

RESOLUTION NUMBER R-297052

ADOPTED ON SEPTEMBER 10, 2002

WHEREAS, Francis W. Parker School, a California Non-profit Corporation, Owner/ Permittee, filed an application with the City of San Diego for approval to remodel and expand an existing 36,172 square foot elementary school. Prior Conditional Use Permit Nos. C-4208, C-5363, C-7176, C7340 and C-18837 would be superceded by this Permit. The project would include the demolition of the existing north wing of the school, classrooms, and an existing one-story residence with accessory structures. Proposed construction activities would consist of 10,225 square feet of demolition, 22,910 square feet of new building space, 10,908 square feet of interior tenant improvements, and a new 40-space parking lot and two street handicapped parking spaces. The project is known as the elementary school project. The completed elementary school project would be 49,112 square feet of floor area on portions of a 4.86 acre site, located at 4201 Randolph Street, and legally described as a portion of block 19, lying west of the bottom of the canyon, running northerly and southerly through said block 19, portions of Lots 1 thru 3 and all of Lots 1 thru 24 inclusive in block 20, Lots 1 thru 12 and 18 thru 24 inclusive in block 21, and Lots 1 thru 4 inclusive in block 22, all of Arnold & Choates Addition, in the City of San Diego, County of San Diego, State of California, according to Map No. 334, filed in the Office of the County Recorder of San Diego County, together with Lots 4 thru 12 inclusive in block 20, Lots 1 thru 12 inclusive in block 21, all of North Florence Heights, in the City of San Diego, County of San Diego, State of California according to Map No. 634, filed in the Office of the County

Recorder of San Diego, together with those portions of Hunter Street as closed to public use on September 30, 1914, by Resolution No. 18277, Lark Street as closed to public use on September 20, 1938, by Resolution No. 68235, Arbor Street as closed to public use on July 22, 1914, by Resolution No. 17813 and on February 20, 1992, by Resolution No. 27347, Randolph Street as closed to public use on March 11, 1925, by Resolution No. 33526, and Plumosa Way, east of Randolph Street, excepting those portion of Lots 1 thru 3 inclusive in Block 20 of Arnold & Choate's Addition, according to the Map thereof 334, filed in the Office of San Diego County Recorder November 29, 1872, together with Lots 1 thru 3 inclusive in Block 20 of North Florence Heights, according to Map thereof No. 634, 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, together with those portions of Hunter Street as vacated and closed to public use September 30, 1914 by Resolution No. 18277 of the Common Council of the City of San Diego, and Randolph Street as closed to public use on March 11, 1925, by Resolution No. 33526, and described as follows: Beginning at the southwesterly corner of Lot 23, of Randolph Terrace Map No. 1991, then along the southerly line of said Lot 23, S 89°51'34" E, a distance of 66.66 feet, thence S 00°25'56" E, a distance of 105.19 feet, thence N 89°52'10" W, a distance of 66.61 feet, to the easterly line of Randolph Street as Closed to public use on March 11, 1925, by Resolution No. 33526, thence along said easterly line, N 00°11'54" E, a distance of 105.20 feet to the point of beginning. Together with any reversionary interest within the adjacent public right-of-way known as Randolph Street, in the Uptown Community Plan area, in the RS-1-7 and RS-1-1 zones; and

WHEREAS, on June 20, 2002, the Planning Commission of the City of San Diego considered Conditional Use Permit [CDP] No. 2063, Planned Development Permit [PDP]

No. 6041, and Site Development Permit [SDP] No. 6050, and pursuant to Resolution

No. 3283-1-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on September 10, 2002, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to CDP No. 2063/PDP No. 6051/SDP No. 6050:

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

**1. The proposed development will not adversely affect the applicable land use plan.** The Francis W. Parker School is located at 4201 Randolph Street within the Uptown Community Plan area. The Uptown Community Plan identifies the majority of the existing school site as an Institutional/School Use and the project is consistent with that designation. The northern portion of the expansion of the school is designated as Low Density (5-10 du/ac) Residential, and a school use is consistent with that designation.

The Uptown Community Plan includes as a focused objective of the Community Facilities and Service Element, the transformation of school facilities into a neighborhood focal point with a strong image and identity, the maximum utilization of school facilities while eliminating overcrowding and the construction of school facilities if necessary to eliminate overcrowding conditions. The proposed development satisfies these objectives by continuing and improving the facilities of an existing school. The overall appearance of new structures would be compatible with the architectural detail and overall appearance of the historically significant buildings in the surrounding neighborhood in scale, materials and style consistent with the Uptown Community Plan. Furthermore, the Project would increase the availability of off-street parking, consistent with the Community Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed expansion project for Francis W. Parker School would add classrooms, and an off-street parking lot, along with putting an enrollment cap on the student population. The project would not be detrimental to the public health, safety, and welfare. A Mitigation, Monitoring and Reporting Program [MMRP] would be implemented to reduce the effects of Land Use and Planning (MHPA Boundary Correction), Biological Resources, Historical Resources, Hydrology/Water Quality, Transportation/Circulation, and Hazards and Hazardous Materials to a level below significance. The proposed project does have unmitigated impacts with respect to parking, and a Statement of Overriding Considerations has been accepted for this project.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations governing the construction and continued operation of development, apply to this project to prevent adverse affects to those persons or properties in the vicinity.

**3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The proposed project is located within the RS-1-7 and RS-1-1 zones which provides for flexibility in development regulations to allow reasonable use of property while minimizing adverse impacts to adjacent properties. The current zoning allows for educational facilities with a Conditional Use Permit. The proposed project complies with the development regulations of the RS-1-7 and RS-1-1 zones, and for school uses in all areas, except for deviations for off-street parking and height as discussed in subsequent findings. The design of the structures proposed for the project incorporate architectural elements that help to diminish building bulk. Larger structures, areas with high levels of activity, and parking areas would be located away from surrounding development that is smaller in scale or less intense. The project would provide forty off-street parking spaces on-site and two street handicapped parking spaces.

**4. The proposed use is appropriate at the proposed location.** The Francis W. Parker School was founded at its current location in 1913 and has been a part of the Mission Hills Community for nearly ninety years. The purpose of the Francis W. Parker School is to provide education and instruction to children from elementary to senior high school, with this site being devoted to the lower grades. The project would retain the historical structures of Francis W. Parker School and allow for additional buildings to be constructed implementing the character and design of the existing school and surrounding community.

**B. PLANNED DEVELOPMENT PERMIT FINDINGS - SDMC SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.** The Francis W. Parker School is located at 4201 Randolph Street within the Uptown Community Plan area. The Uptown Community Plan identifies the majority of the existing school site as an Institutional/School Use and the project is consistent with that designation. The northern portion of the expansion of the school is designated as Low Density (5-10 du/ac) Residential, and a school use is consistent with that designation.

The Uptown Community Plan includes as a focused objective of the Community Facilities and Service Element, the transformation of school facilities into a neighborhood focal point with a strong image and identity, the maximum utilization of school facilities while eliminating overcrowding and the construction of school facilities if necessary to eliminate overcrowding conditions. The proposed development satisfies these objectives by continuing and improving the facilities of an existing school. The overall appearance of new structures would be compatible with the architectural detail and overall appearance of the historically significant buildings in the

surrounding neighborhood in scale, materials and style consistent with the Uptown Community Plan. Furthermore, the Project would increase the availability of off-street parking, consistent with the Community Plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed expansion project for Francis W. Parker School would add classrooms, and an off-street parking lot, along with putting an enrollment cap on the student population. The project would not be detrimental to the public health, safety, and welfare. A MMRP would be implemented to reduce the effects of Land Use and Planning, Biological Resources, Historical Resources, Hydrology/Water Quality, Transportation/Circulation, and Hazards and Hazardous Materials to a level below significance. The proposed project does have unmitigated impacts to parking, for which a Statement of Overriding Considerations has been accepted.

All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations governing the construction and continued operation of development apply to this project to prevent adverse affects to those persons or properties in the vicinity.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed project is located within the RS-1-7 and RS-1-1 zones which provides for flexibility in development regulations to allow reasonable use of property while minimizing adverse impacts to adjacent properties. The current zoning allows for educational facilities with a Conditional Use Permit. The proposed project complies with the development regulations of the RS-1-7 and RS-1-1 zones, and for school uses in all areas, except for deviations for off-street parking and height as discussed in subsequent findings. The design of the structures proposed for the project incorporate architectural elements that help to diminish building bulk. Larger structures, areas with high levels of activity, and parking areas would be located away from surrounding development that is smaller in scale or less intense. The project would provide forty off-street parking spaces and two street handicapped parking spaces.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed expansion project for the Francis W. Parker Lower School would serve as a master plan for the school in the future. The school has been located at the existing site since 1913 with Conditional Use Permits regulating expansion since the 1960's. The current proposal allows for the expansion of the educational facilities while introducing a cap on enrollment which benefits the community in the future. Additionally, the proposed project includes an off-street parking element, where no parking is currently provided legally.

**5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) 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.** Deviations to the development regulations are proposed with this project. A school is permitted in the RS-1-7 zone with a Conditional Use Permit [CUP], and this CUP would supercede prior

CUP's and act as a master plan for the Lower School. The proposed project would deviate from the height regulations with a tower element at 31'-6" maximum where 30'-0" is permitted. This deviation is requested to allow for an elevator enclosure at Building "B" to meet the Americans with Disabilities Act requirement for accessibility. The architecture for this enclosure is designed as a tower element to be consistent with the Secretary of Interior Standards, as the site contains historically designated structures. The enclosure would be visible from the front of the historic quadrangle at the west side of the school, and therefore must be designed sensitive to the historic resource.

The second deviation is the provided off-street parking. The proposed project includes a forty space on-site parking lot and two street handicapped parking spaces where seventy spaces are required for the project. An additional eight parking spaces would be constructed adjacent to the new cafeteria at the time of its construction. This deviation results in a more desirable project as other alternatives would be more disruptive to the neighborhood and community. A two-story parking garage would be visibly intrusive into the mostly residential neighborhood and a below ground structure would have greater impacts to archeological and paleontological resources.

**C. SITE DEVELOPMENT PERMIT FINDINGS - SDMC SECTION 126.0504**

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

The Francis W. Parker School is located at 4201 Randolph Street within the Uptown Community Plan area. The Uptown Community Plan identifies the majority of the existing school site as an Institutional/School Use and the project is consistent with that designation. The northern portion of the expansion of the school is designated as Low Density (5-10 du/ac) Residential, and a school use is consistent with that designation.

The Uptown Community Plan includes as a focused objective of the Community Facilities and Service Element, the transformation of school facilities into a neighborhood focal point with a strong image and identity, the maximum utilization of school facilities while eliminating overcrowding and the construction of school facilities if necessary to eliminate overcrowding conditions. The proposed development satisfies these objectives by continuing and improving the facilities of an existing school. The overall appearance of new structures would be compatible with the architectural detail and overall appearance of the historically significant buildings in the surrounding neighborhood in scale, materials and style consistent with the Uptown Community Plan. Furthermore, the Project would increase the availability of off-street parking, consistent with the Community Plan.

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

The proposed expansion project for Francis W. Parker School would add classrooms, and an off-street parking lot, along with putting an enrollment cap on the student population. The project would not be detrimental to the public health, safety, and welfare. A MMRP would be

implemented to reduce the effects of Land Use and Planning, Biological Resources, Historical Resources, Hydrology/Water Quality, Transportation/Circulation, and Hazards and Hazardous Materials to a level below significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of development apply to this Project to prevent adverse affects to those persons or properties in the vicinity.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed project is located within the RS-1-7 and RS-1-1 zones which provides for flexibility in development regulations to allow reasonable use of property while minimizing adverse impacts to adjacent properties. The current zoning allows for educational facilities with a Conditional Use Permit. The proposed project complies with the development regulations of the RS-1-7 and RS-1-1 zones , and for school uses in all areas, except for deviations for off-street parking and height. The design of the structures proposed for the project incorporate architectural elements that help to diminish building bulk. Larger structures, areas with high levels of activity, and parking areas would be located away from surrounding development that is smaller in scale or less intense. The project would provide forty off-street parking spaces and two street handicapped parking spaces.

**4. 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 proposed Francis Parker Lower School Expansion project is located at 4201 Randolph Street at the edge of Lark Street Canyon in the Uptown Community Plan area. The site is already developed for the proposed use, as the existing school and a residential structure are existing for many decades. The construction process would result in minimal disturbance because the site is previously disturbed. There are no unique, rare, endangered, sensitive or otherwise protected species occurring on the site. The potential for such species to occur on-site has been determined to be moderate to low for wildlife species and low to very low for plant species. The occurrence of raptors and other species, such as the San Diego cactus wren and the California gnatcatcher, would be limited to the coastal sage scrub habitat preserved within the MHPA, as well as the eucalyptus trees located at the southeastern end of the site. The development would incorporate mitigation measures to prevent adverse impacts to the on-site MHPA, including pre-construction surveys for California gnatcatchers, coastal cactus wren and raptors, and prohibiting the introduction of invasive plant species in on-site landscaping adjacent to the MHPA.

The project site does contain steep hillsides, east of the school in Lark Street Canyon. No new construction is proposed in this area, thus there would be no disturbance to these environmentally sensitive lands.

**5. 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 project consists of replacing existing buildings and the construction of

new buildings. Construction is not planned within the MHPA boundary, within the steep slopes area on site, or in the Lark Street Canyon. The project does not increase the risk of exposure of people to geological hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards. The use, with similar facilities, has been present on this site for decades. The site located in geologic zone 52 (Level surfaces to gently sloping terrain), and is not susceptible to landslides. The site is already landscaped and the project would include additional landscaping and brush management. Due again to the existing nature of the school, grading for the project would be minimal and the exposure of soils to significant erosion hazards would not occur. Redevelopment of the site would not increase the alteration of natural landforms and would not result in undue-risk from geological and erosional forces, flood hazards, or fire hazards.

**6. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The proposed project is sited and designed to avoid all direct impacts to environmentally sensitive lands. The project includes a MHPA boundary correction to remove existing pre-MSCP developed areas (circa 1964) from the MHPA. No native vegetation would be corrected out of the MHPA, and a small amount of additional coastal sage scrub would be included in the corrected boundary. Additionally, the project includes mitigation measures to implement the City's MSCP land use adjacency guidelines. These measures include prohibiting invasives adjacent to the MHPA, incorporating a filtration system to prevent pollutants from entering the canyon and the MHPA, and pre-construction surveys for sensitive birds species (i.e., California gnatcatcher, coastal cactus wren and raptors) if construction would occur during the bird breeding season.

The proposed construction is also sited and designed to prevent adverse impacts to the adjacent steep hillsides on site.

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

The easterly portion of the site, known as Lark Canyon is located within the MHPA. The proposed school development is located outside of, but adjacent to the MHPA. The project proposes a correction to the MHPA boundary to remove existing pre-MSCP developed areas (circa 1964) from the MHPA. No native vegetation would be corrected out of the MHPA, and a small amount of additional coastal sage scrub would be included in the corrected boundary. In total, 0.03 acres of coastal sage scrub and 0.05 acres of disturbed habitat would be included in the corrected MHPA, and 0.24 acres of eucalyptus woodland and 0.16 acres of developed land would be removed from the MHPA (Attachment 5). No development would occur within the corrected MHPA. Brush Management Zone 2 is proposed within the MHPA, which is consistent with the City's MSCP.

Conditions have also been incorporated into the project to minimize potential indirect land use adjacency to the MHPA, including drainage, landscaping and noise (See Item 6 above). With



the incorporation of mitigation to address land use adjacency impacts to the MHPA (See MMRP), the proposed project would be consistent with the City's MSCP Subarea Plan.

**8. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project is neither located near public beaches nor shorelines, and is not near enough to the coast or any major tributary to have any indirect impact on erosion or sand supply. The school is existing with structures or padded surfaces currently in the areas to contain new construction and thus would require minimal grading.

**9. 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.** The mitigation measures proposed for the project by the Mitigation Monitoring and Reporting Program, contained in EIR No. 40-1050, would reduce impacts to Noise, Land Use/Planning, Transportation/Circulation, Historical Resources (Archeology), and Water Quality/Hydrology, to a level below significance. Noise levels associated with construction of the project would be limited during the breeding seasons of the coastal cactus wren and the coastal California gnatcatcher to reduce impacts of the project to a level below significance. Construction activities would also be limited if occupied nests are found within a certain radius of the construction activities to reduce adverse impacts to migratory birds below a level of significance. A filtration device would be added the current site's drainage system to prevent runoff pollutants from entering into the MHPA.

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

BE IT FURTHER RESOLVED, that the Council adopts the following findings recommended by City staff:

1. That there shall be no more than forty Special Events per calendar year on campus, in which fifty or more individuals, not including faculty, staff or students attend, including no more than six non-school related Special Events.

The following protocol shall be implemented during Special Events: Monitors shall walk the neighborhood to make sure visitor parking or stopping does not impact individual residences;

all on-site parking shall be utilized; visitors to non-school Special Events shall park on site or be brought to and from the campus by buses or vans; Special Events shall occur no earlier than 7:00 a.m., nor later than 10:00 p.m., with the exception of one fund-raising event that may extend to no later than 11:00 p.m.

2. That eight additional parking spaces will be provided once the cafeteria has been constructed.

3. That the implementation and enforcement of the Operations Plan, Traffic and Hazard Protocol, currently in effect, is made part of the Conditional Use Permit.

4. That the implementation and enforcement of the Employee Dispersal Program is made part of the Conditional Use Permit.

BE IT FURTHER RESOLVED, that the following conditions, which the Owner/Permittee publicly agreed to, are added to the Permit:

1. That the use of portable trailers, as a temporary use during construction, shall not exceed a period of eighteen months.

2. That the Principal of the School will be the single point of contact that the City can work with for all enforcement issues pertaining to traffic.

3. That the additional eight parking spaces will meet all the applicable codes.

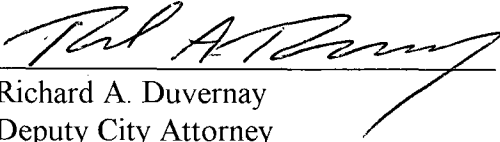
4. That the City will go back and work with the school on the design of the parking lot to ensure that it is as close as possible to meeting the landscaping regulations while meeting the intent of providing the parking spaces.

5. That the City will recover costs associated with code enforcement activities.

6. That the enrollment cap is part of the Conditional Use Permit.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Conditional Use Permit No. 2063/Planned Development Permit No. 6051/Site Development Permit No. 6050 is granted to Francis W. Parker School, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By   
Richard A. Duvernay  
Deputy City Attorney

MJL:RAD:pev  
9/30/02  
10/08/02 Cor.Copy  
01/23/03 Cor.Copy2  
Or.Dept:Clerk  
R-2003-364  
Form=permitr.frm  
Reviewed by Jeannette Temple

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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT NO. 2063**  
**PLANNED DEVELOPMENT PERMIT NO. 6051**  
**SITE DEVELOPMENT PERMIT NO. 6050**  
**FRANCIS PARKER LOWER SCHOOL EXPANSION - PROJECT NO. 1039 (MMRP)**  
**CITY COUNCIL**

This Permit is granted by the City Council of the City of San Diego to Francis Parker W. School, a California Non-profit Corporation, Owner/Permittee pursuant to the City of San Diego Land Development Code. The 4.86-acre site is located at 4201 Randolph Street in the RS-1-7 and RS-1-1 zones within the Uptown Community Plan area. The project site is legally described as a portion of block 19, lying west of the bottom of the canyon, running northerly and southerly through said block 19, portions of Lots 1 thru 3 and all of Lots 4 thru 24 inclusive in block 20, Lots 1 thru 12 and 18 thru 24 inclusive in block 21, and Lots 1 thru 4 inclusive in block 22, all of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map No. 334, filed in the Office of the County Recorder of San Diego County, together with Lots 4 thru 12 inclusive in block 20, Lots 1 thru 12 inclusive in block 21, all of North Florence Heights, in the City of San Diego, County of San Diego, State of California according to Map No. 634, filed in the Office of the County Recorder of San Diego, together with those portions of Hunter Street as closed to public use on September 30, 1914, by Resolution No. 18277, Lark Street as closed to public use on September 20, 1938, by Resolution No. 68235, Arbor Street as closed to public use on July 22, 1914, by Resolution No 17813 and on February 20, 1992, by Resolution No. 27347, Randolph Street as closed to public use on March 11, 1925, by Resolution No. 33526, and Plumosa Way, east of Randolph Street excepting those portion of Lots 1 thru 3 inclusive in Block 20 of Arnold & Choate's Addition, according to the Map thereof 334, filed in the Office of San Diego County Recorder November 29, 1872, together with Lots 1 thru 3 inclusive in Block 20 of North Florence Heights, according to Map thereof No. 634, 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, together with those portions of Hunter Street as vacated and closed to public use September 30, 1914 by Resolution No. 18277 of the Common Council of the City of San Diego, and Randolph Street as closed to public use on March 11, 1925 by Resolution

No. 33526, and described as follows: Beginning at the southwesterly corner of Lot 23, of Randolph Terrace Map No. 1991, thence along the southerly line of said Lot 23, S 89°51'34" E, a distance of 66.66 feet, thence S 00°25'56" E, a distance of 105.19 feet, thence N 89°52'10" W, a distance of 66.61 feet, to the easterly line of Randolph Street as closed to public use on March 11, 1925, by Resolution No. 33526, thence along said easterly line, N 00°11'54" E, a distance of 105.20 feet to the point of beginning. Together with any reversionary interest within the adjacent public right-of-way known as Randolph Street..

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee for the remodeling and expansion of an existing 36,172 square foot elementary school on a 4.86 acre site. Prior Conditional Use Permit Nos. C-4208, C-5363, C-7176, C-7340 and C-18837 would be superceded by this permit. The project would include the demolition of the existing north wing of the school, classrooms, and an existing one-story residence with accessory structures. Proposed construction activities would consist of 10,225 square feet of demolition, 22,910 square feet of new building space, 10,908 square feet of interior tenant improvements, and a new 40-space parking lot. The completed elementary school project would be 49,112 square feet of floor area. The project would also include a Multiple Habitat Planning Area [MHPA] boundary correction, described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated September 10, 2002, on file in the office of the Development Services Department. The facility shall include:

- a. Demolition of the existing north wing of the school, classrooms, and an existing one-story residence with accessory structures;
- b. Construction activities would consist of 22,910 square feet of new building space, for a completed elementary school of 49,112 square feet of floor area for not more than 438 students, including deviations to height and off-site parking distance requirements;
- c. 10,751 square feet of interior tenant improvements;
- d. A new 40-space parking lot, and two street handicapped parking spaces;
- e. An additional eight parking spaces upon construction of the cafeteria;
- f. An existing 12'-0" high landscaped chain link fence observing a 3'-0" front yard, in the required side yard and in the required rear yard at Montecito Way and Randolph Street;
- g. Landscaping (planting, irrigation and landscape related improvements);
- h. Off-street parking facilities;

- i. Various site retaining walls; and
- j. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the Land Development Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the San Diego Municipal Code [SDMC]/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

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

4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

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

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

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

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated September 10, 2002, on file in the office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit. It is the intent of the City that the Owner/Permittee of the property, which is the subject of this Permit, either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner/Permittee of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee complies with all the conditions of this Permit.

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

10. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated September 10, 2002, on file in the office of the Development Services Department).

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. 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 ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this permit hereby confers upon 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 Permittee by the City: (1) to grant 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 Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this permit shall be altered in the future by the City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

12. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report No. 40-1050, Project No. 1039, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use and Planning (MHPA Boundary Correction)
- Biological Resources
- Historical Resources
- Hydrology/Water Quality
- Transportation/Circulation
- Hazards and Hazardous Materials

**PLANNING/DESIGN REQUIREMENTS:**

13. No fewer than forty off-street parking spaces and two off-street handicapped spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated September 10, 2002, on file in the office of the Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.



14. Eight additional parking spaces will be provided after construction of the cafeteria. Parking spaces shall comply at all times with requirements of the SDMC/Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager
15. There shall be no more than forty Special Events per calendar year on campus, in which fifty or more individuals, not including faculty, staff or students attend, including no more than six non-school related Special Events.
16. The following protocol shall be implemented during Special Events: Monitors shall walk the neighborhood to make sure visitor parking or stopping does not impact individual residences; all on-site parking shall be utilized; visitors to non-school Special Events shall park on site or be brought to and from the campus by buses or vans; Special Events shall occur no earlier than 7:00 a.m., nor later than 10:00 p.m., with the exception of one fund-raising event that may extend to no later than 11:00 p.m.
17. Student enrollment shall not exceed 438 students at any time.
18. Deviations to development regulations are permitted for the following:
  - a. The height of the stair tower, Building "C," shall not exceed 31'-6", where 30'-0" is permitted in the zone.
  - b. The existing 12'-0" high, landscaped fence at the corner of Montecito Way and Randolph Street.
19. Francis Parker Lower School will implement and enforce the Operations Plan, Traffic and Hazard Protocol.
20. Francis Parker Lower School will implement and enforce the Employee Dispersal Program.
21. The use of portable trailers, as a temporary use during construction, shall not exceed a period of eighteen months.
22. The Principal of Francis Parker Lower School shall be the single point of contact that the City can work with for all enforcement issues pertaining to traffic.
23. Costs associated with code enforcement activities shall be recovered by the City.
24. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a

regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

25. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

26 A topographical survey conforming to the provisions of the SDMC/Land Development Code 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 regulations of the underlying zone. The cost of any such survey shall be borne by the Permittee.

27 Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

28 All construction shall be consistent with the Secretary of Interior Standards and any alterations to the proposed construction shall be reviewed by Staff to the Historic Resources Board.

29 All signage associated with this development shall be consistent with sign criteria established by citywide sign regulations.

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

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

32 No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

**LANDSCAPE REQUIREMENTS:**

33 The applicant will work with the City on the design of the parking lot to ensure that it complies as close as possible with the landscaping regulations and provides the required parking spaces.

34. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

35. In the event that a foundation only permit is requested by the Permittee or subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Concept Plan, dated September 10, 2002, 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.

36. Prior to issuance of any construction permits for structures, (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications) shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated September 10, 2002, on file in the office of The Development Services Department.

37 Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must provide forty square feet 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. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to issuance of a certificate of occupancy, for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated September 10, 2002, on file in the office of The Development Services Department.

38 Prior to issuance of any engineering permits for grading, construction documents for slope planting or revegetation and hydroseeding of all disturbed land, including irrigation plans, shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to Landscape Concept Plan, Exhibit "A," dated September 10, 2002, and any Environmental Conditions, on file in the office of The Development Services Department.

39 Installation of slope planting and erosion control, including seeding of all disturbed land (slopes and pads), consistent with the approved landscape and grading plans is considered to be in the public interest. The Permittee shall initiate such measures as soon as the grading has been accomplished. Such erosion control/slope planting, and the associated irrigation systems and appurtenances, shall be installed in accordance with the approved plans and the Landscape Standards.

40 Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/ Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment, and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

41 All required landscape shall be maintained in a disease, weed, and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Owner/Permittee shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Land Development Manual.

42. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements, consistent with the Landscape Standards unless long-term maintenance of street trees and right-of-way landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a City Landscape Planner.

43 If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available or an increased number) to the satisfaction of the City Manager

**BRUSH MANAGEMENT REQUIREMENTS:**

44 The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Program/Landscape Concept Plan, dated September 10, 2002, on file in the office of The Development Services Department.

45. Under the brush management program notes, reference to the Landscape Technical Manual shall be replaced with the following note: All Brush Management Zones shall be planted or maintained in accordance to the standards referenced within the Land Development Manual - Landscape Standards SDMC § 142.0412 .

46 Prior to 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," dated September 10, 2002, on file in the office of the Development Services Department.

47 Prior to issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A," dated September 10, 2002, on file in the office of the Development Services Department, and shall comply with the Uniform Fire Code, MC 55.0889.0201, the Landscape Standards and the Land Development Code section 142.0412 (Ordinance - 18451).

48 The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows:

Zone One	Zone Two
35' minimum	30' minimum

49 The construction documents shall conform to the Architectural features as described in the Land Development Code, section 142.0412(d).

50 Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc) are not permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and the City Manager's approval.

51 Provide the following note on the Brush Management Construction Documents, "It shall be the responsibility of the 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."

52 Within Zones One and Two, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Section and the Environmental Analysis Section.

53 Prior to final inspection for any building, the approved Brush Management Program shall be implemented.

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

**ENGINEERING REQUIREMENTS:**

- 55 Prior to the issuance of any building permits, the applicant shall obtain a bonded grading permit for the grading proposed with this project. All grading shall conform to requirements in accordance with grading sections of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
- 56 The drainage system as shown on the approved plans is subject to approval of the City Engineer.
- 57 Prior to building occupancy, the applicant shall conform to the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.
- 58 Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of standard driveways at all new driveway locations, sidewalk with full height curb and gutter on Randolph Street, at the street closure of Plumosa Way, satisfactory to the City Engineer.
- 59 Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the installation of pedestrian ramps at all corners of the intersections of Randolph Street and Plumosa Way and Randolph Street and Montecito Way satisfactory to the City Engineer.
- 60 Project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 769830, filed January 30, 1997) and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000.
- 61 All proposed sewer facilities on-site and in Plumosa Way shall be private.
- 62 No private sewer facilities shall be installed in or over any public right of way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.
- 63 Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
- 64 CC&Rs shall be required and maintenance of on-site private water facilities that serve or traverse more than a single lot.
- 65 Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of new water service(s) as necessary and the removal of all existing

unused services adjacent to the project site within the Plumosa Way and Randolph Street rights-of-way, in a manner satisfactory to the Water Department Director and the City Engineer. No water meters shall be located within any vehicular travel way.

66 All on-site water facilities shall be private including any fire hydrants.

67 The developer agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Facilities, as shown on approved Exhibit "A," dated September 10, 2002, on file in the office of the Development Services Department, will require modification at final engineering to comply with standards.

**INFORMATION ONLY**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development 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.

APPROVED by the City Council of the City of San Diego by Resolution No. R-297052, on September 10, 2002.

AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

FRANCIS W. PARKER SCHOOL  
Owner/Permittee

By \_\_\_\_\_

By \_\_\_\_\_

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

R- 297052