

RESOLUTION NUMBER R- 315398

DATE OF FINAL PASSAGE MAR 11 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING COASTAL DEVELOPMENT PERMIT NO. PMT-2593324, AN AMENDMENT TO COASTAL DEVELOPMENT PERMITS NO.10728 AND 518943, A NEW CONDITIONAL USE PERMIT NO. PMT-2593325 AND AN AMENDMENT TO CONDITIONAL USE PERMIT 518944; PLANNED DEVELOPMENT PERMIT NO. PMT-2593326, AN AMENDMENT TO PLANNED DEVELOPMENT PERMIT NO. 80680, AND SITE DEVELOPMENT PERMIT NO. PMT-2593327, AN AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 10727 ALL RELATED TO THE BISHOP'S SCHOOL PROJECT - PROJECT NO. PRJ-0698140, LOCATED AT 7607 LA JOLLA BOULEVARD AND 7552, 7554, AND 7556 DRAPER AVENUE.

WHEREAS, The Bishop's School, a California nonprofit public benefit corporation, (Owner/Permittee) filed an application with the City of San Diego for a permit to remove existing residential structures and construct batting cages, a creative sciences building, an athletics building, and an athletic center (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. PMT-2593324, PMT-2593325, PMT-2593326, and PMT-2593327), on portions of a 11.49-acre site; and

WHEREAS, the project site is located at 7607 La Jolla Boulevard and 7552, 7554, and 7556 Draper Avenue in the La Jolla Planned District Zone 5 (LJPD-5) and the La Jolla Planned District Zone 6 (LJPD-6), and Coastal (Non-Appealable) Overlay Zone, Coastal Height Limit Overlay Zone, and Parking Impact (Beach Impact) Overlay Zone of the La Jolla Community Plan; and

WHEREAS, the project site is legally described as; Parcel 1 of Parcel Map No. 19523, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County

Recorder of San Diego County, July 8, 2004, as Instrument No. 2004-0635867 of Official Records. Lots 34 and 35 in Block 12 of La Jolla Park, in the City of San Diego, County of San Diego, State of California according to map thereof No. 352, filed on March 22, 1987, in the Office of the County Recorder of said county; and

WHEREAS, on March 23, 2004, the City Council approved The Bishop's School Project No. 6162 and adopted the associated Mitigated Negative Declaration and MMRP (Resolution No. R-298993). The Bishop's School Project No. 6162 included the demolition of nine existing buildings and the expansion and construction of new school facilities. Site Development Permit No. 10727, Coastal Development Permit No. 10728, and Planned Development Permit No. 80680 were approved with Project No. 6162 and are being amended with the project. On June 4, 2008, the Hearing Officer approved The Bishop's School Project No. 147307 which included an amendment to Project No. 6162 to increase the maximum enrollment from 725 students to 800 students (Resolution Number HO-6012). Coastal Development Permit No. 518943 and Conditional Use Permit No. 518944 were approved with Project No. 147307 and are being amended with this project; and

WHEREAS, the matter was set for public hearing, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised conserving the same; and

WHEREAS, on January 18, 2024, the Planning Commission of the City of San Diego considered Coastal Development Permit No. PMT-2593324, Conditional Use Permit No. PMT-2593325, Planned Development Permit No. PMT-2593326, and Site Development Permit No. PMT-2593327 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. PMT-2593342, Conditional Use Permit No. PMT-2593325, Planned Development Permit No. PMT-2593326, and Site Development Permit No. PMT-2593327:

A. COASTAL DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0708

1. Findings for all Coastal Development Permits:

a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan. The 11.49-acre project site is fully developed with an existing private school within an urbanized area. The La Jolla Community Plan and the La Jolla and La Jolla Shores Local Coastal Plans (Community Plan) designates the site as School and Medium Residential (15-30 DU/AC). Per San Diego Municipal Code Section (SDMC) 159.0301(g) and (h), the site is located in the La Jolla Planned District Zone 5 and Zone 6. The northern half of the project site is in Zone 6 and the southern half is in Zone 5.

Zone 5 (Multi-Family Zone) serves as the connecting link between the commercial core and the scenic shoreline and bluffs areas. Zone 6 (Cultural Zone) includes a unique assemblage of cultural uses representing the distinctive architectural, cultural, educational, and historical heritage of La Jolla.

The project proposes to remove existing residential structures located at 7552, 7554, and 7556 Draper Avenue (APN 350-442-20-00) and construct batting cages (Phase 1); a 27,762 square foot Creative Sciences Building/ Athletics Building (Phase 2); a 13,120 square foot Athletics Building/ Creative Sciences Building (Phase 3); and a 30,343 square foot Athletic Center and Tennis Pavilion (Phase 4). The Bishop's School was approved on March 23, 2004, and included the demolition of nine existing buildings and the expansion and construction of new school facilities (Resolution No. 298993).

Project No. 147307 (Coastal Development Permit No. 518943 and Special Use Permit No. 518944), Approved Bishop's School, was approved on June 4, 2008, and increased total enrollment not exceeding 800 students (Resolution No. HO-6012). The total number of students of 800 will not change with the proposed project.

The proposed project will amend the following permits: Site Development Permit No. 10727, Coastal Development Permit No. 10728, Planned Development Permit No. 80680 (Project No. 6162), and Coastal Development Permit No. 518943 and Conditional Use Permit No. 518944 (Project No. 147307).

The Community Plan does not include public views at the project site (Community Plan; Figure 9). The project site is located approximately 0.25 miles from the coastline. The project features an overall development of the site, which will stay within private property and will not encroach upon any existing or proposed physical access to the coast. The new buildings are designed to be below the thirty-foot height limit and will not obstruct the ocean or other scenic views from public vantage points.

The project also proposes the vacation of an existing 50-foot-long section of a dead-end alley. The public right-of-way vacation will not reduce public access to the adjacent coastal areas; it is designed to not impact local circulation in this area. This proposed development will also maintain and improve the existing sidewalk system adjacent to the property. Therefore, the proposed project will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway and will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

b. The proposed coastal development will not adversely affect environmentally sensitive lands. The project site is developed and does not contain sensitive vegetation or biological resources. The project site is not within or adjacent to the City's Multiple Species Conservation Plan/Multiple Habitat Planning Area. Staff has also reviewed and accepted a preliminary geotechnical report prepared for the site that concluded that the project adequately addresses the site's soil and geologic conditions, and drainage for the project complies with the City's drainage regulations and standards.

Mitigated Negative Declaration (MND) No. 6162 (Resolution No. 298992) was approved on March 23, 2004, and determined that the project site contained Historical Resources (Archaeological and Paleontological Resources). MND No. 6162 identified no archaeological sites had been recorded within the project's boundaries or within a one-mile radius. However,

due to the project's location near various recorded resources, there was a potential that archaeological resources would be impacted during ground-disturbing activities. Therefore, a qualified archaeologist or archaeological monitor was/is required to be present during the ground-disturbing activities. An Addendum No. 698140 to Mitigated Negative Declaration No. 6162 was prepared pursuant to the California Environmental Quality Act Statute Guideline section 15164 since only minor technical changes and additions were necessary. No substantial changes have occurred with respect to the circumstances under which the project is undertaken, and there is no new information of substantial importance to the project. A Mitigation Monitoring and Reporting Program (MMRP) for Historical Resources (archaeology) and Paleontological Resources will be implemented. With the implementation of the MMRP, impacts were reduced to below a level of significance.

Therefore, the proposed coastal development will not adversely affect environmentally sensitive lands.

c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. The La Jolla Community Plan and the La Jolla and La Jolla Shores Local Coastal Plans (Community Plan) designates the site as School and Medium Residential (15-30 DU/AC). Per San Diego Municipal Code (SDMC) section 159.0301(g) and (h), the site is located in the La Jolla Planned District Zone 5 and Zone 6. The northern half of the project site is in Zone 6 and the southern half is in Zone 5.

Zone 5 (Multi-Family Zone) serves as the connecting link between the commercial core and the scenic shoreline and bluffs areas. Zone 6 (Cultural Zone) includes a unique assemblage of cultural uses representing the distinctive architectural, cultural, educational, and historical heritage of La Jolla.

Per SDMC section 159.0302(g), Zone 5 allows cultural uses, and accessory uses thereto, with a Special Use Permit in accordance with Section 159.0211(n). Project No. 6162, The Bishop's School, was approved on March 23, 2004, and includes Special Use Permit No. 10729 (Resolution No. 298993).

Currently, school-related facilities exist on School and Medium Residential –designated properties within the project area. The proposal to amend the existing entitlements to construct batting cages, a creative sciences building, an athletics building, and an athletic center would be consistent with the recommended land use.

The applicant requested the flexibility to construct the Create Sciences Building and/or the Athletics Building during construction. The proposed uses have already been reviewed by staff and are acceptable as supplemental uses of the school. The flexibility being requested by the applicant would only be to allow for a switch of use between the two buildings proposed. The project would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the community.

Per SDMC section 159.0201(b), “Any permit application which involves the demolition or removal of an existing building or structure shall be reviewed by the City Manager to determine whether the structure in question merits designation as a historical resource consistent with the requirements of Land Development Code Chapter 12, Article 3, Division 2 (Designation of Historical Resources Procedures) and Chapter 14, Article 3, Division 2 (Historical Resources Regulations).”

The 11.49-acre project site is fully developed with an existing private school within an urbanized area. The project proposes to remove existing residential structures located at 7552, 7554, and 7556 Draper Avenue (APN 350-442-20-00). The 1915 properties do not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria (Project No. 584086). Conditional Use Permit No. PMT-2593325 (amendment to Conditional Use Permit No. 10729) includes the newly acquired parcels.

The policies and recommendations of the 1983 La Jolla-La Jolla Shores Local Coastal Program have been incorporated into the Community Plan. The project site is located approximately 0.25 acre from the coastline. The project features an overall development of the site, which will stay within private property and will not encroach upon any existing or proposed physical access to the coast. The new buildings are designed to be below the thirty-foot height limit and will not obstruct the ocean or other scenic views from public vantage points.

This Site is Zoned as Zone 5 for the South half of the site and Zone 6 for the North half of the site Per SDMC Section 159.0403(d), The project site should provide a landscaped area equivalent to 50 percent of the total lot area or provide a landscaped area equivalent to 30 percent of the total lot area at ground level, provided the landscaped area is visible from the opposite side of adjacent public rights-of-way (streets). The proposed project includes a deviation for the deficit landscaped area required by Zone 5, Option A (see Finding C.1.c below incorporated here by reference).

Per SDMC section 159.0403(f), All required yards shall be fully landscaped in accordance with City-wide Landscape Regulations of Land Development Code Chapter 14, Article 2, Division 4 (Landscape Regulations). Landscape Regulations for Zone 6 are as such: All required yards shall be fully landscaped in accordance with City-Wide Landscape Regulations. Landscape Regulations for parking lots are as such: surface parking areas fronting a street shall be screened with a landscape buffer not less than six feet in width between the public right of way and the parking area. The interior portions of surface parking areas shall be landscaped and conform to the Land Development Code Chapter 14, Article 2, Division 4.

The proposal to accommodate additional athletic and education facilities would be consistent with the recommended land use. Therefore, the proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity

with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The 11.49-acre project site is currently fully developed with an existing private school and is not located between the first public road and the sea or coastline. The proposed development will be fully within the private property of the project site, except for the small portions of proposed alley vacations which, if approved would become part of the project site.

The project is located within a site that is developed with an existing school and is surrounded by commercial and residential development and the project site would continue to operate as a school facility. The project would be consistent with the General Plan, Community Plan, and underlying zone designations. The project would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the community. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

The La Jolla Recreation Center is adjacent to the project site (Community Plan; Figure 19). Public access to the sea and public recreation areas would not be impaired by the development of this site. The proposed project is designed to take access off the existing adjacent streets with modifications to an adjacent alley which is designed to not impact circulation for the area.

The project would not conflict with any applicable habitat conservation plan or natural community conservation plan as the site is not located within or adjacent to the Multi-Habitat Planning Area (MHPA).

**B. CONDITIONAL USE PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0305**

1. Findings for all Conditional Use Permits:

a. The proposed development will not adversely affect the applicable land use plan. See Finding A.1.c above incorporated here by reference.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposal is a revision to the existing use of a private school and an amendment to the previously approved Site Development Permit, Coastal Development Permit, Planned Development Permit, and Conditional Use Permit. The project site has a land use designation of School and Medium Density Residential by the Community Plan. The proposed revisions to the school campus were found to be consistent with those land use designations through a Special Use Permit. The project site is in Zones 5 and 6 of the La Jolla Planned District. The project, as designed, conforms to all development standards for Zone 5 and Zone 6, with the exception of the previously approved deviations, which were approved under a Planned Development Permit (No. 80680) and are to be maintained. These deviations are/were found to be beneficial to the overall project design, the historic nature of the site and the public at large through the amount of off-street parking.

A search of potential hazardous materials sites compiled pursuant to Government Code section 65962.5 was completed at the project site. Several databases and resources were consulted including the Department of Toxic Substances Control (DTSC) EnviroStor database, the California State Water Resources Control Board GeoTracker database, and other sources of potential hazardous materials sites available on the California Environmental Protection Agency (EPA) website.

Based on the searches conducted, no contaminated sites are on or adjacent to the project site. Furthermore, the project site was not identified on the DTSC Cortese List. Therefore, the project would not create a significant hazard to the public or the environment.

Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal. Although minimal amounts of such substances may be present during construction of the project, they are not anticipated to create a significant public hazard. Once constructed, due to the nature of the project, the routine transport, use, or disposal of hazardous materials on or through the subject site is not anticipated.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. See Finding C.1.c below incorporated here by reference.

d. The proposed use is appropriate at the proposed location. The 11.49-acre project site is fully developed with an existing private school and will be fully within the private property of the project site.

The La Jolla Recreation Center is adjacent to the project site (Community Plan; Figure 19). Public access to the sea and public recreation areas would not be impaired by the development of this site. The proposed project is designed to take access off the existing adjacent streets with modifications to an adjacent alley which is designed to not impact circulation for the area.

DSD Transportation Development staff reviewed the project and was able to determine that the project would not result in significant additional student enrollment capacity and that the project would be presumed to have a less than significant impact as a small project generating less than 300 average daily trips.

The Cultural Complex, identified in Figure 21 of the Community Plan, includes a unique assembly of cultural uses representing the distinct architectural, educational, and historical heritage of La Jolla. Structures that are within this area include the Museum of Contemporary Art (the original Scripps House and Gardens), Coles Bookstore, the Bishops School, the Scripps Clinic (converted to residential), the La Jolla Recreation Center, the La Jolla Woman's Club and the George Kautz house and Dolly's house. Therefore, the proposed use is appropriate at the proposed location.

C. PLANNED DEVELOPMENT PERMIT SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0605

1. Findings for all Planned Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. See Finding A.1.c above incorporated here by reference.

b. The proposed development will not be detrimental to the public health, safety, and welfare. See Finding B.1.b above incorporated here by reference.

c. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that 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, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. Per SDMC Section 159.0401(b), "Walls and fences within a required front yard or street side yard shall not exceed three feet in height above the adjacent sidewalk. Such walls and fences shall be architecturally compatible with the main buildings on the premises and shall be constructed of wood, brick, stucco, wrought iron, natural unpolished stone, poured concrete, slumpstone block, split-faced block or a combination of these materials. Chain link is expressly prohibited." SDMC Section 159.0403, requires "a landscaped area equivalent to 50 percent of the total lot area."

The proposed project includes the following deviations from SDMC sections 159.0401(b), 159.0403(d), and 159.0405(e)(2):

1. Batting Cage Chain Link Fence (SDMC sections 159.0401(b)):

The regulations require no chain link fence. The project proposed a temporary 12-foot-tall chain link fence with green cloth covering all sides for "interim" Phase 1 Batting Cages.

Similar to the Bishop's School project (Project No. 6162) approved by the City Council on March 23, 2004 (Resolution No. R-298993), the proposed deviations were found to be beneficial to the overall project design. Due to the historic nature of the site, flexibility was needed with respect to the wall design in order to maintain a similar wall design as the existing one. The 2004 project included a 12-foot chain link fence with green cloth covering the perimeter of the Tennis Courts and a 6-foot plaster scalloped wall on the Draper property line. The chain link fence surrounding the batting cages (Phase 1) will be removed when the Athletic Building is constructed (Phase #3). The unique use of a school with athletic facilities needed some degree of flexibility in the fencing design for the athletic areas.

2. Fence Height within Setback (SDMC sections 159.0401(b)):

The SDMC requires a fence height not to exceed three feet in height. The project proposes a seven-foot plaster and iron scalloped security fence adjacent to the proposed Creative Sciences Building (Phase 2) on Draper property line for campus security. This fencing is needed

for school safety and the separation of activities between The Bishop's School and Draper Ave. The proposed 7-foot-tall scalloped security fence is designed to provide a consistent aesthetic along Draper Avenue.

3. Fence Height within Setback (SDMC sections 159.0401(b)):

The SDMC requires a fence height not to exceed three feet and for the fence to not be chain link. The project proposes a 12-foot chain link fence with green cloth to cover the perimeter of the Tennis Courts on Draper property line. The existing site utilizes a 12-foot-tall chain link fence with green cloth at the tennis courts for school safety and separation of activities between the Bishop's School and Draper Avenue. The proposed 12-foot-tall chain link fence with green cloth is a modification to the existing fence and is being reconstructed to match the existing fencing type and height in kind. The 12-foot-tall fencing around tennis courts is common and exists at the adjacent La Jolla Tennis Club and the tennis courts along the east side of Draper Avenue.

4. Deficient landscaped area required by Zone 5, Option A (SDMC section 159.0403(d)):

The project site is split-zoned: The northern half is in Zone 6 and the southern half is in Zone 5. The Development regulations are applied based on the zone boundaries with the exception of density, which can be distributed throughout the premises with no regard to the zone boundaries. Regulations such as setbacks, height, and landscaping would be required of that specific zone.

The landscape regulations for Zone 5, Option 'A' require a landscape area equivalent to 50% of the total lot area. Half of this required landscape area (25% of the total lot area) shall be vegetated and visible from the public right of way. The total lot area (entire premises) is comprised of both Zones 5 and 6. The majority of the premises is located in Zone 6 and developed to the Zone 6 landscape regulations. Therefore, the requirement to base the Zone 5 regulations on a lot that is split-zoned renders the ability of the project to fulfill the Zone 5 landscape requirements infeasible, particularly because the majority of the lot area is located in Zone 6. The project has large areas of open spaces (athletic fields, courtyards), and fully complies with the Zone 6 street yard requirements. The areas of new development in the Zone 5 portion of the premises that are visible from the public right of way are proposed to be planted in conformance with the La Jolla Planned District Ordinance.

5. Sidewalk Width (SDMC section 159.0405(e)(2)):

The deviation would allow a five-foot sidewalk along Draper Avenue where an eight-foot sidewalk is required. The requested deviation will allow for a landscaped planter strip between the sidewalk and curb. The planter strip will implement recommendations in the Community Plan and the La Jolla Local Coastal Program (LCP) to separate sidewalks from the street by using landscape strips to buffer pedestrians from vehicles. Based on the above discussion, the project as proposed conforms with the recommendations of the Community Plan and LCP.

The proposed development will comply with the regulations of the Land Development Code (portion of the SDMC) including any proposed deviations pursuant to SDMC section 126.0602(b)(1) that 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, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

**D. SITE DEVELOPMENT PERMIT- SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0505**

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. See Finding A.1.c above incorporated here by reference.

The proposed development will not be detrimental to the public health, safety, and welfare. See Finding B.1.b above incorporated here by reference.

b. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. See Finding C.1.c above incorporated here by reference.

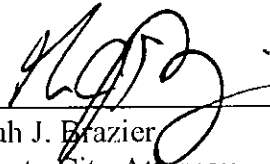
The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council of the City of San Diego, that the Council has considered Coastal Development Permit No. PMTt-2593324, Conditional Use Permit No. PMT-2593325, Planned Development Permit No. PMT-2593326, and Site Development Permit No. PMT-2593327, amendments to Site Development Permit No. 10727, Coastal Development Permit No. 10728, Planned Development Permit No. 80680 (Project No. 6162), and Coastal Development Permit No. 518943 and Conditional Use Permit No. 518944 (Project No. 147307), and that these permits are hereby granted by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms, and conditions as set forth in Permit No. PMT-2593324, PMT-2593325, PMT-2593326, AND PMT-2593327, amendments to Site Development Permit No. 10727, Coastal Development Permit No. 10728, Planned Development Permit No. 80680 (Project No. 6162), and Coastal

Development Permit No. 518943 and Conditional Use Permit No. 518944 (Project No. 147307),
a copy of which is attached hereto and made a part hereof.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Noah J. Brazier
Deputy City Attorney

NJB:nja
02/13/2024
Or. Dept: DSD
Doc. No. 3562770

Attachment: Coastal Development Permit No. Pmt-2593324, Conditional Use Permit No. Pmt-2593325, Planned Development Permit No. Pmt-2593326, and Site Development Permit No. Pmt-2593327 [Amendments to Coastal Development Permit No. 518943, Conditional Use Permit No. 518944, Site Development Permit No. 10727, Coastal Development Permit No. 10728, and Planned Development Permit No. 80680]

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

**WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501**

INTERNAL ORDER NUMBER: 24009164

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. PMT-2593324, CONDITIONAL USE
PERMIT NO. PMT-2593325, PLANNED DEVELOPMENT PERMIT NO. PMT-
2593326, AND SITE DEVELOPMENT PERMIT NO. PMT-2593327

BISHOPS SCHOOL AMENDMENTS - PROJECT NO. PRJ-0698140

[AMENDMENTS TO COASTAL DEVELOPMENT PERMIT NO. 518943, CONDITIONAL
USE PERMIT NO. 518944, SITE DEVELOPMENT PERMIT NO. 10727, COASTAL
DEVELOPMENT PERMIT NO. 10728, AND PLANNED DEVELOPMENT PERMIT NO.
80680]

CITY COUNCIL

This Coastal Development Permit No. PMT-2593324, Conditional Use Permit No. PMT-2593325, Planned Development Permit No. PMT-2593326, and Site Development Permit No. PMT-2593327 (amendments to Coastal Development Permit No. 518943, Conditional Use Permit No. 518944, Site Development Permit No. 10727, Coastal Development Permit No. 10728, , and Planned Development Permit No. 80680), is granted by the City Council of the City of San Diego to THE BISHOP'S SCHOOL, a California nonprofit public benefit corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0702, 126.0303, 126.0602, and 126.0502. The 11.49-acre site is located at 7607 La Jolla Boulevard and 7552, 7554, and 7556 Draper Avenue, in the La Jolla Planned District Zone 5 (LJPD-5) and the La Jolla Planned District Zone 6 (LJPD-6), and Coastal (Non-Appealable) Overlay Zone, Coastal Height Limit Overlay Zone, and Parking Impact (Beach Impact) Overlay Zone of the La Jolla Community Plan. The project site is legally described as: PARCEL 1 OF PARCEL MAP NO. 19523, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 8, 2004 AS INSTRUMENT NO. 2004-0635867 OF OFFICIAL RECORDS. LOTS 34 AND 35 IN BLOCK 12 OF LA JOLLA PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 352, FILED ON MARCH 22, 1987 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to remove existing residential structures and construct batting cages, a creative sciences building, an athletics building, and an athletic center described and identified by size,

dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated March 11, 2024, on file in the Development Services Department.

The project shall include:

- a. Remove existing residential structures located at 7552, 7554, and 7556 Draper Avenue (APN 350-442-20-00); Construction of Batting Cages; 27,762 square foot Creative Sciences Building/Athletics Building; 13,120 square foot Athletics Building/Creative Sciences Building; and 30,343 square foot Athletic Center and Tennis Pavilion
- b. The proposed project includes the following deviations from the San Diego Municipal Code (SDMC):
 1. SDMC section 159.0401(b) requires no chain link fence. The project proposed a temporary 12-foot-tall chain link fence with green cloth covering all sides for "interim". Phase 1 Batting Cages;
 2. The SDMC section 159.0401(b) requires a fence height not to exceed three feet in height. The project proposes a seven-foot plaster and iron scalloped security fence adjacent to the proposed Creative Sciences Building (Phase 2) on Draper property line for campus security;
 3. The SDMC section 159.0401(b) requires a fence height not to exceed three feet and for the fence to not be chain link. The project proposes a 12-foot chain link fence with green cloth cover around the perimeter of the Tennis Courts on Draper property line;
 4. The SDMC section 159.0403(d) requires deficient landscaped area required by Zone 5, Option A; and
 5. The SDMC section 159.0405(e)(2): requires an eight-foot sidewalk. The deviation would allow a five-foot sidewalk along Draper Avenue. The requested deviation will allow for a landscaped planter strip between the sidewalk and curb.
- c. Landscaping (planting, irrigation, and landscape-related improvements); and
- d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36-month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC

requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision-maker. This permit must be utilized by March 11, 2027.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and

b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.

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

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

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid"

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

10. This Coastal Development Permit No. PMT-2593324, Conditional Use Permit No. PMT-2593325, Planned Development Permit No. PMT-2593326, and Site Development Permit No. PMT-2593327 (amendments to Coastal Development Permit No. 518943 and Special Use Permit No. 518944, Coastal Development Permit No. 10728, Conditional Use Permit No. 10729, and Planned Development Permit No. 80680), shall remain in force and effect except where amended by this Permit.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 6162, 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 NO. 6162, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- HISTORICAL RESOURCES (ARCHAEOLOGY)
- PALEONTOLOGICAL RESOURCES

CLIMATE ACTION PLAN REQUIREMENTS

14. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any building permit the Owner/Permittee shall dedicate an additional 10 feet storm drain easement to make the existing easement 20 feet wide to the satisfaction of the City Engineer.

16. Prior to the issuance of any building permit the Owner/Permittee shall assure, by permit and bond, to remove the existing curb and replace it with a new curb/gutter per current City Standard along frontage on Draper Avenue.
17. Prior to the issuance of any building permit the Owner/Permittee shall assure, by permit and bond, to reconstruct the existing sidewalk with current City Standard sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, along the project's site on Draper Avenue.
18. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond, the replacement of the existing 20-foot northern driveway per current City Standards and closure of non-utilized driveways on Draper Avenue.
19. Prior to the issuance of any building permit the Owner/Permittee shall assure by permit and bond construction of mid-block curb ramps per current City Standards adjacent to the site on Draper Street across from Silver Avenue to the satisfaction of the City Engineer.
20. Prior to the issuance of any building permit the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for proposed nonstandard driveway, trees, and landscaping/irrigation in Draper Avenue Right-of-Way
21. Prior to the issuance of any building permit the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the San Diego Municipal Code in a manner satisfactory to the City Engineer.
22. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.
23. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
24. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices 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 submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
26. Development of this project shall comply with all stormwater construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

27. Prior to the issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to the filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

28. Prior to issuance of any construction permit for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.

29. Prior to the issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water, and sewer laterals shall be designed so as not to prohibit the placement of street trees.

30. Prior to issuance of any construction permit for building (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(6).

31. In the event that a foundation-only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'

32. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter-free condition at all times. Severe pruning or "topping" of trees is not permitted.

33. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

34. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

35. 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.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

36. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

37. Prior to the issuance of any building permit Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private backflow prevention device(s), on each water service (domestic, fire, and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. BFPDs shall be located above ground on private property, in line with the service, and immediately adjacent to the right-of-way.

38. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

39. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

PARK & RECREATION DEPARTMENT REQUIREMENTS:

40. The Owner/Permittee shall ensure that there will be no temporary or permanent construction impacts, encroachments, remedial grading or sub-surface infrastructure on adjacent City fee-owned parkland.

41. The Owner/Permittee shall ensure Parks and Recreation Department review and approval of the grading and public improvement plans prior to permit issuance.

TRANSPORTATION DEVELOPMENT:

42. All automobile, motorcycle, and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate City decision maker in accordance with the SDMC.

43. Prior to the issuance of any building permit the Owner/Permittee shall provide six (6) new stop signs at the intersections of the two alleys and the alley and Cuvier Street in the locations shown on Exhibit "A". All improvements shall be installed and operational prior to the first occupancy, satisfactory to the City Engineer.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on March 11, 2024 and by resolution number 315398.

CDP No. PMT-2593324,
Conditional Use Permit No. PMT-2593325,
Planned Development Permit No. PMT-2593326, and
Site Development Permit No. PMT-2593327
Date of Approval: 03/11/24

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Oscar Galvez III
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

The Bishop's School
Owner/Permittee

By

Pamela Duffy
Chief Operating and Financial Officer

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Passed by the Council of The City of San Diego on MAR 11 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 11 2024.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA I.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 315398