

RESOLUTION NUMBER R-300618

ADOPTED ON JUNE 28, 2005

WHEREAS, Francis Parker School, a California Corporation, Owner/Permittee, filed an application with the City of San Diego for a conditional use permit/site development permit/planned development permit to increase the number of students, and accommodate phased modifications on the campus to include demolition, renovation and construction of new school facilities to include deviation to height and setback requirements for a project known as the Francis Parker School project, located at 6501 Linda Vista Road, and legally described as Parcels 1 and 2 of Parcel Map No. 5465, in the Linda Vista Community Plan area, in the RM-1-1 zone; and

WHEREAS, on May 12, 2005, the Planning Commission of the City of San Diego considered Conditional Use Permit [CUP] No. 84874 which amends and supersedes Conditional Use Permit No. 94-0207/Site Development Permit (ESL) [SDP] No. 215276/Planned Development Permit [PDP] Permit No. 84875, and Sewer Easement Abandonment No. 215168, and pursuant to Resolution No. 3750-PC voted to recommend City Council approval of the Permit; and

WHEREAS, the matter was set for public hearing on June 28, 2005, 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. 84872 which amends and supersedes Conditional Use Permit No. 94-0207/Site Development Permit (ESL) No. 215276/Planned Development Permit No. 84875:

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

1. **The proposed development will not adversely affect the applicable land use plan.** The proposed project is located within the Linda Vista Community Plan area. The plan designates the Francis Parker School site for “School” use. The proposed rehabilitation and construction of expanded school facilities is in conformance with policies in the Linda Vista Community Plan relating to institutional facilities in the community. The community plan calls for regulating the growth and operation of educational institutions so that impacts to the community are minimized. Specifically, the community plan calls for the development and growth of the Francis Parker School to be regulated to ensure that impacts to the surrounding neighborhood, especially traffic and circulation impacts are minimized. The proposed development will not result in traffic or parking impacts to the surrounding neighborhood. The proposed project has been designed and conditioned to ensure that the impacts to the surrounding neighborhood are minimized. The proposed project conforms to the policies of the community plan for the growth and development of educational facilities in the community, and will not adversely affect the Linda Vista Community Plan.

2. **The proposed development will not be detrimental to the public health, safety and welfare.** The purpose of the proposed development is to renovate and construct new classrooms, lockers and weight rooms, a science building, student commons, library, student learning center, tennis courts and new athletic field lighting to enhance student learning, services and safety. The Project will enhance school facilities whose appearance and educational opportunities will benefit the community as a whole. The increase in student enrollment will provide more students in the community with the opportunity to attend Francis Parker School. The Project will minimize environmental impacts by implementing measures in the design and efficiency of the improvements that will reduce impacts to biological and hydrological resources. The Project will improve the public health and safety by creating a fire buffer zone along the southern and western boundary of the Project, increasing lighting on the athletic fields and renovating outdated buildings on the site. The Project will comply with all uniform building, fire, plumbing, electrical, and mechanical codes. The Project will comply with City construction and operation regulations so as to prevent adverse affects to those persons or properties in the vicinity. Response times for fire and police protection services will not be affected. Standard BMPs will adequately control dust generation, minimize soil movement, and prevent soil from entering storm drains. No health hazards or risks are anticipated from the project. The project will not present an increased risk of explosion or release of hazardous materials. Other than possible asbestos in older buildings (which will be removed and disposed of properly), hazardous materials are not known or anticipated to exist on-site.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code. The applicable zoning for the Project is RM-1-1 which provides for flexibility in development regulations that allow reasonable use of the property while minimizing adverse impacts to adjacent properties. The current zoning allows for educational facilities and the existing use is consistent with the Land Development Code. The design of the structures proposed for the Project incorporates architectural elements that help to diminish building bulk and maximize the use of land while retaining open spaces. Larger structures, areas with high levels of activity, and parking areas will be landscaped, including growing vines on trellises, to provide screening when viewed from Linda Vista Road. Upon completion, the Project will provide approximately 290 off-street parking spaces.

4. The proposed use is appropriate at the proposed location. The Francis W. Parker Upper School has been at this location for approximately thirty-five years. The location is appropriate because it is on a major street (Linda Vista Road) near necessary supporting services, along a bus route, not far from the light rail transit stop, relatively centrally located to serve the broader community from which it draws, and far enough from low-density residential uses so as not to cause significant environmental impacts to those residents. There are no unique, rare, endangered, sensitive or fully protected species occurring on the Project site. The entire Project site is outside the Multiple Habitat Planning Area [MHPA]. The improvements implemented by the Project will improve the school, better facilitate its goals and enhance its surroundings. The Project will allow for additional buildings to be constructed complementing the character and design of the surrounding community.

B. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed project is located within the Linda Vista Community Plan area. The plan designates the Francis Parker School site for “School” use. The proposed rehabilitation and construction of expanded school facilities is in conformance with policies in the Linda Vista Community Plan relating to institutional facilities in the community. The community plan calls for regulating the growth and operation of educational institutions so that impacts to the community are minimized. Specifically, the community plan calls for the development and growth of the Francis Parker School to be regulated to ensure that impacts to the surrounding neighborhood, especially traffic and circulation impacts are minimized. The proposed development will not result in traffic or parking impacts to the surrounding neighborhood. The proposed project has been designed and conditioned to ensure that the impacts to the surrounding neighborhood are minimized. The proposed project conforms to the policies of the community plan for the growth and development of educational facilities in the community, and will not adversely affect the Linda Vista Community Plan.

2. The proposed development will not be detrimental to the public health, safety and welfare. The purpose of the proposed development is to renovate and construct new classrooms, lockers and weight rooms, a science building, student commons, library, student learning center, tennis courts and new athletic field lighting to enhance student learning, services and safety. The Project will enhance school facilities whose appearance and educational opportunities will benefit the community as a whole. The increase in student enrollment will provide more students in the community with the opportunity to attend Francis Parker School.

The Project will minimize environmental impacts by implementing measures in the design and efficiency of the improvements that will reduce impacts to biological and hydrological resources. The Project will improve the public health and safety by creating a fire buffer zone along the southern and western boundary of the Project, increasing lighting on the athletic fields and renovating outdated buildings on the Project. The Project will comply with all uniform building, fire, plumbing, electrical, and mechanical codes. The Project will comply with City construction and operation regulations so as to prevent adverse affects to those persons or properties in the vicinity. Response times for fire and police protection services will not be affected. Standard Best Management Practices [BMPs] will adequately control dust generation, minimize soil movement, and prevent soil from entering storm drains. No health hazards or risks are anticipated from the project; it will not present an increased risk of explosion or release of hazardous materials. Other than possible asbestos in older buildings (which will be removed and disposed of properly), hazardous materials are not known or anticipated to exist on-site.

3. The proposed development will comply with the regulations of the Land Development Code. The applicable zoning for the Project is RM-1-1 which provides for flexibility in development regulations that allow reasonable use of the property while minimizing adverse impacts to adjacent properties. The current zoning allows for educational facilities such as the Project and the existing use is consistent with the Land Development Code. The design of the structures proposed for the Project incorporate architectural elements that help to diminish building bulk and maximize the use of land while retaining open spaces. Larger structures, areas with high levels of activity, and parking areas will be landscaped, including growing vines on trellises, to provide screening when viewed from Linda Vista Road. The Project will provide approximately 290 off-street parking spaces. The deviations are allowed, and their justifications appear below.

4. The proposed development, when considered as a whole, will be beneficial to the community. The Project will renovate out-of-date facilities and construct state of the art classrooms and buildings. New lighting facilities around the existing athletic playing fields and a fire buffer zone along the western and southern boundary of campus will increase safety for the Project and the surrounding community. Education is beneficial to youth and the community. Francis Parker School has been an educational provider in the San Diego community since 1913. The proposed improvements will allow the school to serve its current students with up-to-date facilities and programs, facilitate the educational opportunities for more children in San Diego County and continue Francis Parker's tradition of community service.

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 specific deviation for building height is appropriate and desirable because it will allow the library, administrative building and upper school classroom building to observe appropriate heights for their uses. The specific deviation for the height of the light poles is necessary to allow a steeper angle for light at athletic and other special events, which minimizes the amount of light spilling onto other properties. The changes are appropriate for this location because the site is long-established as a school; the location is appropriate as a school because it is along a major road, near services, and fairly central to the broader community the school serves. The building heights in question will be only five-feet over the height limit; the additional height for all

deviations helps each structure perform its function. The height increase will also allow the school to retain open space and recreation areas. The design of the structures proposed for the Project will also incorporate architectural elements that help to diminish building bulk.

The increase in student enrollment will provide more students in the community with the opportunity to attend Francis Parker School. However, the increase in students will not substantially increase the number of faculty and staff over the existing levels. Below-grade parking will be developed in a manner that it will be screened, with landscaping, from the view of the community from Linda Vista Road. The proposed tennis courts will also be screened from view and will provide additional recreational opportunities for students. The athletic field light poles will facilitate evening recreational opportunities and increase student and public safety on and around the athletic fields.

Finally, the deviation for using the setback area for parking is required by the need to widen Linda Vista Road to accommodate right hand turns into the main entrance of the school, with an irrevocable offer of dedication. These improvements will compress the site and eliminate area intended for parking. Consequently, some parking will be placed in what would otherwise be the street side yard setback. This will improve the overall Project by accommodating school and community traffic more efficiently.

C. SITE DEVELOPMENT PERMIT SDMC SECTION 126.0504

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The proposed project is located within the Linda Vista Community Plan area. The plan designates the Francis Parker School site for "School" use. The proposed rehabilitation and construction of expanded school facilities is in conformance with policies in the Linda Vista Community Plan relating to institutional facilities in the community. The community plan calls for regulating the growth and operation of educational institutions so that impacts to the community are minimized. Specifically, the community plan calls for the development and growth of the Francis Parker School to be regulated to ensure that impacts to the surrounding neighborhood, especially traffic and circulation impacts are minimized. The proposed development will not result in traffic or parking impacts to the surrounding neighborhood. The proposed project has been designed and conditioned to ensure that the impacts to the surrounding neighborhood are minimized. The proposed project conforms to the policies of the community plan for the growth and development of educational facilities in the community, and will not adversely affect the Linda Vista Community Plan.

b. The proposed development will not be detrimental to the public health, safety and welfare. The purpose of the proposed development is to renovate and construct new classrooms, lockers and weight rooms, a science building, student commons, library, student learning center, tennis courts and new athletic field lighting to enhance student learning, services and safety. The Project will enhance school facilities whose appearance and educational opportunities will benefit the community as a whole. The increase in student enrollment will provide more students in the community with the opportunity to attend Francis Parker School. The Project will minimize environmental impacts by implementing measures in

the design and efficiency of the improvements that will reduce impacts to biological and hydrological resources. The Project will improve the public health and safety by creating a fire buffer zone along the southern and western boundary of the Project, increasing lighting on the athletic fields and renovating outdated buildings on the Project. The Project will comply with all uniform building, fire, plumbing, electrical, and mechanical codes. The Project will comply with City construction and operation regulations so as to prevent adverse affects to those persons or properties in the vicinity. Response times for fire and police protection services will not be affected. Standard BMPs will adequately control dust generation, minimize soil movement, and prevent soil from entering storm drains. No health hazards or risks are anticipated from the project; it will not present an increased risk of explosion or release of hazardous materials, and other than possible asbestos in older buildings (which will be removed and disposed of properly), hazardous materials are not known or anticipated to exist on-site.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The applicable zoning for the Project is RM-1-1 which provides for flexibility in development regulations that allow reasonable use of the property while minimizing adverse impacts to adjacent properties. The current zoning allows for educational facilities such as the Project with a conditional use permit. The existing use is consistent with the Land Development Code. 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 shall be landscaped, including vines on trellises, to provide screening when viewed from Linda Vista Road. The Project will provide approximately 290 off-street parking spaces.

2. Supplemental Findings – Environmentally Sensitive Lands

a. 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 entire Project site is outside the MHPA. Only 0.36 acres of Diegan coastal sage scrub, outside the MHPA, will be impacted by the Project, and the Project will mitigate this impact through either an off-site mitigation bank or by paying a fee to the Habitat Acquisition Fund. The new storm drain will be located so as to most effectively carry away storm water, while standard BMPs will ensure that no environmental harm results. The Project will incorporate mitigation measures to prevent adverse impacts to sensitive species and habitat and prevent the introduction of invasive plant species to protect native plant species.

b. 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 Project's plans call for replacing existing buildings with newly-constructed ones. Construction is not planned within the MHPA boundary. The Project does not increase the risk of exposure to people to geological hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards. The Project site is not landslide susceptible. The Project site is currently landscaped and the Project will include landscaping and will include a fire buffer zone along the western and southern boundary of the Project to protect against the spread of and damage from fires. Grading for the Project will be minimal and the exposure of soils to significant erosion hazards would not occur. The fill site for soil excavated elsewhere onsite is a previously manufactured slope. The fill area provides for an onsite balance of cut and

fill. The development of the site would not increase erosion of soils due to wind or water, and impacts associated with soils are not significant. The new storm drain will be properly constructed and standard BMPs will ensure that no environmental harm results. The new storm drain will not release any new water into sensitive land forms.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The Project will have minimal impacts to biological resources, though these impacts will be entirely mitigated for. While the Project is located outside of the MHPA, mitigation measures will be implemented to insure that sensitive wildlife and plants are not adversely impacted indirectly by the Project. The new storm drain will be located so as to most effectively carry away storm water, while standard BMPs will ensure that no environmental harm results. The new storm drain will not release any new water into sensitive land forms, nor will its construction or operation cause any harm to biological resources.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program [MSCP] Subarea Plan. The Project is consistent with the MSCP's goals of identifying core blocks of habitat and wildlife movement corridors for conservation within each jurisdiction and specifies long-term management directives, as well as the need for new land use regulations and regional funding to ensure assembly of the preserve. The Project is located outside of the MHPA. Mitigation measures will be implemented to offset impacts to the .36 acres of Diegan coastal sage scrub that will be impacted by the Project. The new storm drain will be located so as to most effectively carry away storm water, while standard BMPs will ensure that no environmental harm results. The new storm drain will not release any new water into sensitive land forms, nor will its construction or operation cause any harm to biological resources, and necessary public utilities are allowed even in the MHPA.

e. 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 the local shorelines, nor near enough to have any indirect impact.

f. 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. Off-site or fee based mitigation will be implemented to offset the impacts to the 0.36 acres of Diegan coastal sage scrub that is located outside the MHPA but will be impacted by the Project. Standard BMPs will address any runoff problems potentially caused by the Project.

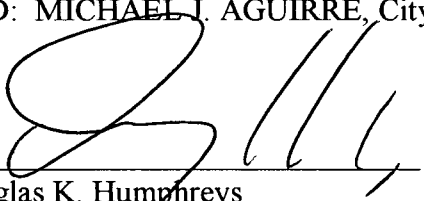
The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 84874, amending and superseding Conditional Use Permit No. 94-0207/Site Development Permit (ESL) No. 215276/

Planned Development Permit No. 84875 is granted to Francis Parker School, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

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09/23/05
10/17/05 COR.COPY
Or.Dept:Clerks
R-2006-28

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-2561

CONDITIONAL USE PERMIT NO. 84874
PLANNED DEVELOPMENT PERMIT NO. 84875
SITE DEVELOPMENT PERMIT (ESL) NO. 215276
FRANCIS PARK SCHOOL
AMENDMENT TO CONDITIONAL USE PERMIT NO. 94-0207
CITY COUNCIL

This conditional use permit/planned development permit/site development permit (ESL) amendment to Conditional Use Permit No. 94-0207 is granted by the Council of the City of San Diego to Francis Parker School, a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0305, 126.0504, 126.0604 and 125.1001. The 23-acre site is located at 6501 Linda Vista Road in the RM-1-1 (Residential Multi-Family) zone of the Linda Vista Community Plan. The project site is legally described as Parcels 1 and 2 of Parcel Map No. 5465.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to increase the number of students from 700 to 800, and accommodate phased modifications on the campus to include demolition, renovation and construction of new school facilities to include deviations to height and setback requirements, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 28, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. Demolition of a total of ten existing buildings; renovation of a total of three existing buildings; and construction of a total of fifteen new buildings - and associated structures, serving middle and upper school (junior high and high school) educational uses. Said buildings to include administration and maintenance buildings, student union, multi-purpose rooms, library, arts studios, fine arts theater and music rooms, cafeteria and gymnasium, locker rooms and field house, athletic fields and courts, parking structure and tennis courts, off-street surface and bus parking lots,

field lighting, and tennis court fencing totaling approximately 160,000 sq. ft. of floor area;;

- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking facilities;
- d. Accessory improvements including retaining walls, fences, signs, lighting, and recreational facilities; and
- 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. 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. Prior to issuance of any building or grading permits, the Owner/Permittee shall submit all proposed building facility plans to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," the Master Plan and design guidelines. 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.

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" conditions(s) back to the

discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. 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.

12. As conditions of Conditional Use Permit No. 84874, Planned Development Permit No. 84875 and Site Development Permit No. 215276, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration, LDR No. 31079 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration, LDR No. 31079 satisfactory to the City Manager and City Engineer. Prior to issuance of the first building and/or grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Health and Safety
- Noise

14. Prior to issuance of any construction permit, the applicant shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

15. The Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan.

16. 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" and shall comply with the Uniform Fire Code, MC section 0889.0201, the Landscape Standards, and San Diego Municipal Code/Land Development Code SDMC/LDC section 142.0412 (Ordinance - 18451).

17. The Brush Management Program shall consist of two zones consistent with the Brush Management regulations of SDMC/LDC section 142.0412 as follows: A minimum 40-foot zone One with no required zone Two shall extend along eastern portions of the

Lot from the Existing Field House – Bldg 001 to the New Middle School Classrooms – Bldg 203. A standard 25-foot zone One and 30-foot zone Two hall extend along eastern portions of the Lot from the Existing Middle School Classrooms – Bldg 103. A minimum 28-foot zone One and 30-foot zone Two shall be provided over the west portion of the Lot adjacent to the Science Classrooms – Bldg 105 and Upper School Classrooms/ Commons – Bldgs 100 through 102.

18. 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 Manger's approval.

19. The following note shall be provided 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."

20. In 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.

21. Prior to final inspection and the issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

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

23. Regarding Phases One and Two only, all new plant material located on the mesa, within Phase One and Two construction, shall obtain a maximum height of thirty-feet at maturity.

ENGINEERING REQUIREMENTS:

24. Prior to the issuance of any construction permit, the Applicant shall incorporate any construction Best Management Practices [BMP's] necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

25. Prior to the issuance of any construction permit the Applicant shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report.

26. Prior to the issuance of a building permit the applicant shall obtain a bonded grading 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.

27. 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 SWRC.

28. 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.

LANDSCAPE REQUIREMENTS:

29. 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.

30. Prior to issuance of any engineering permits for grading, construction documents for the re-vegetation and hydro seeding of all disturbed land 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 this permit (including Environmental conditions) and Exhibit "A."

31. 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 take into account a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

32. 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. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

33. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan. Construction plans shall take into account a forty square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under SDMC/LDC section 142.0403(b) 5.

34. All existing landscape to remain during phased construction shall be protected in place per Exhibit "A," Landscape Development Plan. Stockpiling, material storage, grading, and other activities shall be prohibited within the drip line of all trees designated to remain without monitoring of a certified consulting arborist. Any root or canopy pruning associated with demolition or new construction shall be under the direction of a certified, consulting arborist.

35. 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 consistent with the phased construction delineated on Exhibit "A." A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

36. 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.

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

38. 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 thirty days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

39. Consistent with Condition No. 66, no fewer than 290 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." 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.

40. 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.

41. Height, Maximum 30-foot Height Limit
 - a. Building Height – Building Nos. 105, and 300 would observe a maximum height of 35-feet.
 - b. Building 200 shall observe a maximum height of thirty-feet from the current grade, with the objective of minimizing intrusion on the neighbors' sight lines.
 - c. Athletic Field Light Poles – Poles A and F would observe a maximum height of seventy-feet; Poles B and E would observe a maximum height of ninety-feet; and Poles C and D would observe a maximum height of 80-feet.
42. 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.
43. 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.
44. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations.
45. Use of On-Campus Athletic Fields and Campus Lighting - with regard to lighting on the Francis Parker School premises, it is the purpose and intent of the following conditions to ensure compliance with SDMC/LDC section 142.0740, Outdoor Lighting Regulations, and to minimize off-site impacts. Lighting for events held on any athletic field shall comply with minimum standards of the California Interscholastic Federation [CIF] and National Federation of State High [NFSH] Schools Association. Outdoor field lighting shall be designed and installed to the specifications detailed in the lighting study, Sports Area Light Study & Recommendations, as prepared on February 29, 2004, by Dream Engineering, Inc.
46. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC, including LDC section 142.0740, Outdoor Lighting Regulations..
47. 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.

48. 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 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. 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 require additional fees as determined by the City Manager.

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

50. 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 structure whose top and sides may include grillwork, louvers, and latticework.

51. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) 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."

52. 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").

53. An evening event shall be defined as an athletic game or other event on the athletic fields that takes place after 8:00 p.m. No restriction shall be placed on events that end before 8:00 p.m.

- a. The School shall be limited to a total of fifty-evening events per year, and no more than three in a week.

54. Lights will be turned off no later than 10:00 p.m. except in the case where a play-off game enters overtime and California Interscholastic Federation [CIF] regulations require that the game not end in tie. In no case shall the lights stay on after 11:00 p.m. regardless of the event.

55. The School shall not conduct activities on the athletic fields earlier than 8:00 a.m. on Saturdays and 9:00 a.m. on Sundays.

56. All outdoor lighting, including search lights, shall be turned off between 11:00 p.m. and 6:00 a.m.

WASTEWATER REQUIREMENTS:

57. All on-site wastewater systems shall be private.

WATER REQUIREMENTS:

58. 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) and the disconnection at the main of all existing unused services, as needed, within the rights-of-way adjacent to the project site, in a manner satisfactory to the Director of the Water Department and the City Engineer. All on-site water facilities shall be private including domestic, fire, and irrigation systems.

59. 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(s) on each water service, existing and proposed, in a manner satisfactory to the Director of the Water Department and the City Engineer.

60. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct new public water facilities, into acceptable alignments and right-of-way, in the event any public water facility adjacent to the project site loses integrity due to the construction and grading activities associated with this development, in a manner satisfactory to the Director of the Water Department and the City Engineer.

61. 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.

62. 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.

63. 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" shall be modified at final engineering to comply with standards.

**METROPOLITAN TRANSIT DEVELOPMENT BOARD (MTDB)
REQUIREMENTS:**

64. There are two existing bus stops within the project site. To comply with ADA requirements, sidewalks that comprise the bus stop passenger loading areas should measure ten-feet wide and twenty-five feet long.

65. Should access to either of these bus stops be impaired during the construction process, the Owner/Permittee shall notify San Diego Transit at (619) 238-0100, in advance of any impairment.

GEOLOGY REQUIREMENTS:

66. Proposed cut and fill slopes greater than ten-feet in height shall not exceed a gradient of 50-percent (two horizontal-feet to one vertical-foot).

67. An updated geotechnical report will required as grading plans are developed for the project. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Building Report is required within fifteen days of completion of grading operations.

68. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by the Division of Building and Safety prior to issuance of building permits.

TRANSPORTATION DEVELOPMENT REQUIREMENTS:

69. All off-street parking spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A," at a parking rate of 0.31 parking spaces per campus individual. Prior to the issuance of any building permit for each project building phase, the applicant shall provide minimum parking in correlation with campus population (campus population = students + faculty + staff) phasing as follows:

- a. Phase 1 of the proposed project shall provide 270 automobile parking spaces for a campus population of 871.
- b. Phases 2 and 3 of the proposed project shall provide a total of 277 automobile parking spaces for a campus population of 877.
- c. Phase 4 of the proposed project shall provide a total of 290 automobile parking spaces for a campus population of 932.

All on-site parking stalls and aisle widths shall be in compliance with requirements of the SDMC/LDC, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the City Manager.

70. Prior to the issuance of any building permits, applicant shall record an Irrevocable Offer of Dedication [IOD] of seven-feet in width extending 300-feet west of the existing limit line at the traffic signal at the main entrance on Linda Vista Road, satisfactory to the City Engineer. This required IOD is to accommodate a potential future improvement by Francis Parker (or any other future project which warrants it) or another party of construction of a Right Hand Turn Lane [RHTL] on east bound Linda Vista Road into the main entrance of the school. Whoever is responsible for the future widening of Linda

Vista Road would be responsible for the costs of future improvements or for utility relocation costs when and if the RHTL is installed.

71. Prior to the issuance of any building permits, the applicant shall submit improvement plans for the widening of the outside eastbound lane on Linda Vista Road by five-feet to accommodate a twenty-foot wide lane for 155-feet west of existing limit line at the main entrance on Linda Vista Road plus sixty-foot transition to the existing curb, satisfactory to the City Engineer. Also, prior to issuance of the first occupancy permit, the Applicant shall complete the above improvement and have it accepted by the City.

72. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.

THE FOLLOWING CONDITIONS ARE HEREBY INCORPORATED INTO THIS PERMIT:

73. The height of the library (Building 200) shall be reduced from the height on the plans submitted for the CUP amendment. The neighbors have asked that the height of the building not exceed thirty-feet from the current grade, with the objective of minimizing intrusion on the neighbors' sight lines. The school has agreed to reduce the height of the building by a combination of building height and grade reduction, to be worked out during construction design. The result shall be that the ridgeline of the building shall not exceed an elevation of 305-feet above sea level, with the exception of a portion of approximately thirty-feet of ridgeline that will contain a skylight; the skylight shall be constructed with the minimum possible additional elevation, not to exceed nine-inches (305-feet and 9-inches above sea level.)

74. The light poles to be constructed to light the athletic fields shall be colored or painted, and maintained, in a flat, non-reflective color in either pale grey or blue-grey, depending on colors available from the manufacturer.

75. The parties agree that the conditions in the amended CUP will require the school mitigate amplified noise in the area of the athletic fields by acquiring specific amplifiers and loud speakers. The parties agree that once this new equipment has been installed and tested, they shall jointly meet to set amplification levels that meet the minimum athletic event needs of the school but are the least disruptive to the neighbors. The school agrees to allow the neighbors to monitor noise levels in the future to ensure compliance with the CUP.

76. The school agrees to install sound attenuation materials inside the existing batting cages, or take other additional measures, to minimize the sound generated from activities in the batting cages.

77. The school agrees to paint the exterior of the existing Field House building. The building will be painted in flat, non-reflective paint in colors to be determined that are

similar to, and blend in with, the colors of the other existing buildings on campus and with the new buildings to be constructed in the Master Plan.

78. All new landscape choices will be varieties that are known to regularly reach maximum heights of approximately thirty-feet when mature.

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.

A Development Impact Fee [DIF] of \$84,259.51 is required for this project and is due at the time of building permit issuance. This fee is based upon the determination that the project will result in an increase of 66,661 square feet over what currently exists on the site. A Housing Trust Fund [HTF] impact fee of \$53,328.80 on nonresidential development is required for this project and is due at the time of building permit issuance. This fee is based on a rate of \$0.80 per square foot of school use. Pursuant to Ordinance No.0-17454, the HTF impact fee is dedicated for affordable housing.

APPROVED by the Council of the City of San Diego on June 28, 2005 by Resolution No. R-300618.

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.

FRANCIS PARKER SCHOOL
Owner/Permittee

By _____

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04