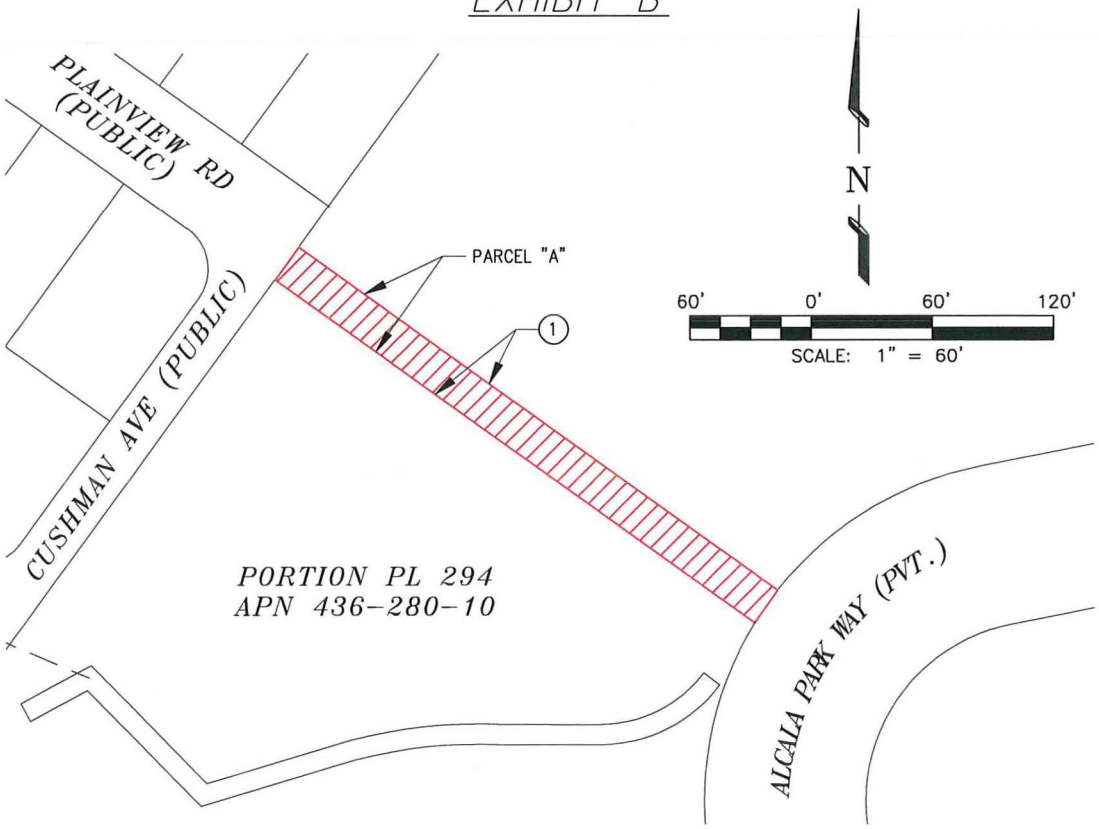
P.T.S. NO. 417090
I.O. NO. 24005737

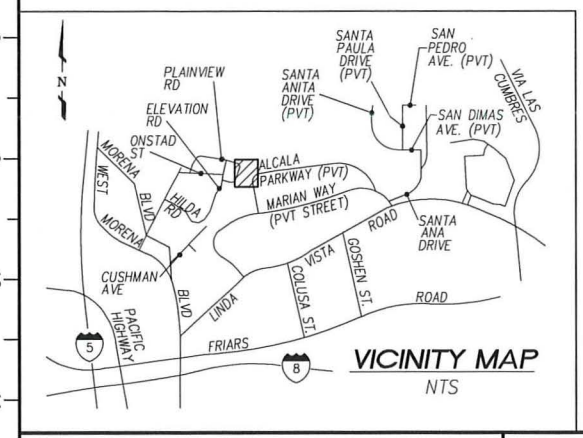
1860-6271
CCS 83 COORDINATES

220-1711
LAMBERT COORDINATES

39732-B

EXHIBIT 'B'





VICINITY MAP
NTS

REFERENCE:

DWG. NO. 38090-D

LEGEND:

( )	INDICATES RECORD DATA
P.O.C.	INDICATES POINT OF COMMENCEMENT
T.P.O.B.	INDICATES TRUE POINT OF BEGINNING
(R)	INDICATES RADIAL BEARING
	INDICATES PARCEL "A" PUBLIC WATER EASEMENT VACATION AREA: 5,857 SF (0.13-ACRE)
1	AN EASEMENT FOR WATER PIPE LINE AND INCIDENTAL PURPOSES, GRANTED TO THE CITY OF SAN DIEGO, RECORDED JUNE 27, 1950 IN BOOK 3674, PAGE 431 OF O.R.

KETTLER LEWECK
ENGINEERING
303 A STREET, SUITE 302
SAN DIEGO, CA 92101
t: 619 269-3444 | f: 619 269-3459
www.kettlerleweck.com

WATER EASEMENT VACATION NO. 1807207

IN PORTION OF PUEBLO LOT 294

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 1 SHEETS

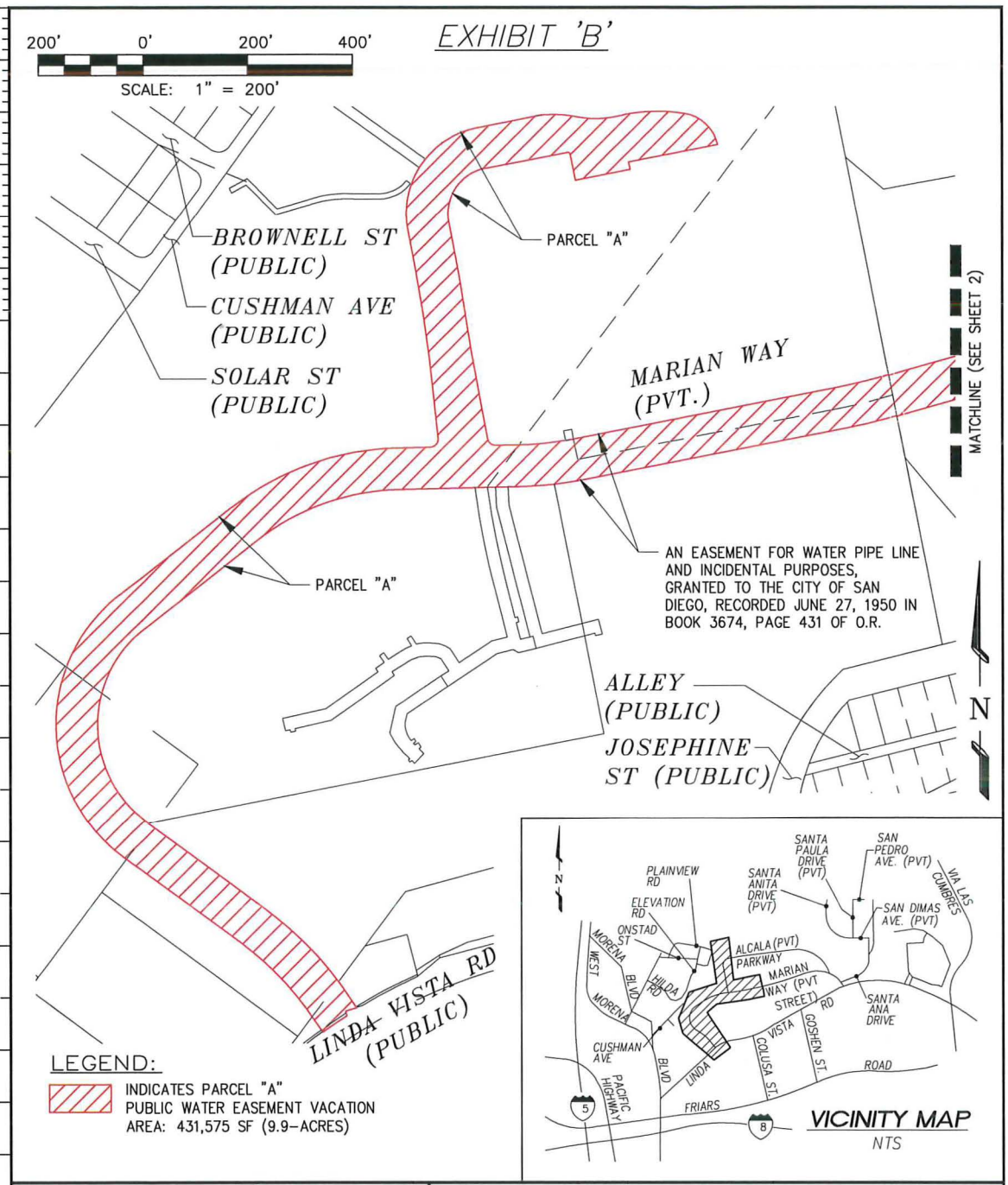
FOR CITY ENGINEER — DATE

P.T.S. NO. 417090
I.O. NO. 24005737

1860-6271
CCS 83 COORDINATES

220-1711
LAMBERT COORDINATES

39733-B



KETTLER LEWECK
ENGINEERING
303 A STREET, SUITE 302
SAN DIEGO, CA 92101
t: 619 269-3444 | f: 619 269-3459
www.kettlerleweck.com

WATER EASEMENT VACATION NO. 1794303

IN PORTION OF PUEBLO LOT 294

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 2 SHEETS

FOR CITY ENGINEER DATE

P.T.S. NO. 417090
I.O. NO. 24005737

1860-6271
CCS 83 COORDINATES

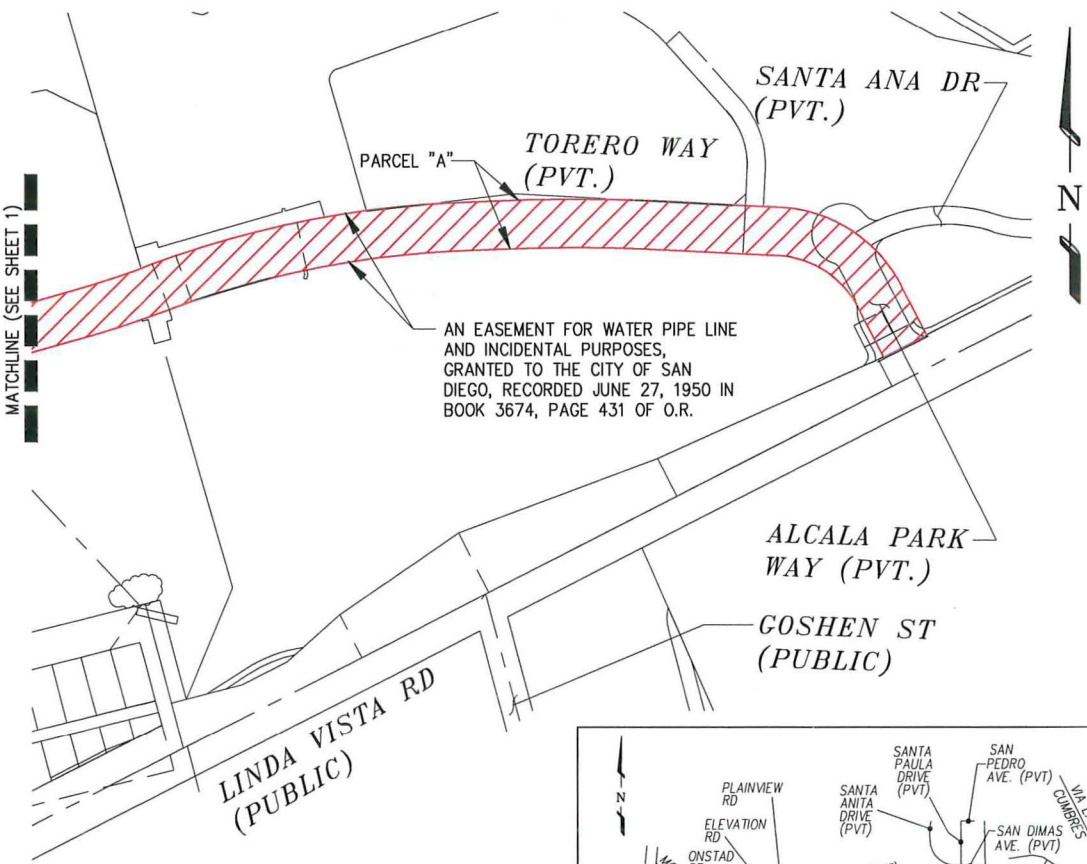
220-1711
LAMBERT COORDINATES

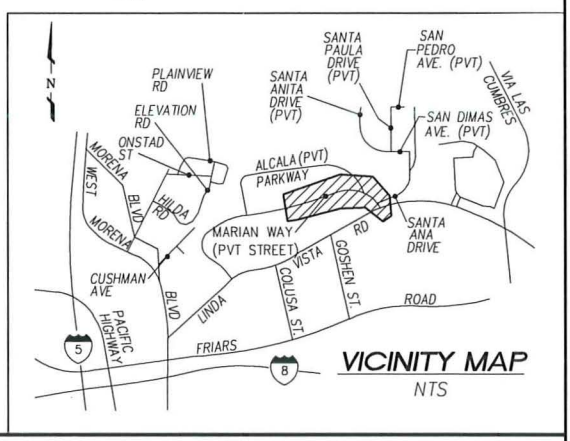
39907-1-B

EXHIBIT 'B'

200' 0' 200' 400'

SCALE: 1" = 200'





LEGEND:

INDICATES PARCEL "A"
PUBLIC WATER EASEMENT VACATION
AREA: 431,575 SF (9.9-ACRES)

KETTLER LEWECK
ENGINEERING
303 A STREET, SUITE 302
SAN DIEGO, CA 92101
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www.kettlerleweck.com

WATER EASEMENT VACATION NO. 1794303

IN PORTION OF PUEBLO LOT 294

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 2 SHEETS

FOR CITY ENGINEER DATE

P.T.S. NO. 417090
I.O. NO. 24005737

1860-6271
CCS 83 COORDINATES

220-1711
LAMBERT COORDINATES

39907-2-B

LINDA VISTA PLANNING GROUP

- NOTICE OF PUBLIC MEETING -
Monday, February 27, 2017
5:30 – 7:45 P.M.
Linda Vista Library
2160 Ulric Street, San Diego, CA 92111

BOARD MEMBERS: Noli Zosa (Chairman), Howard Wayne (Vice Chairman), Tisha Rocha (Treasurer), Margarita Castro, Dottie Perez, Keith Warner, Kim Heinle, Jennifer Carroll, Felicity Senoski, Victor Ochoa, Kimberly Weber (arrived tardy)
ABSENT: Lauree Camarato (Secretary) Jo-Ann Carini, Vicki Van Dyk, John Nielsen

~ GENERAL MEETING MINUTES ~

Call to Order: **5:30**

- Pledge of Allegiance (Doug Beckham)
- Roll Call of Planning Group Members (K. Heinle)
- Approval of Draft Agenda
  - Motion to approve Draft Agenda by H. Wayne, second by K. Warner. Motion carried.
- Approval of January 23, 2017 Meeting Minutes
  - Motion to approve Jan 23, 2017 meeting minutes by V. Ochoa, second by Tisha. Motion carried. (Abstained: K. Warner and M. Castro)

Reports by Government Representatives: **5:35**

- Police Department/Fire Department: None.
- Congress & State Legislature (Senate/Assembly): None.
- County & City: Mayor, City Attorney, City Council, Planning Dept, Development Services, Board of Supervisors
  - Councilmember Zapf's Office, Adrian Sevilla: D2 submitted budget for FY17-18, but not much growth expected with City's budget shortfall (e.g., City departments asked to cut at least 3%). Charger's broken lease could be used for Police Retention Bonuses, maintaining Rec Center and Library hours, youth literacy programs, and Connect-2-Careers programs at Library; plan to use TOT funding for Penny for the Arts and for Code Enforcement for short-term vacation rentals; January 2017 was Human Trafficking Awareness month
  - State Senator Toni Atkins' Office, Ryan Tribucco: New to position; SB270 Anti-Human Trafficking bill for hotel training on reporting; SB2 will provide sustainable, ongoing funding for affordable housing; call (619) 645-3133 for more information

- SANDAG: None.

Non-Agenda Items and Public Comment (2 minutes per person)

Mr. Shirmosky (?): Candidate for D2; focus on housing, transparency, and inclusion for all

Mr. Beltran: Non-ADA compliant curbs on Corsica St. and Borana (D7); Kim will connect with Councilmember Sherman's Office

APPROVED

- Force-feeding LVPG? 7-11 heard the concerns last time and has returned to provide a courtesy to LVPG to answer concerns or new questions.
- Wait until Riverwalk Development and relocate? No. 7-11 is interested now.

Motion to reaffirm LVPG 2016 vote on 7-11's proposed CUP for sale of beer and wine license by M. Castro, second by K. Warner. Motion carried by a vote of 10-0-0.

6:45 pm

3) University of San Diego Master Plan Update – Representatives from USD gave a presentation on the 20-year Master Plan Update. Questions and comments to follow. LVPG will vote whether or not to endorse the Master Plan Update.

Prior to USD's presentation, H. Wayne recuses himself from the vote and F. Senoski excuses herself from the meeting.

Review of USD Master Plan revision and timeline, environmental impacts, and traffic and transportation impacts. Master Plan proposed red light installation at Colusa St. and Linda Vista Rd. that would be paid by USD; it's a condition of the Plan's approval. Support reiterated for light by Board member Jennifer and community member Mr. Beltran. Master Plan's proposed developed projects are not funded and will only be developed if funding is raised.

Community Questions/Concerns:

- Mr. Shipp: Speaking on behalf of Linda Vista resident Ginger LaGuardia and expressing her concerns as an owner of a family residence directly amid USD's development. USD responded with process through which they have addressed Ms. LaGuardia's concerns.

M. Castro, chair of Zoning and Land Use Committee, recommends the approval of the USD Master Plan with the non-binding recommendation that USD, Ms. LaGuardia, and the City of San Diego continue the conversation to address Ms. LaGuardia's concerns.
Motion to approve the USD Master Plan by M. Castro, second by D. Perez. Motion carried by a vote of 8-0-1 (H. Wayne abstained).

Suggested Items for Next Meeting Agenda:

- Appointment of new Zoning and Land Use chairperson
- Reconsideration of Pure Water vote

Adjournment **7:45 pm**
Motion to adjourn the meeting by K. Warner, second by V. Ochoa. Motion carried.

** Next Meeting is scheduled for Monday, March 27th, 2017 at 5:30 P.M. at the Linda Vista Library.

APPROVED

THE CITY OF SAN DIEGO
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*

University of San Diego Master Plan

Project Address:

5998 Alcala Park, San Diego, CA 92110

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:

Project Title: USD Master Plan	Project No. *(For City Use Only)*

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? CA Corporate Identification No. 95-2544535
☐ 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): University of San Diego	Corporate/Partnership Name (type or print):
☒ Owner ☐ Tenant/Lessee	☐ Owner ☐ Tenant/Lessee
Street Address: 5998 Alcala PArk	Street Address:
City/State/Zip: San Diego, CA 92110	City/State/Zip:
Phone No: 619-260-2930 Fax No: 619-260-2213	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print): Ky Snyder	Name of Corporate Officer/Partner (type or print):
Title (type or print): Vice President Operations, COO	Title (type or print):
Signature : Date: May 17, 2017	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee	☐ Owner ☐ Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date:
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):
☐ Owner ☐ Tenant/Lessee	☐ Owner ☐ Tenant/Lessee
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):
Title (type or print):	Title (type or print):
Signature : Date:	Signature : Date: