

RESOLUTION NUMBER R-298740

ADOPTED ON **DEC 09 2003**

WHEREAS, Saint Augustine High School of San Diego, Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit No. 8110, Planned Development Permit No. 34245, and Easement Abandonment No. 44655 to demolish existing structures and redevelop portions of the existing high school campus in three phases, known as the Saint Augustine High School Master Plan project, located at 3266 Nutmeg Street, and legally described as Block 5 and Block 6, Carmel Heights Subdivision, according to map thereof, No. 1736, filed in the Office of the County Recorder of said San Diego County September, 1922, in the Greater North Park Community Plan area, in the RS-1-7; and

WHEREAS, on October 30, 2003, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 8110, Planned Development Permit No. 34245, and Easement Abandonment No. 44655, and pursuant to Resolution No. 3428-PC voted to recommend approval of the Permit; and

WHEREAS, the matter was set for public hearing on December 9, 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 Conditional Use Permit No. 8110, Planned Development Permit No. 34245, and Easement Abandonment No. 44655 Permit No.:

07413-2 1110-05

A. CONDITIONAL USE PERMIT

1. **The proposed development will not adversely affect the applicable land use plan.** The Saint Augustine High School has operated continuously on this site as an educational institution since 1923. The school has been an integral part of the North Park neighborhood for eighty years. The Greater North Park Community Plan designates the entire 7.5-acre site for Public/Institutional land use. The use of this site as an educational institution is consistent with this land use designation and therefore, the proposed development will not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is a master plan to redevelop the existing high school campus in three phases. The development will be confined to the existing 7.5-acre site and will not increase or intensify the use of the property. Permit conditions have been included that would establish an enrollment cap at the current level of 700 students (average per year); therefore, no additional impacts associated with the expansion of student population are anticipated as part of this development. Additionally, the redevelopment plan would provide 145 off-street parking spaces which would reduce the number of students utilizing on-street parking within the neighborhood. The site would be architecturally upgraded with new structures while historically significant architectural elements of the old campus would be preserved. The proposed development would visually enhance the property and provide a modern educational facility for the community. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. **The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The proposed development will comply to the extent feasible with the regulations of the Land Development Code. The proposed development meets or exceeds all of the development regulations of the underlying RS-1-7 Zone with the exception of the maximum 30 foot height limit, minimum yard setbacks and fence height. The requested deviation to exceed the height limit and setbacks are considered minor relative to the overall size of the property when compared to the surrounding lots, and considering the use of the property as an educational facility. The proposed height deviation would allow the structures to be designed with additional architectural interest such as the proposed tower element, varied roof lines and massing of the structures in logical sequence, while the setback deviations would allow the structures to utilize the existing grade and angle the buildings away from the street. Additionally, the height and setback deviations would allow for more efficient use of the property by reducing the overall lot coverage and providing increased opportunity for open, landscaped areas that contribute to and enhance the overall design of the project. The fence height deviation is necessary to curtain sporting activities within the athletic fields and outdoor basketball court. The extended fence height is consistent with the use of the property as an educational facility.

4. **The proposed use is appropriate at the proposed location.** The Saint Augustine High School has operated continuously on the site since 1923. The use of the site as an educational facility is consistent with the Public/Institutional land use designation of the Greater North Park Community Plan. The use of the property as an educational facility is allowed within the

residentially zoned neighborhood with an approved Conditional Use Permit. Conditions which would be applied to the permit would reduce the current level of on-street parking and vehicular circulation through the neighborhood by assigning designated off-street parking spaces. Additionally, a condition requiring a periodic review of the use and compliance with the conditions would be included in the approved permit. Therefore, the use is appropriate at this location.

B. PLANNED DEVELOPMENT PERMIT

1. **The proposed development will not adversely affect the applicable land use plan.** The Saint Augustine High School has operated continuously on this site as an educational institution since 1923. The school has been an integral part of the North Park neighborhood for 80 years. The Greater North Park Community Plan designates the entire 7.5-acre site for Public/Institutional land use. The use of this site as an educational institution is consistent with this land use designation and therefore, the proposed development will not adversely affect the applicable land use plan.

2. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is a master plan to redevelop the existing high school campus in three phases. The development will be confined to the existing 7.5-acre site and will not increase or intensify the use of the property. Permit conditions have been included that would establish an enrollment cap at the current level of 700 students (average per year); therefore, no additional impacts associated with the expansion of student population are anticipated as part of this development. Additionally, the redevelopment plan would provide 145 off-street parking spaces which would reduce the number of students utilizing on-street parking within the neighborhood. The site would be architecturally upgraded with new structures while historically significant architectural elements of the old campus would be preserved. The proposed development would visually enhance the property and provide a modern educational facility for the community. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. **The proposed development will comply with the regulations of the Land Development Code.** The proposed development will comply to the extent feasible with the regulations of the Land Development Code. The proposed development meets or exceeds all of the development regulations of the underlying RS-1-7 Zone with the exception of the maximum 30 foot height limit, minimum yard setbacks and fence height. The requested deviation to exceed the height limit and setbacks are considered minor relative to the overall size of the property when compared to the surrounding lots, and considering the use of the property as an educational facility. The proposed height deviation would allow the structures to be designed with additional architectural interest such as the proposed tower element, varied roof lines and massing of the structures in logical sequence, while the setback deviations would allow the structures to utilize the existing grade and angle the buildings away from the street. Additionally, the height and setback deviations would allow for more efficient use of the property by reducing the overall lot coverage and providing increased opportunity for open, landscaped areas that contribute to and enhance the overall design of the project. The fence height deviation is necessary to curtain

sporting activities within the athletic fields and outdoor basketball court. The extended fence height is consistent with the use of the property as an educational facility.

4. The proposed development, when considered as a whole, will be beneficial to the community. The Saint Augustine High School has been a significant historical presence in the North Park community and the San Diego area in general. The proposed redevelopment of the existing campus will improve the appearance of the neighborhood and improve the educational opportunities for residents attending the school. The redevelopment plan will add off-street parking spaces that would reduce the current traffic impact on the surrounding streets. The school's track facilities are generally open to the public and would continue to serve as an active, recreational space within the neighborhood. The proposed project would allow conditions and restrictions to be placed on the use of the property to ensure that the development remains compatible with the surrounding residential uses. Therefore, the proposed development, when considered as a whole, will be beneficial to the community.

5. Any proposed deviations pursuant to 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. The requested deviation to exceed the height limit is considered minor relative to the overall size of the property when compared to the surrounding lots, and considering the use of the property as an educational facility. The proposed height deviation allow the structures to designed with additional architectural interest such as the proposed tower element, varied roof lines and massing of the structures in logical sequence. Additionally, the height deviation allows for more efficient use of the property by reducing the overall lot coverage and providing increased opportunity for open, landscaped areas that contribute to and enhance the overall design of the project. Therefore the proposed deviations pursuant to 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.

C. EASEMENT ABANDONMENT

1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated. The easement abandonment is required as part of this development permit because the existing water and wastewater facilities within the easement only service the Saint Augustine property and are required to be private services pursuant to the City of San Diego Water Facility Design Guidelines and the City of San Diego Sewer Design Guidelines.

2. The public will benefit from the action through improved utilization of the land made available by the abandonment. The proposed abandonment of the existing utility easement and privatization of the existing utilities will benefit the public by releasing the City from maintenance and repair activities associated with the utilities, as well as any liability for damage to private property resulting from the private facilities. Additionally, the abandonment of the existing easements and relocation of the private services would allow greater use of the property by allowing structures to be located within the area of the vacated easements.

3. **The abandonment is consistent with any applicable land use plan.** The proposed easement abandonment and relocation would allow for the proposed redevelopment of the site as an institutional use that is consistent with the land use designation of the Greater North Park Community Plan.

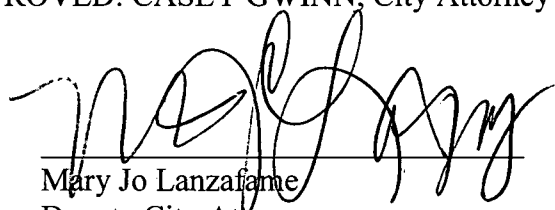
4. **The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.** The utility lines within the easement originally served the surrounding neighborhood subdivision as well as the school. The easement abandonments are required as part of this development permit because the existing water and wastewater facilities within the easement now only service the Saint Augustine property and therefore, are required to be private services pursuant to the City of San Diego Water Facility Design Guidelines and the City of San Diego Sewer Design Guidelines. Since the portion of Bancroft Street between Nutmeg Street and Palm Street was vacated in 1990, there is no additional public benefit to maintain utility easements servicing only the Saint Augustine site.

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 Conditional Use Permit No. 8110, Planned Development Permit No. 34245, and Easement Abandonment No. 44655 is granted to Saint Augustine High School of San Diego, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
03/04/04
Or.Dept: DSD
R-2004-841
Reviewed by John P. Hooper
Development Project Manager

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 8110
PLANNED DEVELOPMENT PERMIT NO. 34245
EASEMENT ABANDONMENT NO. 44655
SAINT AUGUSTINE HIGH SCHOOL - PROJECT NO. 4869
CITY COUNCIL

This Conditional Use Permit No, 8110; Planned Development Permit No. 34245; Easement Abandonment No. 44655, is granted by the City Council of the City of San Diego to Saint Augustine School of San Diego, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 125.1040, 126.0305 and 126.0604. The 7.5-acre site is located at 3266 Nutmeg Street in the RS-1-7 zone of the Greater North Park Community Plan Area. The project site is legally described as Block 5 and Block 6, Carmel Heights Subdivision, according to Map thereof, No.1736, filed in the Office of the County Recorder of said San Diego County September, 1922.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner and Permittee to redevelop the existing high school campus in phases including the proposed demolition and construction, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated December 9, 2003, on file in the offices of the Development Services Department. The exhibits are identified as follows:

Sheets L-1 through L-2: Landscape Concept Plans
Sheets A-1 through A-23: Site Development Plans

The project shall include the construction of:

- a. One two-story classroom and one three-story classroom totaling 58,099 square-feet;
- b. Multi-Purpose Gymnasium totaling 35,517 square-feet
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking facilities;

- e. 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.

STANDARD REQUIREMENTS:

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 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 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 December 9, 2003, on file in the Offices 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.

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 Conditional Use Permit [CUP] and corresponding use of this site shall be subject to periodic review every fifth year throughout the life of the permit for compliance with the conditions contained herein. The applicant shall submit plans and documentation for a Substantial Conformance Review to the development Services Department in accordance with a Process Two decision and include a recommendation from the Greater North Park Planning Committee. Upon notification by the City, the applicant will deposit sufficient funds to cover the cost of the review.

11. This Permit may be developed in phases. Each phase shall be constructed consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibit A dated December 9, 2003, on file in the Offices of the Development Services Department).

12. All construction activities for each phase of this development shall be prohibited from 7:00 PM Saturday to 7:00 AM Monday. Construction activity Monday through Saturday will comply with all applicable noise and nuisance ordinances per the City of San Diego Municipal Code.

13. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

14. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.
15. As conditions of Conditional Use Permit No. 8110; Planned Development Permit No. 34245; Easement Abandonment No. 44655, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 4869 shall be noted on the construction plans and specifications under the heading: ENVIRONMENTAL/MITIGATION REQUIREMENTS.
16. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 4869 satisfactory to the City Manager and City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Paleontological resources

17. The MMRP shall require a deposit of \$3,200.00 to be collected prior to the issuance of a grading permit to cover the City's costs associated with implementation of the MMRP.

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any building permits for any phase of this development, 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.
19. Prior to the issuance of building permits for Phase 3 construction, the proposed No Parking Zone from 7:00 AM to 9:00 AM, Monday through Friday, during the school year shall be placed on the west side of 33rd Street, south of Palm Street to the new parking garage access as shown on Exhibit "A" - dated December 9, 2003, on file in the Offices of the Development Services Department.
20. Prior to issuance of any construction or building permits, the applicant shall dedicate 10 additional feet of right-of-way (maintaining a 10 foot curb-to-property line distance) for the expanded Nutmeg Street student drop-off area (from 135' to 216') satisfactory to the City Engineer.
21. Prior to issuance of any construction or building permits, the applicant shall assure by permit and bond the installation of new Type G-2 curb & gutter and sidewalk on Nutmeg Street for the segment of student drop-off area expansion satisfactory to the City Engineer.
22. Prior to the issuance of any construction or building permits, the applicant shall assure, by permit and bond, the installation of new Type G-2 curb and gutter on the project's entire

frontage to 32nd Street, Palm Street and 33rd Street. All non-utilized driveways will be closed with full height curb gutter and sidewalk satisfactory to the City Engineer. Note: Should the sidewalk be in a section where the scoring pattern is the square historic grid, the new sidewalk will be installed with a scoring pattern to match that of the existing.

23. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Conditional Use Permit.

24. 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. Note: a grading permit is required for each of the three phases. At no time shall there be more than one grading permit for the same area of land.

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

26. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

27. Prior to the issuance of any construction permit the applicant shall incorporate and show the type and location of all post-construction Best Management Practices [BMPs] on the final construction drawings, consistent with the approved Water Quality Technical Report.

LANDSCAPE REQUIREMENTS:

28. 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.

29. 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 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."

30. 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 Development Plan dated December 9, 2003, on file in the Office of the Development Services Department.

31. Prior to issuance of any construction permit for parking structures, the Permittee shall submit on the planting and irrigation plans a signed statement by a Registered Structural Engineer indicating that supporting structures are designed to accommodate the necessary structural loads and associated planting and irrigation.

32. 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 include a Street Tree Location Plan, in substantial conformance with Exhibit "A," which identifies a station point for each street tree location that takes into account a 40 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.

33. Prior to issuance of any engineering permits for grading or improvements, construction documents for revegetation and hydroseeding of all disturbed land including irrigation 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 PDP/CUP Permit No. 7101 (including Environmental conditions) and Exhibit "A," dated December 9, 2003, on file in the Office of the Development Services Department.

34. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

35. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

36. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements in the right-of-way 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 Landscape Planner.

37. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

38. Upon completion of Phase 3 no fewer than 145 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit A dated December 9, 2003, on file in the Offices of the Development Services

Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

39. The average annual enrollment shall not exceed 700 students throughout the school year.
40. The use of outdoor night lighting, including temporary installation, for the athletic field is prohibited by this Conditional Use Permit.
41. There shall be compliance with the regulations of the underlying zone 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.
42. Deviations have been granted as part of this Planned Development Permit to allow the height of the structures to exceed the maximum 30 foot height limit of the underlying zone; to allow a reduced setback of 5'-4" for the Phase 1 classroom buildings; and to allow for the fence height to exceed the maximum 6'-0" height limit at the property line. The height(s) of the building(s) or structure(s) and the linear distance of the reduced setbacks shall not exceed those heights or distances set forth in the conditions and the Exhibit "A" - dated December 9, 2003, on file in the Offices of the Development Services Department (including, but not limited to, site plans, elevations and cross sections).
43. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.
44. 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.
45. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
46. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

WASTEWATER REQUIREMENTS:

47. All on-site sewer will be private.
48. Prior to the issuance of any grading permits, the developer 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.

49. No private sewer facilities shall be in or over any public right of way prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

50. The developer shall design and construct any 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 re-designed.

51. 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.

WATER REQUIREMENTS:

52. Prior to the issuance of any building permits, including foundation, the Owner/Permittee shall assure, by permit and bond, the design and construction of 12-inch public water facilities within the Palm Street right-of-way, from Bancroft Street to 33rd Street, in a manner satisfactory to the Director of the Water Department and the City Engineer.

53. Prior to the issuance of any building permits, including foundation, the Owner/Permittee shall cut, plug, and abandon the existing public water facilities, located within the easement to be vacated traversing the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer.

54. 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) outside of any vehicular use area, in a manner satisfactory to the Director of the Water Department and the City Engineer.

55. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device on each water service, existing or proposed, in a manner satisfactory to the Director of the Water Department and the City Engineer.

56. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Marshal, the Director of the Water Department and the City Engineer. All on-site fire hydrants shall be private.

57. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services, shall be complete and operational in a manner satisfactory to the Director of the Water Department and the City Engineer.

58. 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.

Public water facilities, as shown on the approved Exhibit "A", shall be modified at final engineering to conform to standards.

59. Prior to the recordation of the easement vacation, the Applicant shall design and construct new public 12-inch water facilities, within the Palm Street right-of-way from Bancroft Street to 33rd Street, and abandon existing public water facilities within the easement, in a manner satisfactory to the Director of the Water Department, the Fire Marshal and the City Engineer.

STORMWATER REQUIREMENTS:

60. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), *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

61. 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 SWRCB Order No. 99-08-DWQ.

INFORMATION ONLY:

62. 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-298740 on December 9, 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.

Saint Augustine High School of San Diego
Owner/Permittee

By _____

By _____

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

Reviewed by John P. Hooper
Development Project Manager