

(R-2003-959)

RESOLUTION NUMBER R-297594

ADOPTED ON JANUARY 28, 2003

WHEREAS, the Roman Catholic Bishop of San Diego, a Corporation Sole, Owner and the Diocese of San Diego, Permittee, filed an application with the City of San Diego for Site Development Permit [SDP] No. 5908/Coastal Development Permit [CDP] No. 5909 (Amendments to Carmel Valley Planned District Permit No. 90-0607 and Coastal Development Permit No. 93-0190) to allow for the construction of a new church, social hall, parish center, educational center, parking facilities, landscape and minor public improvements and demolition of existing buildings, known as the St. William Church project, located at 4343 Del Mar Trails Road, and legally described as Lot 1, Carmel Del Mar Neighborhood 5 East, Unit No. 12, according to Map No. 12984, filed December 18, 1991 with a Portion of Parcels 23, 24, 25, and 26 of Parcel Map No. 12871, filed August 26, 1983, in the Carmel Valley Community Plan area, in the Carmel Valley Planned District Special Use Area zone; and

WHEREAS, on December 5, 2002, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 5908/Coastal Development Permit [CDP] No. 5909 (Amendments to Carmel Valley Planned District Permit No. 90-0607 and Coastal Development Permit No. 93-0190), and pursuant to Resolution No. 3333-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on January 28, 2003, 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 SDP No. 5908/CDP No. 90-0607 (Amendments to Carmel Valley Planned District Permit No. 90-0607 and Coastal Development Permit No. 93-0190):

A. SITE DEVELOPMENT

1. The proposed development will not adversely affect the applicable land use plan. The Carmel Valley Neighborhood Five Precise Plan identifies this site for special uses as indicated by the SP designation. The design of the site plan, layout of the improvements, creation of slopes, provision of erosion control and slope stability will reduce the risks of slope instability and erosion, minor improvements in the public right-of-way, installation of landscape, and construction of other site improvements is consistent with the land use plan and other design criteria in the existing precise plan. Being determined that the proposed project is consistent with the precise plan, the proposed project will not adversely affect the land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The permit controlling the development and continued use of the development proposed for this site contains conditions addressing the project compliance with the City's regulations and other regional, state and federal regulations to prevent detrimental impacts to the health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require compliance with several operational constraints and development controls intended to assure the continued health, safety and general welfare of persons residing or working in the area. All Building, Fire, Plumbing, Electrical, Mechanical Code and the City regulations governing the construction and continued operation of the development apply to this site to prevent adverse affects to those persons or other properties in the vicinity.

3. The proposed development will comply with the applicable regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into SDP Permit No.5908/CDP Permit No. 5909. Development of property shall meet all requirements of the regulations and development criteria. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project.

B. ENVIRONMENTALLY SENSITIVE LANDS

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 project site has been previously disturbed and is presently partially developed with a dirt parking lot and a modular building, a parish center, and a rectory. The remainder of the site contains 0.3 acres of southern maritime chaparral habitat Tier I habitat, and 0.7 acres of Diegan coastal scrub habitat Tiers I-III habitat. Disturbance within and surrounding sensitive habitats will be prevented through monitoring during the construction phases to ensure that construction

activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit "A," dated January 28, 2003, on file in the Office of the Development Services Department. All sensitive habitat impacted by construction activities will be mitigated by conditions required in the permit. Grading plans shall clearly identify the type and location of erosion control devices to preclude any potential erosion impacts to the sensitive habitats to be preserved within and adjacent to the project footprint as shown on the approved Exhibit "A," dated January 28, 2003, on file in the Office of the Development Services Department. The proposed impacts are the least area practical while still allowing for development of the site. That the project will not have a significant effect on the environment is based on an Initial Study of the proposal, project revisions and conditions which mitigate potentially significant environmental impacts. There are no other environmentally sensitive resources present on the site.

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 will create minor manufactured slopes with a maximum height of less than 10 feet in the vertical. All slopes will be planted with species capable of adding stability to the slopes and prevent soil erosion. Drainage requirements for the project will include directing all drainage to existing facilities to contain any storm flows. No risks from wild fires exist on the site and no brush management is required to approve the proposed development. Conditions of approval require the notes must be placed on the grading plan to address potential faults discovered during grading operations and steps to remediate the situation should that be necessary based upon further geologic review. These conditions will minimize undue risks from geologic instability with the potential to affect the safety of the site.

6. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The site contains limited sensitive plant resources and these would be mitigated through conditions of approval required for the project in the Mitigation Monitoring and Reporting Program [MMRP]. The applicant would provide off-site preservation of 0.3 acres of Tier I habitat inside the Multiple Habitat Planning Area [MHPA], or 0.6 acres of Tier I - southern maritime chaparral habitat outside the MHPA, and 0.7 acres of Tiers I-III inside the MHPA, or 1.05 acres of Tier II - Diegan coastal scrub habitat outside the MHPA. In lieu of offsite acquisition, payment into the City's Habitat Acquisition Fund in the sum of \$49,500 is also acceptable. No other environmentally sensitive resources would be impacted by the development of the proposed project.

7. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The site is not within or adjacent to the MSCP Subarea Plan or MHPA and therefore is consistent with the goals of the these plans.

8. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The project site is three to four miles from any local coastal resources. The development of this site will not impact any public beaches or adversely impact shoreline sand supplies.

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 required to address Biological impacts, potential Hydrology/Water Quality impacts, potential Noise and Paleontological Resources have been required to reasonably address real or potential impacts resulting from the proposed development.

C. COASTAL DEVELOPMENT

10. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The project site is three to four miles from any local coastal resources. The development of this site will not impact nor encroach upon any existing physical accessway identified in the Local Coastal Program land use plan. There are no views from the site to or along the ocean or any other scenic coastal areas.

11. The proposed coastal development will not adversely affect environmentally sensitive lands. See Finding 6 above.

12. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The project complies with the Carmel Del Mar Neighborhoods 4, 5 & 6 Precise Plan and the relevant regulations of the LDC. No deviations or variances are required to approve the proposed project.

13. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project is not located between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone. The public access and public recreation policies of Chapter 3 of the California Coastal Act do not apply at this site three to four miles from the coastal resources.

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

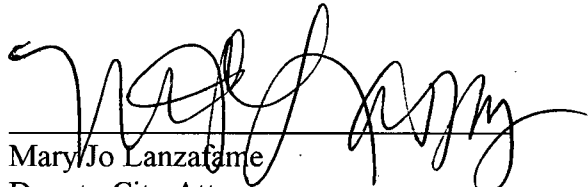
BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 5908/Coastal Development Permit No. 5909

(Amendments to Carmel Valley Planned District Permit No. 90-0607 and Coastal Development

Permit No. 93-0190) is granted to the Roman Catholic Bishop of San Diego, a Corporation Sole, Owner and the Diocese of San Diego, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
1/31/03
Or.Dept:Clerk
R-2003-959
Form=permitr.frm
Reviewed by John Fisher

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

Site Development Permit No. 5908/Coastal Development Permit No. 5909
St. William Church, PTS# 3552 (MMRP)
Amending Carmel Valley Planned District Permit No. 90-0607 and
Coastal Development Permit No. 93-0190
City Council

This Permit, amending Carmel Valley Planned District Permit No. 90-0607 and Coastal Development Permit No. 93-0190, is granted by the Council of the City of San Diego to the Roman Catholic Bishop of San Diego, a Corporation Sole, Owner and Diocese of San Diego, Permittee pursuant to City of San Diego Municipal Code [SDMC] sections 126.0501, 103.0601 and 126.0701. The 14.4 acre site is located at 4343 Del Mar Trails Road in the Carmel Valley Planned District Special Use Area zone of the Carmel Valley Community Plan area. The project site is legally described as Lot 1, Carmel Del Mar Neighborhood 5 East, Unit No. 12, according to Map No. 12984, filed December 18, 1991 with a Portion of Parcels 23, 24, 25, and 26 of Parcel Map No. 12871, filed August 26, 1983.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to allow construction of a new church, social hall, parish center, educational center, parking facilities, landscape, minor public improvements and demolition of existing buildings described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated January 28, 2003, on file in the Office of the Development Services Department. The facility shall include:

- a. A new church with basement approximately 18,400 square feet, social hall approximately 15,000 square feet, parish center approximately 6,560 square feet, educational center approximately 32,432 square feet, parking facilities;
- b. Demolition of existing buildings;
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. Off-street parking facilities;
- e. Minor public improvements, retaining walls, project monument walls with signs, site grading, trellises, water feature, play areas, sports court and lighting; and
- f. 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 SDMC 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. Should this Permit not be utilized, the previous Carmel Valley Planned District Permit No. 90-0607 and Coastal Development Permit No. 93-0190, those amended by this Permit, shall remain in force and grant any rights established by such permits. Should this Permit be recorded and utilized, all previous permits shall be null and void. Any Extension of Time must meet all the SDMC 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 agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for said 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 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.

8. 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.

9. 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 January 28, 2003, 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.

10. 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.

11. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, following all appeals.

12. Prior to issuance of a grading or pre-grading permit, a fee of an amount to be determined based on the total amount of area to be graded as indicated on the final grading plans shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded. The enhancement fee shall be computed by the applicant and verified by the Development Services Department.

13. Prior to issuance of a building permit for the construction of any building, a fee of an amount to be determined based on the total amount of impervious surfaces to be created as indicated on the final construction plans shall be deposited with the Development Services Department for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the applicant and verified by the Development Services Department.

14. Development within the 150 foot wide SDG&E easement shall be limited to parking and driveway areas and development is restricted to fifty percent of the area within the easement, although grading to implement the site work may be more than fifty percent. The remaining portion of the easement shall be preserved in a natural condition, maintained or revegetated with predominantly drought tolerant native and naturalized landscaping.

15. Building materials and colors shall utilize predominantly earth tones.

16. Building facades shall be setback from adjacent residential properties a minimum of 45 feet.

17. The ringing of church bells and other activities that generate noise shall not exceed the noise standards of the SDMC. Ringing of church bells shall not occur before 8:30 a.m. or after 10:00 p.m. daily.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

18. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, Project No. 3552, 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:

- Biological Resources
- Hydrology/Water Quality
- Noise
- Paleontological Resources

PLANNING/DESIGN REQUIREMENTS:

19. No fewer than 343 off-street parking spaces, including motorcycle spaces, shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," January 28, 2003, on file in the Office of the Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

20. 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.

21. 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.

22. 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 regulations of the underlying zone. The cost of any such survey shall be borne by the Permittee.

23. All signage associated with this development shall be consistent with sign criteria established by either of the Carmel Valley Planned District sign regulations.

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

25. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the Director of the Development Services Department.

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

27. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

28. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, 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 architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

29. No merchandise, material or equipment shall be stored on the roof of any building.

30. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Refuse and Recyclable Materials Storage Regulations (SDMC section 142.0801) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated January 28, 2003, on file in the Office of the Development Services Department.

31. The Owner/Permittee shall make a good faith effort to acquire the property located southeast of the sanctuary and if it is successful, shall landscape and maintain that property in a manner that is consistent with the balance of their project.

32. If complaints are filed with the Owner/Permittee or City Traffic Operations Division that the queue in the morning for school is spilling into the right-of-way, the school will cooperate with the City's Traffic Operations Division to address this issue by staggering school start times.

OPEN SPACE REQUIREMENTS:

33. Prior to the issuance of any building permits the Owner/Permittee shall provide an irrevocable offer to grant in fee a 30 foot wide strip of land, beginning just south of the small city fee owned open space parcel, south along the west boundary until it is opposite and 20 feet beyond the City fee owned open space adjacent to the west.

LANDSCAPE REQUIREMENTS:

34. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit has been granted by the City. All plan specifications and notes mentioned in the conditions below shall be consistent with the SDMC/Land Development Code [LDC] section 142.0401, City Landscape Standards, Exhibit "A," Landscape Development Plan, Details and Notes, dated January 28, 2003, on file in the Office of the Development Services Department.

35. All required landscape plant materials shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to it's mature height and spread.

36. The Owner/Permittee shall be responsible for the maintenance of all street trees and landscape improvements, including right-of-way landscaping along the property's Del Mar Trails Road frontage, consistent with the Landscape Standards. A Landscape Maintenance Agreement and bond shall be entered into prior to issuance of any grading or construction permit. The agreement and bond shall be renewed each year until such time that another approved entity

assumes responsibility such as a property owners association or a Landscape Maintenance District.

37. If any required landscape improvements, including existing, relocated trees or new planting, hardscape, landscape features, etc., are damaged or removed during demolition or construction, they shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager, within thirty days of damage and prior to any Certificate of Occupancy.

38. All tree locations shall have a 40 square feet minimum area around each tree's root zone, which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of any tree. During improvement activities the locations of all trees shall be identified with a lodge pole tree stake and inspected by the field engineer prior to the installation of any wet or dry utility stub-outs and placement of any pavement.

ENGINEERING REQUIREMENTS:

39. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99-08-DWQ.

40. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the SDMC in a manner satisfactory to the City Engineer.

41. Prior to building occupancy, the Owner/Permittee shall conform to the SDMC, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public

improvements is required, the Owner/Permittee shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

42. Prior to the issuance of any permits, Owner/Permittee shall obtain and show evidence of a letter of concurrence from Caltrans for any work in their right-of-way if work in the Caltrans right-of-way is proposed.

43. The drainage system proposed for this development, as shown on the plans, is subject to approval by the City Engineer.

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

TRANSPORTATION REQUIREMENTS:

45. The Owner/Permittee shall provide and maintain adequate sight distances for the two proposed driveways on Del Mar Trails, satisfactory to the City Engineer.

GEOLOGY REQUIREMENTS:

46. A soil investigation report is required that addresses the project's grading plan.

47. The following special notes must be placed on the grading plan:

Faults discovered during grading of the site shall be evaluated and analyzed for activity level by the geotechnical consultant with detailed reports submitted subject to review and approval by City Geology staff prior to issuance of building permits.

The precise as-graded location of faults shall be shown on the Final As-Graded plans subject to review and approval by City Geology staff.

A "Notice of Geologic and Geotechnical Conditions" shall be recorded prior to issuance of building permits for buildings sited over any potentially active fault(s) discovered onsite unless a setback from the fault is recommended by the Geotechnical Consultant. No structure for human occupancy shall be permitted over the trace of an active fault.

WATER REQUIREMENTS:

48. Prior to the issuance of any building or grading permits, the Owner/Permittee shall assure, by permit and bond, the cut and plug of the existing public 8-inch water facilities, traversing the

project site, within the Del Mar Trails Road right-of-way adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

49. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) within the Del Mar Trails Road right-of-way, and the removal of existing services within and adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

50. Prior to the issuance of any building permits, the Owner/Permittee shall record the approved easement vacation of the water and sewer easement traversing the project site in a manner satisfactory to the Director of the Water Department and the City Engineer.

51. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational, including, but not limited to, the abandonment of existing public water facilities and associated easements on-site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

52. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

53. All on-site water facilities shall be private including domestic, irrigation, and fire systems.

54. The Owner/Permittee 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. Water facilities as shown on the approved Exhibit "A," dated January 28, 2003, on file in the Office of the Development Services Department, shall be modified at final engineering to comply with standards.

55. Prior to recording the easement vacation, the Owner/Permittee shall cut, plug and abandon the existing public water main, located within the easement to be vacated traversing Lot 1, Unit 12 of Map 12984, in a manner satisfactory to the Director of the Water Department and the City Engineer. Abandonment shall be "as-built" prior to recording the easement vacation.

WASTEWATER REQUIREMENTS:

56. Prior to the issuance of any building or grading permits, the Owner/Permittee shall abandon on-site public sewer mains or they will be converted to private, satisfactory to the Director of the Metropolitan Wastewater Department. Any associated public easements shall be vacated, satisfactory to the Director of the Metropolitan Wastewater Department.

57. Prior to the issuance of any building or grading permits, the Owner/Permittee shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the Director of the Metropolitan Wastewater Department. Minimum easement width for sewer mains with manholes is 20 feet. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the Director of the Metropolitan Wastewater Department.

58. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

59. No structures or landscaping, including private sewer facilities and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

60. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

61. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

62. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's sewer design guide. Proposed facilities that do not meet the current standards shall be private or re-designed.

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. In addition, the Owner/Permittee shall submit calculations, satisfactory to the Director of the Metropolitan Wastewater Department, for sizing of the sewer lateral from the property line to its connection with the public sewer main.

INFORMATION ONLY

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 Permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego by Resolution No. R-297594 on January 28, 2003.

AUTHENTICATED BY THE CITY MANAGER

By _____

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.

The Roman Catholic Bishop of San Diego,
a Corporation Sole
Owner

By _____

Diocese of San Diego
Permittee

By _____

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

R- 297594