

flood and fire hazards.

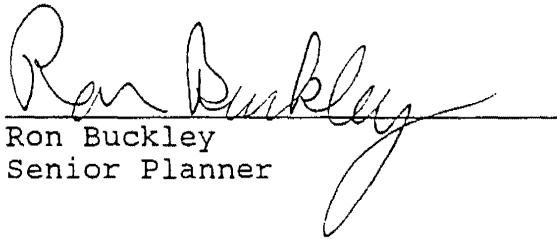
- d. The proposed use will comply with the relevant regulations in the San Diego Municipal Code. The proposal conforms with all applicable Municipal Code regulations except the height of the proposed gymnasium/multi-purpose facility achieves a height of 32 feet where a height of 30 feet is allowed and the project proposes to provide 106 parking spaces where 115 are required for the school's current enrollment. However, 32 feet is the minimum height necessary to achieve the required interior height for a regulation high school gymnasium and 106 parking spaces are the most that can be provided on site without compromising the historic integrity of the property.

2. That said Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED that, based on the Findings hereinbefore adopted by the Planning Commission, Resource Protection Ordinance/Conditional Use Permit No. 92-0769, is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions set forth in Resource Protection Ordinance/Conditional Use Permit No. 92-0769, a copy of which is attached hereto and made a part hereof.



Linda Lugano  
Administrative Secretary to  
the Planning Commission



Ron Buckley  
Senior Planner

ORIGINAL

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RESOLUTION NUMBER R- 2156-1-PCADOPTED ON December 8, 1994

WHEREAS, on December 9, 1992, SISTER DOLORES ANCHONDO, PRINCIPAL, ACADEMY OF OUR LADY OF PEACE, submitted an application to the Development Services Department for a Conditional Use Permit and Resource Protection Ordinance permit; and

WHEREAS, the permit was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the issue was heard by the Planning Commission on December 8, 1994; and

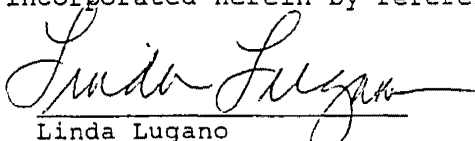
WHEREAS, the Planning Commission of San Diego considered the issues discussed in Mitigated Negative Declaration No. 992-0768; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission, that it is hereby certified that Mitigated Negative Declaration No. 92-0769 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the Planning Commission

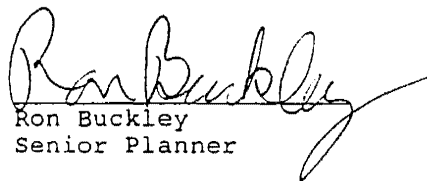
BE IT FURTHER RESOLVED that the Planning Commission finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

By:

  
Linda Lugano  
Administrative Secretary to  
Planning Commission

By:

  
Ron Buckley  
Senior Planner

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

ORIGINAL
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EXHIBIT A  
 MITIGATION MONITORING AND REPORTING PROGRAM  
 ACADEMY OF OUR LADY OF PEACE  
 CONDITIONAL USE AND RESOURCE PROTECTION ORDINANCE PERMIT  
 DEP NO. 92-0769

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. All mitigation measures contained in the Mitigated Negative Declaration (Dep No. 92-0769) shall be made conditions of CONDITIONAL USE PERMIT and RESOURCE PROTECTION ORDINANCE PERMIT 92-0769 as may be further described below.

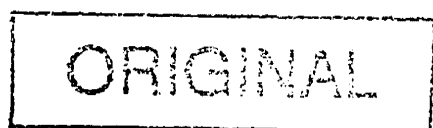
The following mitigation measures are required to reduce potential adverse project impacts to cultural resources to below a level of significance:

As a condition of Resource Protection Ordinance/Conditional Use Permit the applicant shall document the historic swimming pool complex and the house at 2604 Collier Avenue prior to project development. This shall be accomplished through completion of:

1. Historic American Building Survey (HABS) Level 1 documentation for the existing swimming pool, bath house, gazebo and landscape elements that are to be removed; and
2. Completion of California Department of Parks and Recreation Primary Record (DPR 523A-test) and Building Structure and Object Record (DPR 523B-test) for the house at 2604 Collier Avenue.

All of these records are to be completed by a qualified architectural historian or historic architect. A qualified architectural historian or historic architect is an individual who meets the Secretary of Interior's minimum professional qualifications in education and experience for architectural history or historic architecture. The Mitigation Monitoring and Reporting Program requires that prior to issuance of a demolition permit, the HABS Level 1 documentation shall be submitted to and approved by the Director of the Development Services Department. This historic mitigation program shall be included in the final site plan.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.



ALL-PURPOSE CERTIFICATE

Type/Number of Document RPO/CUP 92-0769  
Date of Approval December 8, 1994  
Number of Pages Page 12 of 12

STATE OF CALIFORNIA

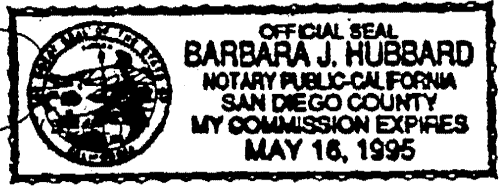
Ron Buckley  
Ron Buckley, Senior Planner

COUNTY OF SAN DIEGO

On January 19, 1995 before me, BARBARA J. HUBBARD (Notary Public), personally appeared Ron Buckley, Senior Planner of the Planning Department of the City of San Diego, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Barbara J. Hubbard  
Barbara J. Hubbard



PERMITTEE(S) SIGNATURE/NOTARIZATION:

THE UNDERSIGNED PERMITTEE(S), BY EXECUTION THEREOF, AGREES TO EACH AND EVERY CONDITION OF THIS PERMIT AND PROMISES TO PERFORM EACH AND EVERY OBLIGATION OF PERMITTEE(S) THEREUNDER.

Signed Academy of Our Lady of Peace Signed Dolores Anchondo  
Typed Name: Academy of Our Lady of Peace Typed Name: DOLORES ANCHONDO

STATE OF California  
COUNTY OF San Diego

On June 16, 1995 before me, Cindy Ann Gould (Name of Notary Public) personally appeared Dolores Anchondo, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Cindy Ann Gould (Seal)



ORIGINAL

Mandel E. Himmelstein  
Attorney at Law  
P.O. Box 180519  
Coronado, CA 92178  
State Bar No. 174997

Administrative Hearing Officer,  
City of San Diego

IN THE MATTER OF	)	
	)	
The Academy of Our Lady	)	
Of Peace	)	
	)	
4860 Oregon	)	
	)	
San Diego, CA	)	CIVIL PENALTY
	)	ADMINISTRATIVE ENFORCEMENT ORDER
_____	)	

I  
STATEMENT OF THE CASE

This matter came on for hearing on March 7, 2008 at the San Diego City Council Chambers before Mandel E. Himmelstein, Administrative Hearing Officer pursuant to Appellant's Motion to Modify the Civil Penalty Enforcement Order dated September, 18, 2007(ORDER).

The ORDER resulted from evidence presented by Appellant and the City on July 27, 2007 and September 7, 2007 at The Neighborhood Code Compliance Department (NCCD) and the San Diego City Council Chambers. Those hearings followed lawful notice duly and regularly given to all parties.

This hearing was held for the limited purpose of determining whether it is lawful, reasonable, appropriate and consistent with the Conditional Use Permit to amend that portion of the ORDER requiring Appellant to reduce student enrollment from 750 to 640 by July 1, 2008.

Christine Fitzgerald, Deputy City Attorney, Melody Negrete, Code Enforcement Coordinator, Robert Vacchi, Deputy Director and Al Stasukevich Land Development Investigator II appeared on behalf of the City of San Diego.

Appellant appeared and was represented by its attorneys, Paul Robinson and Josh Sonne. Testifying for Appellant was Patricia Butler, technical consultant.

Public comment by the neighboring community was presented by Dan Sullivan and Ross Lopez. John McMann spoke on behalf of the Appellant.

The City did not offer documentary evidence. Appellant offered evidence identified as A-1 - A-3. All documents were admitted into evidence.

## II FINDINGS OF FACT

1. The ORDER reviewed the history of the violations of the San Diego Municipal Code (SDMC) as alleged in the Civil Penalty Notice and Order (CPNO), the obligations and limitations imposed upon Appellant in the Conditional Use Permit (CUP), the applicable law and the mitigating and aggravating factors to be considered in the decision process.

There were 15 separate Findings, determination of all five issues argued at the hearings and a final order with five divisions and eleven sub-divisions to detail what Appellant must do to comply.

2. Appellant appealed the ORDER in accordance with SDMC 12.0412 and California Code of Civil Procedure (CCCP) 1094.6. The San Diego City Attorney opined that subsequent to the Appeal, the Hearing Officer retained jurisdiction for the limited purpose of granting or denying Appellant's Motion to extend the compliance deadline. The ultimate determination of jurisdiction and other issues decided in this case now rests with the Superior Court on Appeal.
3. Appellant established by presentation of testimonial and documentary evidence, that the July 1, 2008 deadline to reduce student enrollment from 750 to 640 or to amend the CUP to allow the increased student body was not sufficient to complete regulatory, environmental, City review, Appellant compliance requirements and timeframes or allow adequate time for public comment. Appellant expects compliance to be achieved by yearend but suggested February 28, 2009 as the new deadline.
4. The City of San Diego did not present a position on or contest Appellant's Motion, but agreed that an extension to February 28, 2009 was reasonable, provided that, Appellant continue in compliance with the ORDER throughout the extension period.

Appellant is substantially compliant with the ORDER except for 5 disputed parking spaces and payment of the balance of Civil Penalties and Costs.

5. Neighborhood representatives expressed opposition to any deadline extension. They believe Appellant plans to expand the property and student body beyond legal requirements and the comfort of neighbors. They expressed their intent to vigorously and legally oppose any expansion during the permitting process.
6. An Appellant Board Member testified that the civil penalties have and will continue to cause financial hardship to the school which he alleges does not have any money, partly because it offers free education to many of its students.
7. All Notices and Orders including written notice of the time and place of this hearing were served upon Appellant according to law.
8. The responsible party is Appellant.

### III

#### DETERMINATION OF ISSUES

1. By reason of the facts found in Findings of Fact paragraph 8, Appellant is the Responsible Party.
2. By reason of the facts found in Findings of Fact paragraph 7, the Appellant was notified of this Administrative Hearing.
3. By reason of the facts found in Findings of Fact paragraphs 3 and 4, the Appellant is substantially in compliance with the ORDER.
4. By reason of the facts found in Findings of Fact paragraphs 1, 2, 3 and 4, the compliance deadline of July 8, 2008 is extended to February 28, 2009 subject to the conditions in the order.
5. By reason of the facts found in Findings of Fact paragraph 2, this order is limited to the modification of the compliance deadline and necessary auxiliary matters.

### IV

#### ORDER

THEREFORE, the following order is made:

1. Paragraph 2 D of the ORDER is amended by deleting "July 1, 2008" and substituting "February 28, 2009" (EXTENSION) in lieu thereof. Except for this modification, the ORDER is affirmed.
2. Throughout the EXTENSION Appellant shall otherwise remain in full compliance with the ORDER. Full compliance shall include the existing requirements of the ORDER, and (to accommodate the additional 110 students) the increase of off-site parking spaces by 22 for a total of 67 off-site spaces. Appellant shall provide written verification of the additional spaces to NCCD not later than 30 days prior to commencement of the 2008-2009 school year.
3. If the Appellant does not continue compliance with the ORDER during the EXTENSION, the EXTENSION is rescinded and, upon motion by the City, a hearing may be held to consider a different compliance date and what, if any, additional civil penalties or conditions may be necessary to ensure full compliance.
4. This order is subject to review and final determination by the Superior Court.

Dated: March 13, 2008



Mandel E. Himmelstein  
Administrative Hearing Officer



**North Park Planning Committee  
Urban Design/Project Review Subcommittee  
August 25, 2008**

**Academy of Our Lady of Peace Expansion and Modernization Project**

**Motion: Scannell/Bonn**

Whereas the Greater North Park Community Plan seeks to “preserve the architectural variety and residential character of Greater North Park” and to “preserve and restore unique or historic structures within the community,” we find the applicant’s plan to demolish the Collier and Copley Avenue houses—which the City has deemed “locally significant historical resources” that meet Significance Criterion C—to be opposite of the Community Plan.

Whereas the applicant has been in violation of its existing CUP since approximately 1996—including increases in enrollment, lack of parking, and traffic management—we find the applicant to be disingenuous in its attempt to amend its CUP as part of a major building project while neighbors endure the impacts of the violations.

Whereas the Greater North Park Community Plan aims to maintain the low-density character of predominantly single-family areas, we find the project’s nearly 22,000-square-foot, 30-foot-tall (plus an additional 13 feet in some areas) classroom structure that is to be 10 feet from a neighboring and historically significant home’s property line to be opposite of the Community Plan.

Whereas the applicant has not presented alternatives for the Collier and Copley houses, or existing campus structures, we find the applicant negligent in exploring adaptive re-use contrary to the Community Plan.

Whereas the applicant’s EIR fails to include mitigation for impacts on land use, aesthetics, neighborhood character, historical resources, traffic and circulation, and cumulative impacts to hydrology and water quality, we find the EIR incomplete and not compatible with land use protections or the Community Plan.

Whereas the project seeks deviations for setback, parking and building height, we find no community benefit to such deviations.

Whereas the project includes the applicant’s plan to “adopt a solution of financial hardship” based on a religious exemption from developers’ rules, including limitations on demolition of historically significant buildings, we find conflict with the applicant’s statement in the EIR that the “school is considered the primary use of the site,” not a religious institution.

Whereas the applicant is assuming the proposed parking structure would “reduce existing congestion and parking issues,” we find no assurance students or faculty/staff would

favor the structure over available street parking or that it would ease congestion with only one ingress/egress.

Whereas the applicant's EIR says the amended CUP will "modify limitations of special events," yet the CUP amendment offers no explanation of these modifications, we find potential for harmful overuse of neighborhood resources should the applicant pursue these additional events.

Whereas neighbors and this committee have documented the applicant's insincere efforts at community involvement and participation, we find the project to be one-sided and without concessions traditionally agreed upon between residents and expanding institutions.

Whereas the applicant sought a planning commission hearing date prior to a vote by this committee, conflicting with planning steps the City designed to protect neighborhoods, we find the applicant to be careless of its North Park location and neighbors.

Therefore, we deny the project and the CUP amendment as currently proposed.

**Motion Passes 6-3-0 (Steppke, Elliott, Moczdlowsky voting against the motion)  
For Action**

**The Academy of Our Lady of Peace  
Project No. 130619**

**OWNERSHIP INFORMATION**

**Owner:** The Academy of Our Lady of Peace, a California Non-Profit Corporation

**Officers of the Corporation:**

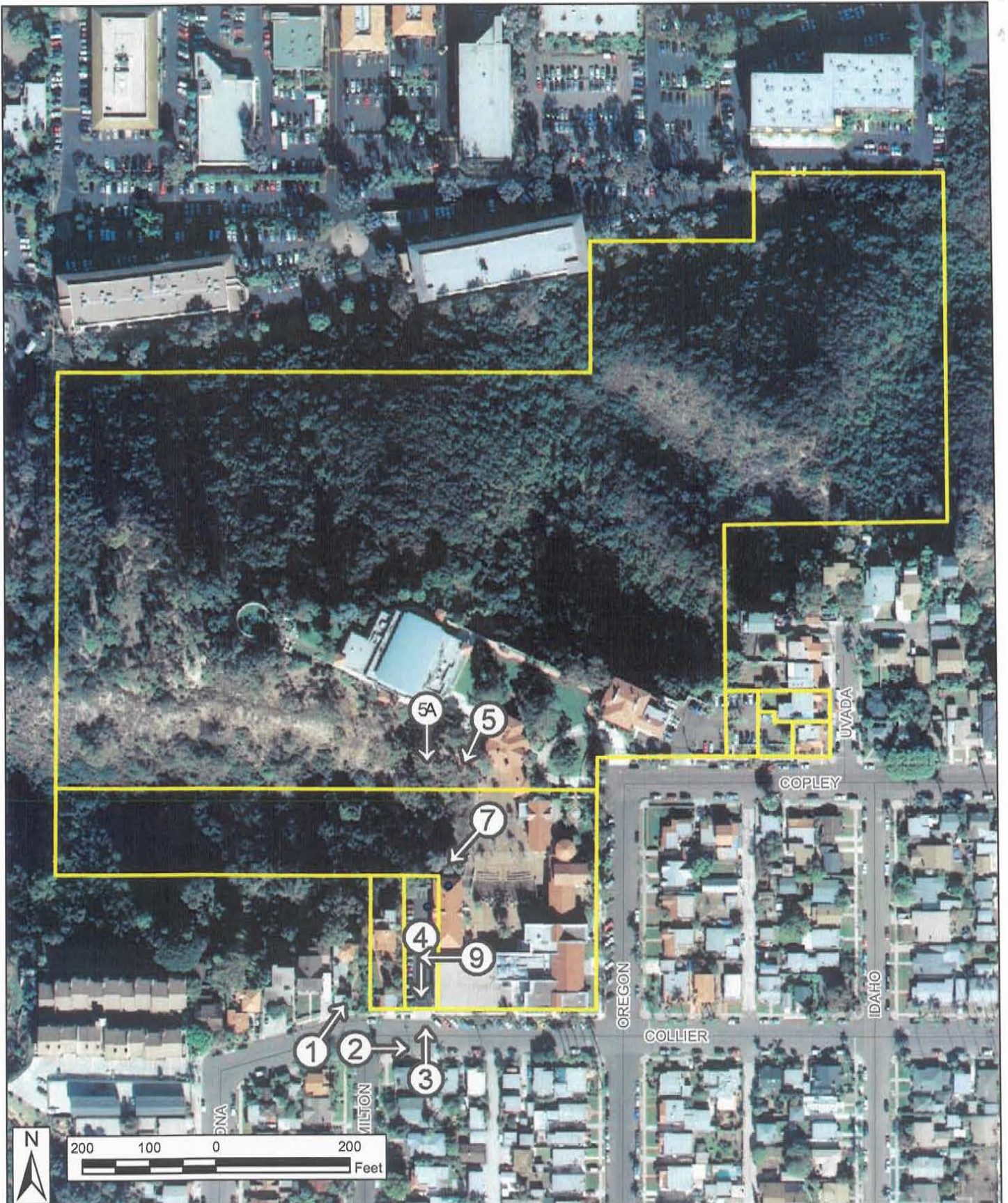
Mary Sloper, Chair Board of Trustees  
Sister Dolores Anchondo, President  
Sister Joyce Hampel, Vice President  
Dasan Mahadevan, Secretary/Treasurer

DEVELOPMENT SERVICES  
**Project Chronology**  
 ACADEMY OF OUR LADY OF PEACE; PROJECT NO. 130619

	<b>Action</b>	<b>Description</b>	<b>City Review Time</b>	<b>Applicant Response</b>
6/6/07	First Submittal	<b>Project Deemed Complete</b>		
7/25/07	First Assessment Letter	First assessment letter sent to applicant.	49 days	
9/21/07	Second submittal	Applicant's response to first assessment letter		58 days
11/9/07	Second Assessment Letter	Second assessment letter sent to applicant.	49 days	
1/3/08	Third submittal	Applicant's response to second assessment letter		55 days
3/6/08	Third Assessment Letter	Third assessment letter sent to applicant (included analysis to determine removal of CPA)	63 days	
7/7/08	Fourth submittal	Applicant's response to third assessment letter		123 days
8/14/08	Fourth Assessment Letter	Fourth assessment letter sent to applicant (minor issues).	38 days	
8/18/08	Fifth submittal – issues addressed	Applicant's response to fourth assessment letter. Issues addressed.		4 days
9/18/08	Public Hearing-Planning Commission	Planning Commission Hearing	31 days	
<b>TOTAL STAFF TIME**</b>			<b>230 days</b>	
<b>TOTAL APPLICANT TIME**</b>				<b>240 days</b>
<b>TOTAL PROJECT RUNNING TIME**</b>		From Deemed Complete to PC Hearing	470 days	

\*\*Based on 30 days equals to one month.





SOURCE: SanGIS, 2006; and BRG Consulting, Inc., 2007

05/16/07



Academy of Our Lady of Peace  
 Key Map of Photographic Locations  
 for Project A (Classroom)

FIGURE  
 6





SOURCE: BRG Consulting Inc., 2007

05/15/07

Academy of Our Lady of Peace

Project A

1. View from intersection of Hamilton St. and Collier Ave. toward project site  
(staff parking and 2544 Collier Ave.)

FIGURE

1





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project A

2. View from intersection of Hamilton St. and Collier Ave. toward Oregon St.

FIGURE

2





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project A

3. View from Collier Ave. toward project site

FIGURE

3





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project A

4. View from project site toward Collier Ave.

FIGURE

4



05/15/07

SOURCE: BRG Consulting Inc., 2007



Academy of Our Lady of Peace

Project A

5a. View from Holy Family Event Center toward staff parking

FIGURE

5





SOURCE: BRG Consulting Inc., 2007

05/15/07

Academy of Our Lady of Peace

Project A

5b. View from Holy Family Event Center toward 2544 Collier Ave.

FIGURE

6





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project A

6. View from staff parking toward Holy Family Event Center

FIGURE

7





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project A

7. View from Lower Plaza toward project site

FIGURE

8





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace  
Project A  
8. View from Project Site toward Lower Plaza

FIGURE  
9



SOURCE: BRG Consulting Inc., 2007

05/15/07

Academy of Our Lady of Peace

Project A

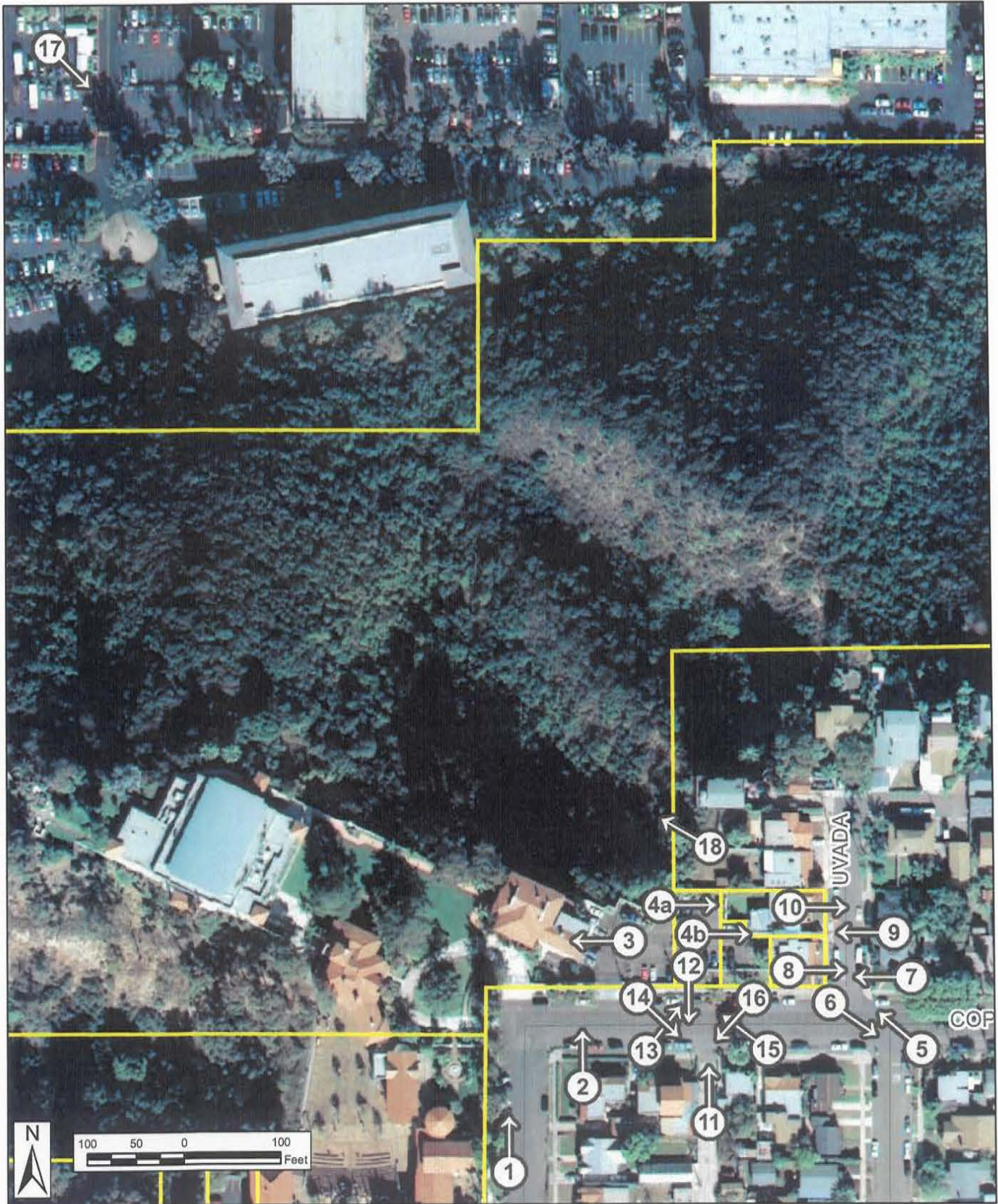
9. View from outside Qualialto Hall toward project site

FIGURE

10







SOURCE: SanGIS, 2007; and BRG Consulting, Inc., 2007

05/16/07

	<p style="text-align: center;">Academy of Our Lady of Peace</p> <p style="text-align: center;">Key Map of Photograph Locations for Project B (<i>Parking Structure</i>)</p>	<p style="text-align: center;">FIGURE 7</p>
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SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

1. View toward intersection of Oregon St. & Copley Ave.

FIGURE

11



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace  
Project B  
2. View toward existing parking entry gate

FIGURE  
12





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

3. View from parking lot toward St. Catherine's

FIGURE

13



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

4a. View from parking lot toward back of 4910 Uvada Pl.

FIGURE

14





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

4b. View from parking lot toward back of 2746 Copley Ave.

FIGURE

16



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

5. View from intersection of Copley Ave and Idaho St. toward 2746 Copley Ave.

FIGURE

17





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace  
Project B  
6. View from 2746 Copley Ave. toward Idaho St.

FIGURE  
18



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace  
Project B  
7. View from Uvada Pl. toward 2746 Copley Ave.

FIGURE  
19





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

8. View from 2746 Copley Ave toward Uvada St and Idaho

FIGURE

20



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace  
Project B  
9. View from Uvada Pl. toward 4910 Uvada Pl.

FIGURE  
21





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace  
Project B  
10. View from 4910 Uvada Pl. toward Uvada

FIGURE  
22



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

11. View from alley across Copley Ave toward parking lot

FIGURE

23





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

12. View from parking lot across Copley Ave. toward alley

FIGURE

24



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

13. View from alley down Copley Ave. toward Uvada Pl.

FIGURE  
25





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

14. View from parking lot down Copley Ave. toward Idaho St.

FIGURE

26



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

15. View from alley up Copley Ave. toward Oregon St.

FIGURE

27





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

16. View from parking lot up Copley Ave. toward Oregon St.

FIGURE

28



SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

17. View from Camino Del Rio South toward AOLP

FIGURE

29





SOURCE: BRG Consulting Inc., 2007

05/15/07



Academy of Our Lady of Peace

Project B

18. View from parking lot toward Camino Del Rio South Pl.

FIGURE

30

## **DRAFT**

FINDINGS OF FACT REGARDING  
FINAL ENVIRONMENTAL IMPACT REPORT  
FOR THE ACADEMY OF OUR LADY OF PEACE

**City of San Diego LDR No. 42-7863  
SCH. No. 2008021024**

**The attached Findings of Fact are draft and may be modified as the  
Project proceeds through the hearing process.**

1. Per the California Environmental Quality Act (CEQA) Section 15132, the Findings and SOC are not considered part of the environmental document but are made after the decision makers have considered the final environmental document.
2. These Findings and SOC have been submitted by the project applicant as candidate findings to be made by the decision-making body.
3. The Environmental Analysis Section of the Development Services Department does not recommend that the discretionary body either adopt or reject these findings. They have been attached to allow the readers of this document an opportunity to review potential reasons of approving the PROJECT despite the significant unmitigated effects identified in the EIR.



# California Environmental Quality Act

## Draft Findings (Public Resource Code § 21081, CEQA Guidelines § 15091)

### for the Final Environmental Impact Report

### Academy of Our Lady of Peace (SCH No. 2008021024) (LDR No. 42-7863)

## 1.0 Introduction

The following Findings and Statement of Overriding Considerations are made for the Environmental Impact Report (the "EIR") for the proposed Academy of Our Lady of Peace (AOLP) Planned Development Permit, Site Development Permit, and Amendment of Conditional Use Permit (CUP/RPO) #92-0769 (the "Project"). The EIR analyzes the significant and potentially significant environmental impacts, which may occur as a result of the Project.

The Project is an expansion of the existing AOLP high school located at 4860 Oregon Street in the City of San Diego, California. The Project would include approval of a Conditional Use Permit amendment which would involve a primary change to increase enrollment from the current CUP limit of 640 students and 46 staff to 750 students and no staff limit, Site Development Permit, Planned Development Permit, and deviations related to height, setbacks, and parking.

### 1.1 Purpose of CEQA Findings; Terminology

CEQA Findings play an important role in the consideration of projects for which an EIR is prepared. Under **Public Resources Code §21081** and **Guidelines §15091** above, where a final EIR identifies one or more significant environmental effects, a project may not be approved until the public agency makes written findings supported by substantial evidence in the administrative record as each of the significant effects. In turn, the three possible findings specified in **Guidelines §15091(a)** are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In turn, **Guidelines §15092(b)** provides that no agency shall approve a project for which an EIR was prepared unless either:

- (1) The project approved will not have a significant effect on the environment, or
- (2) The agency has:
  - (A) Eliminated or substantially lessened all significant effects where feasible as shown in the findings under Section 15091, and
  - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

## 1.2 Environmental Impact Report Process

Based on preliminary review of the application, the City concluded that the Project could have a significant impact on the environment and that preparation of an environmental impact report was necessary. The City issued a Notice of Preparation (NOP) on February 7, 2008. The NOP was distributed to all applicable federal government and State of California agencies, various City of San Diego and County of San Diego departments, and other interested organizations and individuals. Three written responses were received. A copy of the NOP and written comments received in response to the NOP are included in Volume I, Appendix A of the Final EIR.

After consideration of comments on response to the NOP, the City identified that the Draft EIR should analyze the potential for environmental impacts associated with the following 11 substantive potential impact areas in the **Environmental Impact Analysis** section:

- Aesthetics/Neighborhood Character
- Biological Resources
- Geology/Soils
- Historical Resources
- Human Health/Public Safety/Hazardous Materials
- Hydrology/Water Quality
- Land Use
- Noise
- Paleontological Resources
- Utilities
- Transportation/Circulation/Parking



Additionally, the Draft EIR was directed to contain other sections including **Executive Summary, Introduction, Environmental Setting, Project Description, Effects Found Not to be Significant, Mandatory Discussion Areas (Significant Environmental Effects Which Cannot be Avoided if the Project is Implemented, Significant Irreversible Environmental Changes, and Growth Inducement), Cumulative Impacts, and Alternatives.** Because of the scope of the Project, an EIR was determined to be the most useful and appropriate CEQA environmental document.

## 2.0 Description of Project

The Project involves an amendment to the existing Conditional Use Permit/Resource Protection Ordinance (CUP/RPO #92-0769) to address the current and future operational and academic needs of the existing Academy of Our Lady of Peace. Physical improvements associated with the proposed CUP amendment and associated discretionary actions include a new classroom building, a parking structure, and landscape renovations. Figure 3-1 in the EIR depicts the Academy's proposed updated Campus Site Plan.

The Academy of Our Lady of Peace is located at 4860 Oregon Street, San Diego, California. The school was founded in San Diego in 1882, and moved to its present location in 1925. The core of the campus is the 1917 Van Druff estate, a historical collection of well-maintained Mediterranean-styled buildings and grounds. The school added classroom and dormitory buildings in the 1920's, one classroom building in the 1960's, renovated the dormitories to classrooms in the 1980's and added a gym/multipurpose building in the 1990's. The school has consistently modernized its facilities in a style consistent with and sensitive to the historical Mediterranean core of its campus.

The existing campus is currently comprised of eight buildings, landscaping, and surface parking lots. Total existing building area is 86,035 square feet. The primary physical improvement components of the project include the construction of a two-story classroom building (21,059 square feet), and the construction of an 86-space, two level parking structure (consisting of one subterranean level, and one at-grade level) and eight surface parking spaces to provide a total of 94 on-site parking spaces. The Project would also involve the demolition of three single-family residential structures, one located where the classroom building is proposed, and two located where the parking structure is proposed. In addition to physical improvements, the Academy is seeking approval of an Amendment to its existing Conditional Use Permit (CUP/RPO #92-0769) to modify certain operational characteristics of the school and authorize several proposed deviations. The primary modifications are a request to increase the student enrollment from its currently permitted 640 students and 46 staff, to 750 students with no staff limit, modify limits on special events, to remove Circle Drive as a designated drop-off/pick-up location (but continue to use the existing designated Copley Avenue drop-off/pick-up location), and to deviate from required on-site parking by 10 spaces or 9.6 percent. The proposed CUP modifications are listed on Table 2-1.

Other minor deviations and physical improvements of the Project would include a two-foot setback deviation for the new proposed parking garage (which would be consistent with the existing wall setbacks) and an overheight deviation for the rear portion of the new proposed classroom. As proposed, 91.36 percent of this building would comply with the zoning building height requirement limit of 30 feet. However 4.2 percent of the building would exceed the height limitation, which is the portion of the structure below

street level on the slope at the northwest corner of the building. Also, 3.3 percent of the building's height exceedance is for the tower element and 1.14% is attributed to proposed chimney elements. The project would also include renovation of all the existing street frontage landscaping for the entire campus (fronting) and landscape renovation of the point and the meditation garden.

TABLE 2-1  
AOLP Proposed CUP Amendments

No.	CUP 92-0769	Proposed CUP Amendment	Map #
1	Maximum enrollment 640	Maximum enrollment 750	NA
2	Maximum number of staff 46	Remove staff limit (i.e. staff would be commensurate/appropriate to maximum enrollment needs)	NA
3	North Terrace parking designation	Remove North Terrace parking designation	1
4	Upper Plaza parking designation	Remove Upper Plaza parking designation	2
5	Staff Lot parking designation	Remove Staff Lot parking designation and construct Classroom Building	3
6	NA	Remove residence at 2544 Collier Avenue and construct Classroom Building	4
7	Student Lot parking designation	Construct Parking Facility with 94 spaces	5
8	NA	Remove residence at 2746 Copley Avenue and construct Parking Facility	5
9	NA	Remove residence at 4910 Uvada Place and construct Parking Facility	5
10	Limit on Amphitheater events	Remove limitation	6
11	Limit on Special Events	Modify limitations	NA
12	Circle Drive open for 1-way traffic	Close Circle Drive. Maintain existing pick-up/drop-off location.	7
13	NA	Renovate street frontage landscaping along Collier Ave., Oregon St. & Copley Ave.	8
14	NA	Renovate landscaping at The Point within existing footprint and with non-invasive species	9
15	NA	Renovate landscaping at Meditation Garden within existing footprint and with non-invasive species	10
16	NA	Provide Cafeteria	11
17	NA	specify location of PA loudspeaker	12

Source: BRG Consulting, Inc., 2008

The following sections describe the objectives of the Project, and list the discretionary approvals required for project implementation.

## 2.1 Project Objectives

The primary goal of the Project is to continue the operation of the school in support of the school's adopted Mission Statement. The current Project would update and support the Academy's existing Mission Statement. The Mission Statement is as follows:



"The Academy of Our Lady of Peace is a Catholic secondary school for young women sponsored by the Sisters of St. Joseph of Carondelet. The mission of the Academy is twofold: to assist and enable parents to fulfill their role as the primary educators, and to inspire its students to grow as committed Christians who are building Christ's kingdom of justice, love, and peace. Through a college preparatory liberal arts program, each student is challenged to become a responsible woman educated to the needs of society."

In support of the Academy's Mission Statement, the goals and objectives of the Project are as follows:

- Provide an environment that is conducive to excellent teaching and learning so that each student can reach her fullest potential;
- Incorporate changes to the Academy's campus/implement a Development Plan that would allow AOLP's neighbors, residents and the school to have an agreed upon blueprint for future improvements and a limit on enrollment;
- Meet the design criteria for development of the school;
- Create a "state of the art" campus that preserves and enhances the unique urban character of the Greater North Park community and the campus itself;
- Increase the maximum enrollment allowed from 640 students to 750 students in order to serve the needs of the community;
- Create an integrated campus with all parking, classroom and administrative space contained within a securable perimeter;
- Build a new classroom building to avoid making interior alterations to the existing historic school buildings and therefore maintain the historic integrity of the school;
- Alleviate floating classes and teachers by adding enough classroom space to accommodate the school's enrollment;
- Modernize through provision of a new classroom building which can accommodate technological advancements facilitating education and ensuring students are equipped to compete, contribute and thrive as adults in the new global economy;
- Construct a parking structure to accommodate additional parking on the campus and to allow the North Terrace's and Upper Plaza's historical and architectural character to be maintained by removing this area as a designated parking area in the existing CUP; and,
- Legalize and maintain enrollment at 750 students.

## 2.2 Discretionary Actions and Deviations Required

Prior to Project implementation, approval by the City of San Diego is required. Approvals would include certification of the Final EIR, adoption of the Mitigation, Monitoring and Reporting Program, and CEQA Findings and Statement of Overriding Considerations. In addition, construction and operation of the

Project would require the following discretionary approvals by the City of San Diego. The project includes a Process 4 approval and therefore would be considered by the City Planning Commission.

- 1. Amendment to Conditional Use Permit (CUP/RPO No. 92-0769).** The project site is located within the RS-1-7 and RS-1-1 zones and per §126.0303 a Conditional Use Permit (CUP) is required for the educational facilities. An education institution is allowed in these zones with approval of a CUP. The Project would amend the existing CUP/RPO No. 92-0769 to accommodate the Project.
- 2. Site Development Permit.** A Site Development Permit (SDP) is required for development proposed in areas governed by the City's Environmentally Sensitive Lands (ESL) regulations. Per §143.0110, Table 143.01A, SDP Process 3 is required for non-residential development where steep slopes are present on the premises. With respect to the Project, applicable ESL regulations are steep hillsides §143.0110 (sites containing slopes with a gradient of at least 25% or greater) and sensitive biological resources §143.0141. The decision making body to approve the Site Development Permit would be the City of San Diego Planning Commission in accordance with Process Three of the City's Municipal Code.
- 3. Planned Development Permit.** The applicant for the Project is requesting the approval of deviations from the applicable development regulations in accordance with §126.0602(b) of the City's Municipal Code, pursuant to a Planned Development Permit. Per §126.0602(b)(1) required parking, height, and side yard setback deviations because development does not comply with all the base zone regulations or all development regulations. The decision making body to approve the Planned Development Permit would be the City of San Diego Planning Commission in accordance with Process Four of the City's Municipal Code, provided that the findings in §126.0504(a) and the supplemental findings in §126.0504(b) are made.

The following are deviations proposed:

**Height Deviation.** A height deviation for the proposed 2-story classroom building. The development criteria for the underlying single-family zone allows a maximum height of 30 feet measured from the adjacent grade. The proposed new classroom building would achieve a height of 43 feet 6 inches (elevation 422.5 feet), as measured from the northern side of the building at its lowest point in the canyon. The street grade height (adjacent to Collier Street) would be consistent with the 30-foot height limit for the zone except for the tower element and two chimneys.

The proposed classroom building height deviation would occur at three locations: 1) at the far northwest corner of the project on the slope, below street level. 94.8% of the building complies with the height limitation. 4.2% of the building exceeds the limitation by 13'6". The portion of the building exceeding the limitation is not visible from the street, or any public lands, and does not disrupt views from any public or private lands. The street façade features a decorative tower element with a height of 35'11" (elevation 429 feet) at the peak of its hipped roof. This element represents approximately 3.3 percent of the overall building footprint area. 2) Along the west elevation, the classroom building would be consistent with the 30-foot height limit with the exception of two decorative chimney elements, each 64 square feet in size. The chimney feature on the southern end of the west elevation exceeds the height limit by approximately 4 feet 7 inches (elevation 429 feet) and represents approximately 0.57% of the building footprint. 3) The chimney element on the northern end of the



west elevation is also 64 square feet in size. It exceeds the height limit by approximately 9 feet 6 inches (elevation 429 feet) and represents approximately 0.57% of the building footprint.

Due to PDP requirement, the limited percentage of building area affected, lack of street frontage visibility, and addition of Spanish Eclectic features sympathetic to the neighborhood, none of the 3 height deviation areas were determined to be significant CEQA impacts.

**Parking Deviation.** The required parking for the project is 104 spaces. The project proposes to provide a total of 94 spaces in a two-level parking structure (one level below grade and one level at grade) surface and parking. Therefore, as proposed, the project would provide 10 spaces less than the amount required for the project. As proposed, within the two-level structure, there would be a 10-space or 9.6 percent parking deficit based on Code requirements. Chapter 9 Alternatives, provides a discussion of potential alternatives that would avoid this potential significant impact.

**Setback Deviation.** The required building setback (Street Side Setback) along Copley Avenue is 10 feet. The Project proposes to reduce this setback from the 10-foot Street Side Setback requirement to 8 feet on Copley Avenue. The new decorative screen wall for the parking structure would match the existing, decorative campus wall, which already has an 8-foot setback along this street. The proposed 2-foot deviation, therefore, would allow continuity with the existing campus decorative wall along Copley Avenue and provide landscaping renovations, which would further enhance the streetscape. Due to the PDP requirement to obtain this deviation and the consistency of the deviation with existing setbacks along the street frontage, this deviation has not been determined to constitute a significant impact under CEQA.

In addition to the discretionary actions identified above, construction of the Project would require the following City-issued permits: 1) grading permit; 2) demolition permit; and, 3) building permit. It is currently not anticipated that other local, state, or federal approvals would be required for project implementation. The project has been reviewed by the Federal Aviation Administration (FAA) and the FAA has determined the Project not to be a hazard to air navigation.

## 3.0 Environmental Setting

### 3.1 Regional Setting

The Project site is located within the City of San Diego, which is generally located 15 miles north of the United States International Border with Mexico and approximately 130 miles south of Los Angeles. More specifically, the Project site is situated south of Interstate 8 (I-8) and west of Interstate 805 (I-805) within the Greater North Park Community Plan area (Figure 2.1-1 in the EIR). The Greater North Park Community is bounded by the communities of Mission Valley to the north, Normal Heights and City Heights to the east, Golden Hill to the south, and Balboa Park and Hillcrest to the west.

The majority of the Greater North Park Community is relatively flat with the exception of an area abutting the slopes of Mission Valley and the canyon areas, including the Burlingame neighborhood, in the southeastern portion of the community (City of San Diego, 1990). As a result, this level topography led to the predominant use of the "gridiron" subdivision patterns in the community (City of San Diego, 1990).

### 3.2 Surrounding Land Uses

The project site's primary address and official entrance is 4860 Oregon Street; however, the site fronts along Collier Avenue, Oregon Street, and Copley Avenue. A single-family neighborhood has developed around the Academy since the school moved there in 1925. To the north and west, steep, undeveloped canyons that extend down to Texas Street surround the existing school campus. Figure 2.1-2 in the EIR depicts the community plan land uses of the project site and immediately surrounding area.

### 3.3 Project Site Setting

The Project site comprises eight legal parcels and encompasses approximately 23.3 acres of land (Figures 2.1-3 and 2.1-4 in the EIR). Specifically, legal parcels subject to the proposed CUP Amendment are:

Parcel #1	APN#438-190-02 & APN#438-230-16
Parcel #2	APN#438-230-11
Parcel #3	APN#438-230-12
Parcel #4	APN#438-201-22
Parcel #5	APN#438-201-01
Parcel #6	APN#438-201-03
Parcel #7	APN#438-201-04

The elevation of the site ranges from approximately 385 feet above mean sea level (amsl) in the southern developed portion of the site to approximately 175 feet amsl in the lowest portion. Figure 2.1-5 in the EIR depicts the existing zoning of the Project site. As shown, the site is zoned RS-1-1 and RS-1-7. In addition, the land proposed to be incorporated into the school's campus which include the three residential units proposed to be demolished are zoned RS-1-7. The Project site is also located within the "Transit Area" and "Brush Zone" overlay zones. The Greater North Park Community Plan designates the portion of the site where the campus is located as "School" with underlying community plan land uses of "Single-Family" and "Natural and Undeveloped Open Space."

## 4.0 Issues Addressed in the EIR

The EIR contains an environmental analysis of the potential impacts associated with implementing the Project. The major issues that are addressed in this EIR were determined potentially significant based on review by the City of San Diego. These issues include aesthetics/neighborhood character, biological resources, geology/soils, historical resources, hydrology/water quality, land use, noise, paleontological resources, utilities, transportation/circulation/parking, and human health/public safety/hazardous materials.

## 5.0 Mitigation Monitoring Program

Pursuant to PRC §21081.6, the City has also adopted a detailed mitigation and monitoring program prepared by the EIR consultant under the direction of the City. The program is designed to assure that all mitigation measures as hereafter required are in fact implemented on a timely basis as the Project progresses through its development and construction phases.

## 6.0 Record of Proceedings

For all purposes of CEQA compliance, including these Findings of Fact and Statement of Overriding Considerations, the administrative record of all City proceedings and decisions regarding the environmental analysis of the Project shall include but are not limited to the following:

- The Draft and Final EIR for the Project, together with all appendices and technical reports referred to therein, whether separately bound or not;
- All reports, letters, applications, memoranda, maps or other planning and engineering documents prepared by the City, planning consultant, environmental consultant, project applicant or others and presented to or before the decision-makers or staff;
- All minutes of any public workshops, meetings or hearings, and any recorded or verbatim transcripts/videotapes thereof;
- Any letters, reports or other documents or other evidence submitted into the record at any public workshops, meetings or hearings; and
- Matters of common general knowledge to the City, which they may consider, including applicable state or local laws, ordinances and policies, the General Plan and all applicable planning programs and policies of the City.

Documents or other materials which constitute the record of proceedings upon which these Findings are made are located at the Development Services Department of the City of San Diego, 1222 First Avenue, MS-501, 5<sup>th</sup> Floor, San Diego, California, 92101.

## 7.0 Findings of Significant Impacts, Required Mitigation Measures and Supporting Facts

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code §21081(a)(1) and Guidelines §15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which would mitigate, avoid, or substantially lessen to below a level of significance the following potential significant environmental effects identified in the EIR.



## 7.1 Aesthetics/Neighborhood Character

**A. Potential Impact.** The Project would involve construction of a wall on the northern slope for both the parking structure and classroom building, which could result in an aesthetic impact.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measure ANC-1 of the EIR. Implementation of this mitigation measure would require that:

### **Mitigation Measure ANC-1**

The lowest color band of the proposed parking structure and the classroom building shall match the tonality of the north-facing slope in order to minimize the visual impact of these structures in the canyon area.

## 7.2 Biological Resources

### 7.2.1 *Direct and Indirect Impacts to Native Habitat, Flora, and Fauna*

**A. Potential Impact.** The Project has the potential to result in direct and indirect impacts to native habitats, flora and fauna. The direct impact associated with the project would be the loss of 0.6 acres of southern maritime chaparral due to required fuel modification/brush management activity.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measures BR-1 through BR-4 and BR-7 through BR-10 of the EIR. Implementation of these mitigation measures would require that:

### **Mitigation Measures BR-1**

Prior to the issuance of a Notice to Proceed (NTP) or any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits the Assistant Deputy Director (ADD) environmental designee of the City's Land Development Review Division (LDR) shall verify that the grading and/or construction plans include an index of sheets shown on the first map sheet which includes "Environmental Requirements" and the following statement "The Academy of Our Lady of Peace (PTS No. 130619/LDR No. 42-7863) development project is conditioned to have a qualified biological monitor on-site as determined at the preconstruction meeting. The project and shall conform to the Mitigation Monitoring and Reporting Program conditions as contained in the environmental document (PTS No. 130619/LDR No. 42-7863, SCH No. 2008021024) and as shown verbatim on sheet(s)\_\_\_." Please note, additional related mitigation features and/or notes can also be included on individual map sheets where appropriate (i.e. depicting areas of reduced width areas of brush management zones, etc.)."

### **Mitigation Measure BR-2**

Prior to issuance of any grading permits, the owner/permittee shall make arrangements to schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the City Field

Resident Engineer (RE), the monitoring biologist, and staff from the City's Mitigation Monitoring and Coordination (MMC) Section.

**Mitigation Measure BR-3**

The project site includes a total of 23.3 acres. Prior to recordation of the first final map and/or issuance of grading permits (which ever comes first), impacts to 0.6 acres of southern maritime chaparral (located outside the MHPA) shall be mitigated to the satisfaction of the City Manager through off-site preservation of upland habitats in conformance with the City's Environmentally Sensitive Lands Ordinance (ESL) (Option A); or through payment into the City's Habitat Acquisition Fund No. (Option B).

Option A: For the off-site preservation option, the owner/permittee shall record a Covenant of Easement, Conservation Easement, or dedication in fee title to the City of San Diego for a total of 0.6 acres inside the MHPA in Tiers I-III, or 1.2 acres of Tier I habitat outside the MHPA.

Option B: For the HAF option, the applicant shall pay an estimated total of \$23,100 into the fund (Assumes mitigation within MHPA, at current City rate. of \$35,000 per acre + 10 % administration fee (both of which are subject to change), at 0.6 acres, = \$23,100.

**Mitigation Measure BR-4**

Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD or LDR verifying that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below (A through D):

- A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of LDR stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the revegetation plan.
- B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section which includes the name and contact information of the Biologist names of all persons involved in the Biological Monitoring of the project, if changed and/or not provided in the first letter.
- C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife (including USFWS protocol) surveys, impact avoidance areas or other such information has been completed and approved by City MMC.
- D. The qualified biologist (project biologist) shall attend the first preconstruction meeting and perform measures listed under General Birds below (i.e. perform any required pre-grading/construction bird surveys.

**Mitigation Measure BR-7**

As determined at the Preconstruction Meeting, the project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within onsite, and surrounding sensitive habitat as shown on the approved Exhibit A.

**Mitigation Measure BR-8**

All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.

**Mitigation Measure BR-9**

The following measures are required in order to carry out and ensure the successful revegetation of the graded portions of the Biology Buffer and Zone 2 Brush Management Areas (although these direct impacts will be mitigated of site per ESL ratios – the following 25 month revegetation program is required:

- A. Final Grading Report
  1. Biological Monitoring
    - a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
    - b. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.
- B. Submittal of Final Grading Report
  1. A Final Grading Report documenting any additional impact areas or problems during grading shall be prepared to document the completion of grading.
  2. The PQB shall submit two copies of the Final Grading Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.
  5. The PQB shall submit revised Report to MMC (with a copy to RE) for approval within 30 days.
  6. MMC will provide written acceptance to the PQB and RE of the approved report.

**Mitigation Measure BR-10**

Prior to issuance of grading permits, the City shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements; and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:

- A. The qualified biologist (project biologist) shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as shown on the approved grading plans. MSCP covered and/or other sensitive species such as barrel cactus within brush management zone II should be flagged for preservation during thinning operations.
- B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.



- C. During grading activities, the Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport. These practices may include but may not be limited to the following: the use of materials such as gravel bags, fiber rolls, sediment fencing, and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas to prevent soil loss.
- D. All construction activities shall take place only inside the fenced area. Grading materials shall be stored inside the fenced development area.
- E. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Developmental Zoning Code Update Biology Guidelines, to the satisfaction of the City Manager.
- F. All drainage from development and sheet flow would flow into a new bioswale or be directed into existing street drainage areas.
- G. All lighting associated with the project will be shielded and directed away from the urban/natural edge.
- H. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the fire marshal. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands. All revegetation within Brush Management Zone 2 and/or within 100 feet of native habitat must be native chaparral or coastal sage scrub species.
- I. Appropriate fencing as required by MSCP/Landscaping/Permit or Long Range Planning shall be installed at the rear of the property to protect open space areas from urban encroachment (students, visitors, plants and toxins). Typically these fences are 2 feet concrete base with open iron bars above to a maximum of 6 feet.

### 7.2.2 *Nesting Birds*

**A. Potential Impact.** The Project has the potential to impact nesting birds during vegetation clearing associated with the increased fuel modification/brush management zones.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measures BR-5 and BR-6 of the EIR. Implementation of these mitigation measures would require that:

#### **Mitigation Measure BR-5**

In order to comply with the Federal Migratory Bird Treaty Act, and CA Department of Fish and Game (CDFG) Code (which essentially prohibits any take of bird species - including disturbance of eggs, fledglings, nests, or plants/ substrate the nest is located in, or causing adults to abandon nests), the project biologist shall verify that no nesting birds are present on any portion of the project site or nearby vicinity (including off-site areas to be impacted) during grading and construction operations that would be disturbed indirectly or directly by the project, especially during the typical bird breeding season between February 1 and September 15. If any breeding birds would be directly impacted by grading, breeding

season work shall be avoided, or the project biologist shall work with EAS and the appropriate wildlife agencies (i.e. US Fish and Wildlife Service and CDFG) to determine appropriate mitigation.

**Mitigation Measure BR-6**

Prior to any construction activity that would create noise levels above 60 dB within the development area during the raptor breeding season (February 1 through September 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey would be conducted and no construction would be allowed within 300 to 500 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an active nest shall not be removed until after the breeding season.

### 7.2.3 Noise Impacts to Sensitive Wildlife

**A. Potential Impact.** The Project has the potential to result in indirect temporary impacts to sensitive wildlife species due to noise and dust during construction, and there is a potential for increased erosion due to vegetation modification.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measures BR-5 through BR-10 of the EIR. Implementation of these mitigation measures would require that:

**Mitigation Measure BR-5**

In order to comply with the Federal Migratory Bird Treaty Act, and CA Department of Fish and Game (CDFG) Code (which essentially prohibits any take of bird species - including disturbance of eggs, fledglings, nests, or plants/ substrate the nest is located in, or causing adults to abandon nests), the project biologist shall verify that no nesting birds are present on any portion of the project site or nearby vicinity (including off-site areas to be impacted) during grading and construction operations that would be disturbed indirectly or directly by the project, especially during the typical bird breeding season between February 1 and September 15. If any breeding birds would be directly impacted by grading, breeding season work shall be avoided, or the project biologist shall work with EAS and the appropriate wildlife agencies (i.e. US Fish and Wildlife Service and CDFG) to determine appropriate mitigation.

**Mitigation Measure BR-6**

Prior to any construction activity that would create noise levels above 60 dB within the development area during the raptor breeding season (February 1 through September 15) the biologist shall ensure that no raptors are nesting. If construction occurs during the raptor breeding season a preconstruction survey would be conducted and no construction would be allowed within 300 to 500 feet of any identified nest(s) until the young fledge. Should the biologist determine that raptors are nesting, an active nest shall not be removed until after the breeding season.

**Mitigation Measure BR-7**

As determined at the Preconstruction Meeting, the project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within onsite, and surrounding sensitive habitat as shown on the approved Exhibit A.

**Mitigation Measure BR-8**

All construction activities (including staging areas) shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.

**Mitigation Measure BR-9**

The following measures are required in order to carry out and ensure the successful revegetation of the graded portions of the Biology Buffer and Zone 2 Brush Management Areas (although these direct impacts will be mitigated of site per ESL ratios – the following 25 month revegetation program is required:

- A. Final Grading Report
  1. Biological Monitoring
    - a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
    - b. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.
- B. Submittal of Final Grading Report
  1. A Final Grading Report documenting any additional impact areas or problems during grading shall be prepared to document the completion of grading.
  2. The PQB shall submit two copies of the Final Grading Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring.
  5. The PQB shall submit revised Report to MMC (with a copy to RE) for approval within 30 days.
  6. MMC will provide written acceptance to the PQB and RE of the approved report.

**Mitigation Measure BR-10**

Prior to issuance of grading permits, the City shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements; and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:

- A. The qualified biologist (project biologist) shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as shown on the approved



- grading plans. MSCP covered and/or other sensitive species such as barrel cactus within brush management zone II should be flagged for preservation during thinning operations.
- B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.
  - C. During grading activities, the Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport. These practices may include but may not be limited to the following: the use of materials such as gravel bags, fiber rolls, sediment fencing, and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas to prevent soil loss.
  - D. All construction activities shall take place only inside the fenced area. Grading materials shall be stored inside the fenced development area.
  - E. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Developmental Zoning Code Update Biology Guidelines, to the satisfaction of the City Manager.
  - F. All drainage from development and sheet flow would flow into a new bioswale or be directed into existing street drainage areas.
  - G. All lighting associated with the project will be shielded and directed away from the urban/natural edge.
  - H. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the fire marshal. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands. All revegetation within Brush Management Zone 2 and/or within 100 feet of native habitat must be native chaparral or coastal sage scrub species.
  - I. Appropriate fencing as required by MSCP/Landscaping/Permit or Long Range Planning shall be installed at the rear of the property to protect open space areas from urban encroachment (students, visitors, plants and toxins). Typically these fences are 2 feet concrete base with open iron bars above to a maximum of 6 feet.

#### 7.2.4 *Non-Native Invasive Landscaping*

**A. Potential Impact.** The Project could indirectly impact sensitive vegetation communities by introducing non-native, invasive landscaping.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measure BR-10 of the EIR. Implementation of this mitigation measure would require that:

**Mitigation Measure BR-10**

Prior to issuance of grading permits, the City shall verify that the project is in compliance with the MSCP Subarea Plan's Land Use Adjacency Requirements; and that the following site specific requirements are noted on the grading plans under the heading Environmental Requirements:

- A. The qualified biologist (project biologist) shall supervise the placement of orange construction fencing or equivalent along the boundary of the development area as shown on the approved grading plans. MSCP covered and/or other sensitive species such as barrel cactus within brush management zone II should be flagged for preservation during thinning operations.
- B. The project biologist shall meet with the owner/permittee or designee and the construction crew to conduct an on-site educational session regarding the need to avoid impacts outside of the approved development area.
- C. During grading activities, the Best Management Practices for erosion control shall be implemented and monitored as needed to prevent any significant sediment transport. These practices may include but may not be limited to the following: the use of materials such as gravel bags, fiber rolls, sediment fencing, and erosion control matting to stabilize disturbed areas; and installation of erosion control materials, particularly on the downslope side of disturbed areas to prevent soil loss.
- D. All construction activities shall take place only inside the fenced area. Grading materials shall be stored inside the fenced development area.
- E. Prior to the release of the grading bond, the project biologist shall submit a letter report to the Environmental Review Manager that assesses any project impacts resulting from construction. In the event that impacts exceed the allowed amounts, the additional impacts shall be mitigated in accordance with the City of San Diego Land Developmental Zoning Code Update Biology Guidelines, to the satisfaction of the City Manager.
- F. All drainage from development and sheet flow would flow into a new bioswale or be directed into existing street drainage areas.
- G. All lighting associated with the project will be shielded and directed away from the urban/natural edge.
- H. All plantings at the urban/natural edge shall be native, drought tolerant, and acceptable to the fire marshal. No invasive/non-native species shall be located on-site where they have the potential to invade on-site, or adjacent natural lands. All revegetation within Brush Management Zone 2 and/or within 100 feet of native habitat must be native chaparral or coastal sage scrub species.
- I. Appropriate fencing as required by MSCP/Landscaping/Permit or Long Range Planning shall be installed at the rear of the property to protect open space areas from urban encroachment (students, visitors, plants and toxins). Typically these fences are 2 feet concrete base with open iron bars above to a maximum of 6 feet.

## 7.3 Geology/Soils

**A. Potential Impact.** Given the steep slopes and project location within Geologic Hazards Category 53, a "low to moderate risk" geologic hazard area, a potentially significant impact has been identified with respect to landsliding as a portion of the classroom building and the parking structure would encroach into steep slopes.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measure GS-1 of the EIR. Implementation of this mitigation measure would require that:

**Mitigation Measures GS-1**

As part of project structural design and prior to issuance of a grading permit, a detailed subsurface geotechnical investigation shall be performed at both locations proposed for development (the classroom building and the parking structure) to provide slope stability/landslide evaluation for the slope zone areas and foundation recommendations for the structures. Future recommended borings shall be described in the existing parking lot(s) adjacent to tops of slopes, and not in sensitive open space areas.

A Geologic Site Assessment for the proposed project was prepared by Petra on May 2, 2008. The slope areas have been mapped as low to moderate geologic risk and the site has a factor of safety of 1.5 or greater, with regards to slope stability at the building sites. Therefore, typical slope maintenance will be required for portions of the property containing slopes. A detailed geotechnical investigation is in progress and will provide additional slope stability/landslide details, evaluation and recommendations for the slope zone areas and foundation recommendations for the structures.

## 7.4 Historical Resources

### 7.4.1 Archaeology

**A. Potential Impact.** No archaeological sites were identified in archaeological surveys conducted; however, there is potential that buried archaeological resources not visible at the surface may be encountered during grading.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measure HR-1 of the EIR. Implementation of this mitigation measure would require that:

**Mitigation Measure HR-1**

**I. Prior to Permit Issuance**

**A. Entitlements Plan Check**

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate construction documents.

**B. Letters of Qualification have been submitted to ADD**

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in



the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

## II. Prior to Start of Construction

### A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

### B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
  - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
  - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
  2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
  3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
    - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
    - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

### IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
  2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
  2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
  3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
  2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
  3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
  4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
  5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
    - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
    - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
    - c. In order to protect these sites, the Landowner shall do one or more of the following:
      - (1) Record the site with the NAHC;
      - (2) Record an open space or conservation easement on the site;
      - (3) Record a document with the County.
    - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards.



Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
  2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
  3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

#### V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
    - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
    - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

#### VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with State of California Department of Parks and Recreation. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
  2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
  3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

## 7.5 Paleontological Resources

**A. Potential Impact.** The Project would result in the substantial excavation of potential fossil-bearing geologic formations as project grading would exceed 10 feet in depth cuts.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measure PR-1 of the EIR. Implementation of this mitigation measure would require that:

**Mitigation Measure PR-1**

**Private Project (Dated June 3, 2008)**

**Paleontological Resources**

**I. Prior to Permit Issuance**

A. Entitlements Plan Check

1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

**II. Prior to Start of Construction**

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.



2. Identify Areas to be Monitored. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

### III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
  1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**
  2. The monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
  3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
- B. Discovery Notification Process
  1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
  2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
  3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
  1. The PI shall evaluate the significance of the resource.
    - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

#### **IV. Night and/or Weekend Work**

- A. If night and/or weekend work is included in the contract
  1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  2. The following procedures shall be followed.
    - a. No Discoveries  
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVr and submit to MMC via fax by 8AM on the next business day.
    - b. Discoveries  
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
    - c. Potentially Significant Discoveries  
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
  1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

#### **V. Post Construction**

- A. Preparation and Submittal of Draft Monitoring Report
  1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
  - b. Recording Sites with the San Diego Natural History Museum  
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
  3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
  4. MMC shall provide written verification to the PI of the approved report.
  5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
  2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
  2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC, which includes the Acceptance Verification from the curation institution.

## 7.6 Public Utilities

**A. Potential Impact.** The Project would require the demolition of three single-family structures and two surface parking lots owned by the Academy which may result in a large amount of solid waste disposal and therefore, would result in a significant solid waste impact. Besides the impact to solid waste, the Project would not result in a significant impact to any other public utilities.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measures PU-1 and PU-2 of the EIR. Implementation of these mitigation measures would require that:

**Mitigation Measure PU-1**

Solid Waste – Prior to the issuance of any building permit, the ADD of LDR shall verify that the Owner/Permittee has developed a comprehensive waste management plan in coordination with the City's Environmental Services Department.

**Mitigation Measure PU-2**

LDR Plan Check – Prior to the issuance of any permit, including but not limited to, any discretionary action, grading, or any other permits, the Assistant Deputy Director (ADD) shall verify that all the requirements of the Waste Management Plan (as required by Mitigation Measure PU-1) have been shown and/or noted on the Demolition and/or Grading Plans (construction documents).

1. Prior to issuance of a demolition permit, the permittee shall be responsible to arrange a pre-construction meeting. This meeting shall be coordinated with Mitigation Monitoring Coordinator (MMC) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by Land Development review (LDR) and ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
2. The plan (construction documents) shall include the following elements for demolition, construction, and occupancy phases of the project as applicable:
  - (a) Tons of waste anticipated to be generated,
  - (b) Material type of waste to be generated,
  - (c) Source separation techniques for waste generated,
  - (d) How material would be reused on-site,
  - (e) Name and location of recycling, reuse, or landfill facilities where waste would be taken if not reused on-site,
  - (f) A "buy recycled" program,
  - (g) How the project would aim to reduce the generation of construction/demolition debris,
  - (h) A plan of how waste reduction and recycling goals would be communicated to subcontractors, and
  - (i) A time line for each of the three main phases of the project as stated above.
3. The plan shall strive for a goal of 50% waste reduction.
4. The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals. The Permittee shall notify MMC and ESD when:
  - (a) A construction permit is issued,
  - (b) When construction begins,
  - (c) The permittee shall arrange for progress inspections, and a final inspection, as specified in the plan and shall contact both MMC and ESD to perform these periodic site visits during demolition and construction to inspect the progress of the project's waste diversion efforts. Notification shall be sent to:



MMC/Tony Gangitano  
Mitigation Monitoring Coordination  
9601 Ridgehaven Court  
Ste. 320, MS 1102B  
San Diego, CA 92123-1636  
(619) 980-7122 or (858) 627-3360  
When demolition ends.

Angelee Mullins  
Environmental Services Dept.  
9601 Ridgehaven Court  
Ste. 320, MS 1103B  
San Diego, CA 92123-1636  
(858) 492-5010

Prior to the issuance of a grading permit, the applicant shall receive approval from the ADD that the Waste Management Plan has been prepared, approved, and implemented. Also, prior to the issuance of the Certificate of Occupancy, the applicant shall submit evidence to the ADD that the final Demolition/Construction report has been approved by MMC and ESD. This report shall summarize the results of implementing the above Waste Management Plan elements, including: the actual waste generated and diverted from the project, the waste reduction percentage achieved, and how that goal was achieved, etc.

#### **Preconstruction Meeting**

1. At least thirty days prior to beginning any work on the site, demolition and/or grading, for the implementation of the MMRP, the Permittee is responsible to arrange a Preconstruction Meeting that shall include: the Construction Manager or Grading Contractor, MMC, and ESD and the Resident Engineer (RE), if there is an engineering permit.
2. At the Preconstruction Meeting, the Permittee shall submit Three (3) reduced copies (11" x 17") of the approved Waste Management Plan to MMC (2) copies and to ESD (1) copy.

Prior to the start of demolition, the Permittee/Construction Manger shall submit a construction schedule to MMC and ESD.

#### **During Construction**

The Permittee/Construction manger shall call for inspection by both MMC and ESD who would periodically visit the construction site to verify implementation of the Waste Management Plan.

#### **Post Construction**

1. After completion of the implementation of the MMRP, a final results report shall be submitted to MMC to coordinate the review by the ADD and ESD.
2. Prior to final clearance of any demolition permit, issuance of any grading or building permit, release of the grading bond and/or issuance of a Certification of Occupancy, the applicant shall provide documentation that the ADD or LDR and ESD, that the Waste Management Plan has been effectively implemented.

## 7.7 Transportation/Circulation/Parking

**A. Potential Impact.** The following operational issues have been identified as significant impacts of the Project:

- Existing congestion along Oregon Street and Collier Avenue and at the intersection of Oregon Street and Collier Avenue for short periods before and after school; and,
- On-street parking, littering and inappropriate behavior such as impeding driveway access or noise.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measures TCP-1 through TCP-5 of the EIR. Implementation of these mitigation measures would require that:

### ***Mitigation Measure TCP-1***

The Academy shall continue to use a traffic facilitator, which would be two school employees, one on each street, that would be assigned the task of keeping traffic moving during critical drop off and pick up congestion periods. The existing designated pick-up/drop-off location on Copley Avenue shall be maintained (see Figure 5.10-8). In addition, any school personnel that performs the facilitator function shall receive proper police special events safety instruction, wear proper safety clothing and obtain any necessary City authority or permits that may be related to this function.

### ***Mitigation Measure TCP-2***

Based on field observations and the new parking structure design and location, the parking structure access shall be limited to right turns in (from Copley) and right turns out.

### ***Mitigation Measure TCP-3***

The following measures shall be implemented to reduce impact of students parking on nearby residential streets:

- To more closely control these types of issues, a parking control program shall be implemented, similar to the Saint Augustine High School's program.
- Each student permitted to drive shall be issued a colored (by class) and numbered (each student) I.D. card, which is displayed on a vehicles dashboard where it is accessible. Vehicle descriptions and license numbers shall be correlated to the student I.D. Areas shall be designated for parking by class and number of students. Anyone that is not accommodated on site in the new parking structure shall be permitted to park in their designated areas. Neighbors and students shall be instructed to report any issues or problems and based on the identification of any student vehicle appropriate enforcement action can be taken. Students shall sign a pledge to comply with school requirements in exchange for the privilege to park at school or on nearby streets.
- Reduce the peak AM 30-minute arrival problem by providing a study room with refreshments to encourage early (7:00 AM) arrivals. The more people that arrive before the 7:15 – 7:30 peak arrival time the better. Presently only 8 percent of seniors, 7.6 percent of juniors, 0.55 percent of sophomores and 1.9 percent of freshmen arrive at school before 7:00 AM.

**Mitigation Measure TCP-4**

Special enforcement shall be scheduled by the City based on close cooperation with the school's administration or based on citizen complaints. The applicant shall consult with the City to identify other feasible traffic calming measures that may be warranted to ensure continued facilitation and traffic flow during peak pick-up and drop-off periods.

**Mitigation Measure TCP-5**

During construction of the classroom building, the equivalent of 21 parking spaces shall be provided at a remote location with the provision of busing from the designated off-site location to and from the campus if the proposed parking structure has not been constructed. During construction of the parking structure, which is anticipated to be constructed first, the equivalent of 38 spaces shall be provided at a remote location with the provision of busing from the designated off-site location to and from the campus. If both project components are constructed simultaneously, a total of 59 spaces shall be provided at a remote location with the provision of busing from the designated off-site location to and from the campus.

## 7.8 Human Health/Public Safety/Hazardous Materials

**A. Potential Impact.** The implementation of the Project would result in a significant human health/public safety/ hazardous materials impact associated with the potential presence of hazardous materials in the structures proposed to be demolished as well as potential fire safety and access.

**B. Facts in Support of Finding.** The Project's potentially significant impacts would be mitigated to below a level of significance with the implementation of Mitigation Measures H-1 and H-2 of the EIR. Implementation of these mitigation measures would require that:

**Mitigation Measure H-1**

Prior to building demolition, a survey shall be conducted to determine the locations and amounts of asbestos-containing materials (ACMs), lead-based paints (LBPs), and organochlorine pesticides, if any. Based on the potential current and historical presence of LBPs on exterior building surfaces, the potential presence of lead or organochlorine pesticide contamination in shallow soils shall be assessed. Should ACMs or LBPs be encountered in the site structures, a licensed abatement contractor shall be contracted to remove hazardous materials before demolition activities commence.

**Mitigation Measure H-2**

The Project shall comply with the fire safety conditions as identified by the City prior to issuance of the building permit. These conditions include: 1) the establishment of appropriate fuel modification zones as required by the City landscape review; 2) retention/provision of adequate fire/emergency vehicle access on to the campus; 3) sprinklers in the proposed classroom building and subterranean floor of the parking structure; 4) replacement fire hydrant; and, 5) provision of Class 2 Standpipe on the parking structure upper floor.

## 8.0 Environmental Impacts Not Fully Mitigated to a Level of Less Than Significant

The City, having reviewed and considered the information contained in the EIR, finds pursuant to Public Resources Code §21081(a)(3) and Guidelines §15091(a)(3) that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation which would reduce the following impacts to below a level of significance.

### 8.1 Historical Resources

**A. Potential Impact.** The houses at 2544 Collier Avenue and 2746 Copley Avenue are considered locally historically significant structures as they represent Spanish Eclectic architecture. Demolition of these two buildings are proposed as part of the project. The demolition of these locally significant historic buildings is considered a significant impact.

**B. Facts in Support of Finding.** The existing residences located at 2544 Collier Avenue and 2746 Copley Avenue have been determined to be locally significant historical resources. The buildings are considered to be architecturally significant as examples of the Spanish Eclectic style of architecture and meet the City of San Diego's Significance Criterion "C" (U.S. Department of the Interior, 1986:1, see page 40 of the City's CEQA Significance Determination Thresholds January 2007). The Project would involve demolition of these buildings in order to accommodate the proposed classroom building and parking structure. The demolition of these locally significant historic buildings is considered a significant impact. Mitigation Measure HR-2 would reduce the impact to the extent feasible.

#### **Mitigation Measure HR-2**

**A – HABS Mitigation** - Prior to the issuance of a demolition permit for relocation proceedings for each individual structure, historical documentation of 2544 Collier Avenue and 2746 Copley Avenue shall be completed. This would include the following:

- Historic American Building Survey (HABS) Level I documentation for both properties; and,
- Completion of California Department of Parks and Recreation 523 forms (523A – Primary Record and 523 B Building, Structure, Object Record) for both properties.

Documentation of the properties is to be completed by an individual or consultant who meets the *Secretary of the Interior's Standards for Professional Qualifications Standards* (36 CFR Part 61) in architectural history, history, or architecture.

Completion of California Department of Parks and Recreation Primary Record (DPR 523A-test) and Building Structure and Object Record (DPR 523B-test) for both houses (2544 Collier Avenue and 2746 Copley Avenue).



All of these records are to be completed by a qualified architectural historian or historic architect. A qualified architectural historian or historic architect is an individual who meets the Secretary of Interior's minimum professional qualifications in education and experience for architectural history or historic architecture.

However, the impact would remain significant. An alternative was analyzed in the EIR that would use avoidance, adaptive reuse or relocation of the structure. However, avoidance of the two historic structures is not feasible as the proposed classroom building footprint would directly overlay on the existing 2544 Collier Avenue residence. Adaptive reuse of the Collier residence is not considered feasible as the structure would not provide adequate and modernized space to meet the objectives of the Project and the educational goals of the Academy. Avoidance of the 2746 Copley Avenue structure is also not feasible as the proposed two-level parking structure footprint would directly overlay on the existing 2746 Copley Avenue residence. Adaptive reuse is not considered feasible for this structure as a parking facility is proposed in this location. Relocation of either structure is not considered feasible as existing and proposed development is limited to the flatter portions of the property, and there is no additional room to accommodate either structure at another location on campus without requiring substantial grading and encroachment into steep slopes in exceedance of the percentage allowed by the City's Municipal Code. Relocation of either structure to an off-site location cannot be assured.

## 8.2 Land Use

**A. Potential Impact.** The Project would result in a land use impact associated with a conflict with the transportation element of the community plan related to the provision of off-street (on-site) parking, the urban design element of the community plan related to preservation of architectural variety and residential character of Greater North Park, and the goal to preserve and restore unique or historic structures within the community.

**B. Facts in Support of Finding.** The Project is consistent with, and implements a majority of the community plan goals and policies relative to the community facilities element, cultural and heritage resources element, and urban design element. However, the proposed two-level parking structure would result in a deficit of 10 spaces less than the 104 on-site spaces that are required by the City's Municipal Code for the Project. Therefore, the project directly conflicts with the Greater North Park Community Plan's objective to provide adequate off-street parking in residential and commercial areas. Also, the Project would eliminate two historic buildings located at 2544 Collier Avenue and 2746 Copley Avenue. These buildings have been determined to be historically significant as examples of the Spanish Eclectic style of architecture. As such, the project would conflict with the Community Plan's objectives to "*Preserve the architectural variety and residential character of Greater North Park,*" and to, "*Preserve and restore unique or historic structures within the community.*"

No mitigation measure has been identified with the Project that would reduce the land use impact (parking compliance) to below a level of significance; however, alternatives are presented in Section 10.0 (i.e., Classroom Building + 3-level Code Compliant Parking Structure and Classroom Building + Code

Compliant Parking) that if implemented would fully mitigate the land use impact related to compliance with parking standards. However, these alternatives (mitigation measures) are not feasible. In addition, they would not satisfy the basic objectives of the Project.

The Classroom Building + 3-level Code Compliant Parking Structure would provide the required number of parking spaces to be compliant with parking standards of the Municipal Code. However, after several discussions of the project at community outreach meetings, members of the community expressed opposition to a 3-level parking structure due to concerns related to bulk, scale, and height within a residential neighborhood. This alternative would require an additional height deviation for the parking structure. In addition, much of the community did not want the "institutional" look or feel of a 3-level parking structure in the neighborhood. As such, they were in favor of the 2-level parking option because the 2-level parking structure looks very similar to the existing parking lot.

This is particularly true given the scope of the impact. As discussed in Section 5.10 of the EIR, Urban Systems Associates (2008) conducted an on-street parking inventory and survey as part of the Traffic Impact Analysis (Appendix I of EIR). Based on this on-street parking survey a total of 417 on-street parking spaces are available for use within a two-block distance of the school. With either of the parking structure options the surplus of on-street parking availability should increase. Based on community outreach meetings, much of the community is in agreement that there is considerable on-street parking and is not in opposition of the Academy using what is available.

The Classroom Building + Code Complaint Parking Alternative would provide 10 additional parking spaces at another location on the campus (in addition to the proposed two-level parking structure). Potential locations could include the north terrace or south terrace (upper plaza), or Circle Drive. However, the north and south terraces have historical and architectural value that their use for parking would destroy. Although under the existing CUP these two areas are identified as parking areas, under the Project the Academy is proposing a CUP Amendment that would include the removal of the parking designation at both of these sites. The reason for this deletion is because the north terrace parking lot is currently used for events such as school gatherings and activities and the south terrace parking lot is used events such as graduation ceremonies, etc. The use of Circle Drive for parking would detract from the campus' aesthetics.

The land use impact related to the historical resources is discussed above (Section 8.1 of these Findings).

## 8.3 Transportation/Circulation/Parking

**A. Potential Impacts.** The Project would still have a significant and unmitigable parking impact due to the proposed deficit of parking spaces proposed on-site per the City's Municipal Code.

**B. Facts in Support of Finding.** Parking proposed for the project includes 8 surface spaces and 86 parking structure spaces for a total of 94 spaces. This is 10 spaces less than the amount required by City code §142.0530. As such, the project will be underparked by 9.6 percent, resulting in a significant and

unmitigated parking impact. As stated in the City of San Diego's Significance Determination Thresholds (January 2007), "Non-compliance with the City's parking ordinance (City Code §142.0530) does not necessarily constitute a significant environmental impact. However, it can lead to a decrease in the availability of existing public parking in the vicinity of the project. Generally, if a project is deficient by more than ten percent of the required amount of parking and at least one of the following criteria applies, then a significant CEQA impact may result." With respect to the Project, although the calculated parking deficit is lower than 10% the impact is considered significant as it is not fully Code compliant.

No mitigation measure has been identified with the Project that would reduce the transportation/circulation/parking impact (parking compliance) to below a level of significance; however, alternatives are presented in Section 10.0 (i.e., Classroom Building + 3-level Code Compliant Parking Structure and Classroom Building + Code Compliant Parking) that if implemented would fully mitigate the transportation/circulation/parking impact related to compliance with parking standards. However, these alternatives (mitigation measures) are not feasible. In addition, they would not satisfy the basic objectives of the Project.

The Classroom Building + 3-level Code Complaint Parking Structure Alternative would provide the required number of parking spaces to be complaint with parking standards of the Municipal Code. However, after several discussions of the project at community outreach meetings, members of the community expressed opposition to a 3-level parking structure due concerns related to bulk, scale, and height within a residential neighborhood. This alternative would require an additional height deviation for the parking structure. In addition, much of the community did not want the "institutional" look or feel of a 3-level parking structure in the neighborhood. As such, they were in favor of the 2-level parking option because the 2-level parking structure looks very similar to the existing parking lot.

This is particularly true given the scope of the impact. As discussed in Section 5.10 of the EIR, Urban Systems Associates (2008) conducted an on-street parking inventory and survey as part of the Traffic Impact Analysis (Appendix I of EIR). Based on this on-street parking survey a total of 417 on-street parking spaces are available for use within a two-block distance of the school. With either of the parking structure options the surplus of on-street parking availability should increase. Based on community outreach meetings, much of the community is in agreement that there is considerable on-street parking and is not in opposition of the Academy using what is available.

The Classroom Building + Code Complaint Parking Alternative would provide 10 additional parking spaces at another location on the campus (in addition to the proposed two-level parking structure). Potential locations could include the north terrace or south terrace (upper plaza), or Circle Drive. However, the Academy decided not to propose this alternative as the "Project" because the north and south terraces have historical and architectural value that their use for parking would destroy. Although under the existing CUP these two areas are identified as parking areas, under the Project the Academy is proposing a CUP Amendment that would include the removal of the parking designation at both of these sites. The reason for this deletion is because the north terrace parking lot is currently used for events such as school

gatherings and activities and the south terrace parking lot is used events such as graduation ceremonies, etc. The use of Circle Drive for parking would detract from the campus' aesthetics.

## 9.0 Effects Found Not to be Significant

The City finds, based on the substantial evidence appearing in Chapter 6.0 of the EIR that the following impacts will not be significant: agricultural resources, mineral resources, air quality, energy, population and housing, and public services and facilities.

## 10.0 Findings Regarding Infeasible Alternatives

Pursuant to CEQA Guidelines §15126.6(a), EIRs must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives."

The EIR considers a reasonable range of alternatives. The alternatives to the Project are evaluated in Chapter 9.0 of the EIR in terms of their ability to meet the basic objectives of the Project, and eliminate or further reduce its significant environmental effects. Based on these parameters, the following alternatives are considered: (1) No Project/Development Under Existing Approvals, (2) No Project/No Development (Existing Conditions), (3) No Classroom Building + 2-Level Parking Structure, (4) No Classroom Building + 3-level Code Compliant Parking Structure, (5) Classroom Building + Code Complaint Parking Structure (10 Spaces). This range includes various degrees and natures of development between and including no development and the full Project. Table 9-1 (see EIR page 9-2) summarizes the direct environmental effects of the Project as compared to these alternatives. The alternatives are summarized below:

### 10.1 Alternatives Considered but Rejected without Detailed Analysis

Based on parameters described in Section 9.0 of the EIR, the following four main alternatives were considered but rejected without detailed analysis.

1. **Permanent, Off-Site Parking Lot**

In order to reduce the calculated parking space deviation based on City Municipal Code parking standards for a 750-student enrollment, the potential for utilizing existing parking lot areas in the vicinity of the school has been considered.

As a temporary measure the Academy has recently negotiated a short-term agreement to use parking within the existing St. John Evangelist Church parking lot located at 1638 Polk Avenue. This remote parking location could also be used on a temporary basis during construction of the proposed parking structure.



This alternative is rejected from further consideration for the following reasons: 1) the Academy can not reasonably acquire, control, or otherwise have permanent access to this parking area. The Academy has succeeded in obtaining a parking agreement with the Church on a short-term basis; however, the Church is not willing to enter into any type of long-term agreement that would encumber their property; 2) the alternative does not support a fundamental objective of the Academy, which is to create and maintain an integral campus with all parking, classroom and administrative office space located within a securable perimeter. The need for increased security is the reason for an integral campus. Violence at and around high schools is a critical concern to the Academy. Having a secure, lockable perimeter, with a single monitored entrance controlling campus access, is a primary design consideration. As such, to the extent that it is possible, it is desirable to have student parking on campus and not located at distant lots; and 3) a remote parking lot creates other logistical problems and expense to the Academy.

2. **Building Setback Compliant Alternative**

Pursuant to the City's Municipal Code, the required building setback (Street Side Setback) along Copley Avenue is 10 feet. The Project proposes to reduce this setback from the 10-foot Street Side Setback requirement to 8 feet on Copley Avenue, as the new decorative screen walls associated with the proposed parking structure would partially encroach into this setback. However, the new decorative screen wall for the parking structure would match the existing, decorative campus walls in terms of the architectural style as well as the established existing setback of the existing campus walls. The proposed parking structure decorative walls would be eight feet from the property line or greater. The proposed setback deviation; therefore, would allow continuity with the existing campus decorative wall along Copley Avenue. In addition, the additional landscaping provided would further enhance the streetscape. The proposed two-foot setback encroachment would be offset by the decorative wall enhancements, single-story screen wall massing, the additional landscaping, and increased setbacks created by the residences to be demolished along Uvada Street. This alternative would not avoid any significant, unmitigable impact associated with the Project. Additionally, it would result in a meandering setback, inconsistent with the remainder to the existing campus.

3. **Classroom Building Height Compliant Alternative**

The classroom building site is constrained by the presence of steep slopes. The presence of the steep canyon topography represents a significant development constraint with respect to the ability to achieve height compliance and steep slope encroachment allowances, while at the same time providing structures that meet the objectives of the Academy for classroom facilities. This constraint triggers the height deviation required for the project, based on the City's adopted building height calculation. This alternative would not reduce, or avoid any significant impact associated with the Project. As viewed from the street and side yards, the classroom building, as proposed (and including the proposed height deviations), is below the required 30 foot height restriction with the exception of the proposed decorative tower element and two chimneys. Elimination of these elements would not reduce or avoid any significant impact associated with the Project.

4. **Avoidance, Adaptive Reuse or Relocation of Locally Significant Historic Structures 2544 Collier Avenue and 2746 Copley Avenue**

Avoidance of the two historic structures (other than as described in this Alternatives section as it relates to the elimination of specific project components) is not feasible as the proposed classroom building footprint would directly overlay on the existing 2544 Collier Avenue residence. Adaptive reuse of the Collier residence is not considered feasible as the structure would not provide adequate and modernized space to meet the objectives of the Project and the educational goals of the Academy. Avoidance of the 2746 Copley Avenue structure is also not feasible as the proposed two-level parking structure footprint would directly overlay on the existing 2746 Copley Avenue residence. Adaptive reuse is not considered feasible for this structure as a parking facility is proposed in this location. Relocation of either structure is not considered feasible as existing and proposed development is limited to the flatter portions of the property, and there is no additional room to accommodate either structure at another location on campus without requiring substantial grading and encroachment into steep slopes in exceedance of the percentage allowed by the City's Municipal Code. Relocation of either structure to an off-site location cannot be assured.

Over the years AOLP has endeavored to preserve the integrity of the historic nature of its campus. The Multi Purpose Facility on the campus point was designed to preserve historic pool casinos at each end of the building integrating them into the design. While the original swimming pool was removed to make way for the new building preserving some of the original design elements made the project successful. A former dormitory for women, St. Margaret's Hall was converted into a classroom building preserving the entire building exterior originally built in the 1930's. The conversion was made possible due to existing floor plates accommodating standard size classrooms of today. In recent times the school has been involved in sensitive replacement of windows, reconstruction of balconies to their original design and replacement of deteriorated wood doors all with the intent of preserving the historic look that the campus offers to the neighborhood.

Assessing the feasibility of converting the Collier Residence into either a classroom building or administrative office would not work for the following reasons. Classroom size requirements would not adapt to the floor plan size configuration of either this residence or the two other smaller residences. Typically classroom sizes will range from 700SF to 1,400SF with minimum dimensions of 25'-30'. The existing residences on Collier Street and Copley/ Uvada would not accommodate standard size classroom requirements either in floor plan or in vertical ceiling heights that typically would be in the neighborhood of 10'-12'. In addition, the proposed library facility would need a minimum in excess of 4,000SF to meet the requirements of the California School Library Association's Standards and Guidelines for Strong Schools Libraries (Exemplary Quantitative Standards). None of the existing residences come remotely close to providing these spatial requirements.

Regarding placing administrative offices in the residence this idea would not work because the schools current needs exceeds the size of the Collier Residence (2,700 SF) by approximately 7,000

SF. Even if certain office functions currently scattered in various campus buildings could be relocated to the Collier Residence, those vacated office spaces would not be suitable for classrooms based on criteria mentioned previously.

With regards to the nun's living in St. Catherine's, while the nuns could be relocated, the space vacated would not provide enough classroom space to meet the objectives of the school. Specifically, the St. Catherine's building is currently used as a multipurpose area for meetings, assemblies and luncheons. The first floor also serves as the staging area for a variety of outdoor events and is also the polling location for the community. The Academy plans to use the first floor as a cafeteria. The sister's residence is located on the second floor and currently occupies less than a third of the structure. The Academy plans to further reduce the size of the convent to 1,600 SF to provide additional office space. Moving the sisters out of the St. Catherine's building would not provide space for the needed number of classrooms.

Based on this analysis, adaptive reuse of the existing campus and the existing residential structures is found to be infeasible.

## 10.2 Alternatives Considered but Rejected after More Detailed Analysis

### 1. **No Project/Development Under Existing Approvals (No Parking Structure, No Classroom)**

The No Project/Development Under Existing Approvals assumes that the site would be developed and operated pursuant to the existing CUP/RPO #92-0769. The following are the assumptions:

- The maximum enrollment would be limited (rolled back) to 640 students and 46 staff members
- The proposed classroom building would not be constructed
- The proposed parking structure would not be constructed
- Streetscape and landscape improvements would not be implemented
- Four parking lots would be constructed providing 106 off-street parking spaces (106 spaces is identified in the existing CUP)

A summary of the environmental impacts of this alternative is provided in Table 9-1 of the EIR. The analysis of this alternative, which is provided in Chapter 9.0 of the EIR, concludes that this alternative would avoid impacts related to aesthetics/neighborhood character, biological resources, geology/soils, historical resources, land use, paleontological resources, utilities, parking, and human health/public safety/hazardous materials. With respect to historical resources, it would avoid the significant impacts to the locally historic 2544 Collier and 2476 Copley Avenue structures. It would also avoid the impact associated with compliance with City parking requirements. However, on-site parking at the North Terrace and the South Terrace (Upper Plaza) designed spots would also not likely be utilized for daily use per the existing CUP unless needed for special events.

This is because parking in these areas is incompatible with the historic setting and purpose of the interior of the campus.

Under this alternative, the proposed primary objectives to modernize and expand the on-site campus classroom facilities and vehicle parking space would not be fulfilled. In addition, approximately 110 existing students would be forced to leave the school.

Therefore, the decision makers find that the No Project/Development Under Existing Approvals (No Parking Structure, No Classroom) Alternative is rejected because it fails to meet basic project objectives. In addition, it would require the destruction of the historic and esthetic values of part of the campus. Furthermore, it would require development in the canyon area, encroachment into the steep slopes, and renovations or "gutting" of interiors in order to accommodate additional space within the existing Academy buildings; thereby preserving existing classic interiors. All of which would affect the Academy, which is a historical and cultural resource for the community.

2. **No Project/No Development**

The No Project Alternative assumes that the Project would not be implemented. Under this scenario, the Academy would continue to operate under its existing conditions. The following are the assumptions:

- The enrollment would remain at 750 students
- The proposed classroom building would not be constructed
- The proposed parking structure would not be constructed
- Streetscape and landscape improvements would not be implemented

A summary of the environmental impacts of this alternative is provided in Table 9-1, and the analysis is provided in Chapter 9.0 of the EIR. This alternative is considered infeasible as it violates the existing CUP requirements although it would avoid impacts related to aesthetics/neighborhood character, biological resources, geology/soils, historical resources, paleontological resources, public utilities, and human health. While the existing student enrollment would remain at 750 students, the primary objectives of the project to modernize and expand on-site campus and vehicle parking space would not be fulfilled.

Therefore, the decision makers find that No Project/No Development Alternative is rejected because unlike the Project, it would violate the existing CUP requirements and fail to meet basic project objectives.

3. **No Classroom Building with 2-Level Parking Structure**

Significant, unmitigable impacts have been identified related to Land Use (compliance with City's Historical Resource regulations, consistency with Community Plan objectives to preserve historical resources, and compliance with Municipal Code parking requirements), Historical Resources, and Parking. This alternative assumes the construction of the 2-level parking structure and that the classroom building would not be constructed. The existing historical residence located at 2544



Collier Avenue would not be demolished. (Note: A code compliant alternative, which would provide 128 parking spaces within a three-level parking structure is analyzed in Section 9.3 below). The student enrollment would be maintained at its existing level – 750 students.

A summary of the environmental impacts of this alternative is provided in Table 9-1, and the analysis is provided in Chapter 9.0 of the EIR. This alternative is considered environmentally superior to the Project as it would lessen or avoid impacts related to biological resources, historical resources, land use, paleontological resources, and utilities (solid waste). With this alternative, one primary objective of the Project would not be met – to provide additional off-street parking for 750 students under a 10 percent deficit from code requirements. A second primary project objective to provide additional/modernized classroom space would not be met.

Therefore, the No Classroom Building with 2-Level Parking Structure Alternative is rejected because it would not meet two of the basic objectives of the project.

4. **No Classroom Building with – 128 Space Parking Structure (3 Level Structure)**

Significant, unmitigable impacts have been identified related to Land Use (compliance with City's Historical Resource regulations, consistency with Community Plan objectives to preserve historical resources, and compliance with Municipal Code parking requirements), Historical Resources, and Parking. This alternative assumes the construction of the 3-level parking structure and that the classroom building would not be constructed. The existing historical residence located at 2544 Collier Avenue would not be demolished. The student enrollment would be maintained at its existing level – 750 students.

A summary of the environmental impacts of this alternative is provided in Table 9-1, and the analysis is provided in Chapter 9.0 of the EIR. This alternative would lessen or avoid impacts related to historical resources, land use, paleontological resources, utilities, and parking. As with the No Classroom Building with 2-Level Parking Structure Alternative, this alternative would not meet one primary objective of the Project, to provide additional/modernized classroom space. However, this alternative would provide additional off-street parking in compliance with City code requirements.

Therefore, the decision makers find that the No Classroom Building with – 128 Space Parking Structure (3 Level Structure) Alternative is rejected because it would not meet one of the basic objectives of the Project.

5. **Classroom Building with – 128 Space Parking Structure (3 Level Structure)**

In order to accommodate the proposed student enrollment of 750 students, 104 off-street parking spaces would need to be provided. As proposed under the Project, a two-level parking structure providing 94 spaces would be constructed. This would leave a parking deficit of 10 spaces pursuant to City parking standards, which is identified as a significant, unmitigable impact associated with the Project.

This alternative would construct a three-level parking garage and accommodate 128 parking spaces. This alternative would require a height deviation for the proposed parking structure, as well as the classroom building (as would occur under the project). The development criteria for the underlying single-family zone allows a maximum height of 30 feet measured from the adjacent grade. The proposed parking structure would have a height deviation of 1.5 feet, as measured from the northwestern corner of the building at its lowest point in the canyon. The street grade height (adjacent to Collier Street) would be consistent with the 30-foot height limit for the zone.

A summary of the environmental impacts of this alternative is provided in Table 9-1, and the analysis is provided in Chapter 9.0 of the EIR. This alternative would provide the required number of parking spaces to be compliant with parking standards of the Municipal Code. However, this alternative is not being recommended because after several discussions of the Project at community outreach meetings, members of the community expressed opposition to a 3-level parking structure due concerns related to bulk, scale, and height within a residential neighborhood. This alternative would require an additional height deviation for the parking structure. In addition, much of the community did not want the "institutional" look or feel of a 3-level parking structure in the neighborhood. As such, they were in favor of the 2-level parking option because the 2-level parking structure looks very similar to the existing parking lot.

This is particularly true given the scope of the impact. As discussed in Section 5.10 of the EIR, Urban Systems Associates (2008) conducted an on-street parking inventory and survey as part of the Traffic Impact Analysis (Appendix I of EIR). Based on this on-street parking survey a total of 417 on-street parking spaces are available for use within a two-block distance of the school. With either of the parking structure options the surplus of on-street parking availability should increase. Based on community outreach meetings, much of the community is in agreement that there is considerable on-street parking and is not in opposition of the Academy using what is available

6. **Classroom Building with Code Compliant Parking (10 additional spaces)**

In order to accommodate the proposed student enrollment of 750 students, 104 off-street parking spaces would need to be provided. As proposed under the Project, a two-level parking structure providing 94 spaces would be constructed. This would leave a parking deficit of 10 spaces pursuant to City parking standards, which is identified as a significant, unmitigable impact associated with the Project.

This alternative would provide 10 additional parking spaces at another location on campus (in addition to the proposed two-level parking structure). Potential locations could include the north terrace or south terrace (upper plaza), or Circle Drive. This alternative would require a height deviation for the proposed classroom building only (as would occur under the project).

A summary of the environmental impacts of this alternative is provided in Table 9-1, and the analysis is provided in Chapter 9.0 of the EIR. This alternative would provide 10 additional parking spaces at another location on the campus (in addition to the proposed two-level parking

structure). Potential locations could include the north terrace or south terrace (upper plaza), or Circle Drive. However, the north and south terraces have historical and architectural value that their use for parking would destroy. Although under the existing CUP these two areas are identified as parking areas, under the Project the Academy is proposing a CUP Amendment that would include the removal of the parking designation at both of these sites. The reason for this deletion is because the north terrace parking lot is currently used for events such as school gatherings and activities and the south terrace parking lot is used events such as graduation ceremonies, etc. The use of Circle Drive for parking would detract from the campus' aesthetics.

## 11.0 Statement of Overriding Considerations

Public Resources Code §21081(b) prohibits approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives unless the agency finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment. Guidelines §15093 adds that the decision-making agency must "balance, as applicable, economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" The Project could have significant, unmitigable, adverse impacts, as described above. However, having balanced the applicable factors, the decisionmaker finds that those impacts are outweighed and made acceptable by any (and all) of the following specific overriding benefits of the Project:

- 1) The Project will provide an environment that is more conducive to excellent teaching and learning so that each student can reach her fullest potential in the global economy. This includes:
  - (a) creating an integrated campus with all parking, classroom and administrative space contained within a securable perimeter;
  - (b) alleviating floating classes and teachers by adding enough classroom space to accommodate the school's enrollment; and
  - (c) modernizing education by providing a new classroom building which can accommodate technological advancements.
- 2) The Project will allow AOLP's neighbors, residents and the school to have a generally- agreed upon blueprint for future improvements and limit on enrollment.
- 3) The Project will create a "state of the art" campus that preserves and enhances the unique urban character of the Greater North Park community and the campus itself.
- 4) The Project will increase the maximum allowable enrollment in order to better serve the needs of the greater community.
- 5) The new classroom building will avoid making interior alterations to the existing historic school buildings and therefore maintain the historic integrity of the school.

- 6) The Project will construct a parking structure to accommodate additional parking on the campus and to allow the North Terrace's and Upper Plaza's historical and architectural character to be maintained by removing this area as a designated parking area in the existing CUP.
  
- 7) The project will permit and maintain enrollment at a number that will not exceed 750 students.



## **DRAFT**

### STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ACADEMY OF OUR LADY OF PEACE

**City of San Diego LDR No. 42-7863  
SCH. No. 2008021024**

**The attached Statement of Overriding Considerations (SOC) are draft and may be modified as the Project proceeds through the hearing process.**

1. Per the California Environmental Quality Act (CEQA) Section 15132, the Findings and SOC are not considered part of the environmental document but are made after the decision makers have considered the final environmental document.
2. These Findings and SOC have been submitted by the project applicant as candidate findings to be made by the decision-making body.
3. The Environmental Analysis Section of the Development Services Department does not recommend that the discretionary body either adopt or reject these findings. They have been attached to allow the readers of this document an opportunity to review potential reasons of approving the PROJECT despite the significant unmitigated effects identified in the EIR.

Public Resources Code §21081(b) prohibits approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives unless the agency finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment. Guidelines §15093 adds that the decision-making agency must “balance, as applicable, economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’” The Project could have significant, unmitigable, adverse impacts, as described above. However, having balanced the applicable factors, the decisionmaker finds that those impacts are outweighed and made acceptable by any (and all) of the following specific overriding benefits of the Project:

- 1) The Project will provide an environment that is more conducive to excellent teaching and learning so that each student can reach her fullest potential in the global economy. This includes:
  - (a) creating an integrated campus with all parking, classroom and administrative space contained within a securable perimeter;
  - (b) alleviating floating classes and teachers by adding enough classroom space to accommodate the school's enrollment; and
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- 7) The project will permit and maintain enrollment at a number that will not exceed 750 students.