



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: May 27, 2010 **REPORT NO.** PC-10-032

ATTENTION: Planning Commission, Agenda of June 3, 2010

SUBJECT: NATIVITY PREP ACADEMY. PROJECT NO. 148350. PROCESS 5.

**OWNER/
APPLICANT:** David Rivera.
Jim Darby and Tim Schulze.

SUMMARY

Issue(s): Should the Planning Commission recommend approval to the City Council of an application to amend the Land Development Code to allow school uses within the commercial zones of the Southeastern San Diego Planned District Ordinance, and recommend approval of permits to allow the construction of a new private middle school on a 0.79-acre site within the Southeastern San Diego Community Planning Area?

Staff Recommendations:

1. **Recommend** City Council **certification** of Mitigated Negative Declaration No. 148350 and **adoption** of the Mitigation Monitoring and Reporting Program;
2. **Recommend** City Council **adoption** of amendments to the Land Development Code for revisions to the Southeastern San Diego Planned District Ordinance;
3. **Recommend** City Council **approval** of Planned Development Permit No. 308874, Site Development Permit No. 523210, Conditional Use Permit No. 523208, and Neighborhood Development Permit No. 730120 with conditions. (Attachment No. 8).

Community Planning Group Recommendation: On April 12, 2010, the Southeastern San Diego Community Planning Group voted 9-0-0 to recommend approval of the project (Attachment 11).

Environmental Review: A Mitigated Negative Declaration has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines, with mitigation measures for potential impacts to noise and paleontology. A Mitigation, Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: None associated with this action. All costs associated with the processing for this project are paid by the applicant.

Code Enforcement Impact: The Neighborhood Code Compliance Division of the Development Services Department has an open code case for the subject property for a school use without appropriate discretionary permits. Approval of these discretionary actions will correct this violation.

Housing Impact Statement: The Southeastern San Diego Community Plan designates the subject site for General Commercial and Single Family Residential, 10 to 15 dwelling units per acre. The 0.79-acre site could accommodate three residential dwelling units. The proposed project would demolish two residential units, resulting in a net loss of two residential structures in the community.

BACKGROUND

The project proposes the construction of a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th, and accessory improvements including off-street parking, sports court, enhanced paving and landscaping. The site is located at 3236-3238 Island Avenue and 3229-3233 Market Street. The L-shaped property consists of two non-contiguous parcels separated by an improved alley and located adjacent to Bancroft Street, an unimproved public right-of-way. The Island Avenue property is developed with two residences, zoned MF-3000 and designated for residential uses. The Market Street property is developed with six commercial buildings, zoned CSF-2 and designated for commercial uses (Attachment 2). All of these structures would be demolished for the proposed construction. The residences are currently occupied. The six commercial structures are currently being used for the existing Nativity Prep Middle School for grades 6th through 8th for a maximum of 60 students. The Neighborhood Code Compliance Division has an active case for the school use without the appropriate discretionary permits.

Adjacent to the south and west are single-family homes. To the north and east are residences, a vocational school, light industrial and commercial uses and, the King Chavez Primary Art middle school.

The project requires the following actions:

1. An amendment to the Land Development Code to revise the Southeastern San Diego Planned District Ordinance's commercial zones to allow schools with the processing of discretionary permit ("Special Permit").
2. A Conditional Use Permit for the construction of an educational facility.
3. A Planned Development Permit for deviations to exceed fence heights and to allow a driveway along Island Avenue where driveways are not permitted when the parcel has less than 150 feet of street frontage and access to the an alley.
4. A Neighborhood Development Permit for the encroachment of a proposed stairwell and path to access an existing public sewer main within Bancroft Street public right-of-way.

5. A Southeastern San Diego Development Permit (processed as a Site Development Permit) for developments requiring a Conditional Use Permit.

DISCUSSION

Project Description:

The project proposes the demolition of eight buildings for the development of a 13,127-square-foot, two-story private middle school ranging in grades from 6th through 8th. The school would front on Market Street and feature an elevated entrance with a three-foot high retaining wall at street level and terraced landscape. The interior of the facility includes a 5,517-square-foot loggia area (roofed open gallery area). Other site features include a lunch area, playgrounds and passive landscape. The parcel fronting Island Avenue would be developed with a parking lot. This lot would also accommodate the playground areas when not in use.

The facility's first floor will be comprised of administration offices, library, computer lab, bathrooms and classrooms for a total of 6,513 square feet. The second floor will include classrooms, counseling rooms, and bathrooms for a total of 6,614 square feet. Other components of the project include new security lights within the alley and fronting Market Street, replacement of an existing chain link fence with new wrought iron fencing at the perimeter, a new pedestrian walkway on Market Street and, the provision for access to existing manholes within unimproved Bancroft Street where none currently exist.

Operational parameters of the school are as follows: A maximum of 90 students for grades 6th through 8th. The school year calendar would run from September through June, Monday-Friday, 7:30 a.m. to 6:00 p.m. In addition, athletics would occur on Saturdays between 8:00 a.m. and 5:00 p.m. Summer school is proposed during July and August, Monday through Friday, 7:30 a.m. through 1:00 p.m.

The applicant has provided the following information as background for this request:

The existing school, Nativity Prep Academy, has operated on the site since 2001. The academy began with 20 students and has grown to 60 students as of 2008. Nativity Prep Academy's Mission is to provide high school and college preparation to middle school to underserved middle school children from the community of Southeastern San Diego. The school's expectation is that students succeed in high school and college and become role models and leaders in their communities. The school is part of a national network of more than 50 Nativity schools that are attempting to alleviate the cycle of poverty through education. Many students come from families below the poverty level with troubled homes lives. Nativity accepts students who show that they have potential to excel academically but require focused attention.

Community Plan Analysis:

The proposed project is located in the Stockton Neighborhood of the Southeastern San Diego Community Plan area. The Community Plan designates the parcels fronting on Market Street as General Commercial. The non-contiguous parcels fronting on Island Avenue are designated

Single Family Residential, 10 to 15 dwelling units per acre. A 6th through 8th grade private school facility currently exists on the General Commercial designated portion of the subject site. Two residential structures exist on the Single Family Residential, 10 to 15 DU/AC designated portion of the project site. The residential structures have been determined not to be significant by Historic Resources staff and will be demolished.

The proposed project meets the goals of the General Plan and Southeastern San Diego Community Plan by providing a high quality, technologically equipped, aesthetically pleasing, and sustainable school. The proposed project is a 13,127 square-foot structure that is designed in the Mission style reflective of early San Diego. The structure integrates arched entryways and a covered walkway, tile roof with exposed wood rafter tails, articulated first and second stories, and Santa Barbara style smooth stucco finished exterior. The interior consists of a large loggia to provide for a covered walkway, a courtyard, and assembly area to serve the needs of the students, faculty, and gathering needs of the facility. The landscape design softens the bulk and scale of the structure with inclusion of canopy shade trees along the exterior perimeter and interior courtyard. The structure is connected to the Market Street sidewalk and roadway at a lower elevation to the north by a series of curved retaining walls, walkways, and a landscape buffer that guides the pedestrian and the eye to the northern entrance at the top of slope. The architectural design and landscape features help to integrate the two story structure into a community of mixed one and two story commercial structures and residences. The site is located near another middle school, the King Chavez Primary Arts Academy. The project is consistent with Urban Design goals of the community plan and therefore will not adversely affect adopted Community and General Plan policies.

Environmental Analysis:

A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact following areas:

- o Noise, due to vehicular traffic along Market Street during school hours;
- o Paleontological Resources, due to the grading of 2,800 cubic yards on site within an area defined as having a high paleontological resources.

An acoustical analysis prepared for the project concluded that the building facades facing Market Street would be subjected to the exterior noise levels of up to approximately 70.7 dB CNEL for the first and second floors respectively. To reduce interior noise levels to below 45 d, the project must install mechanical ventilation and dual glazed windows, solid core doors with weather stripping, and stucco or brick veneer exterior walls as detailed in Section V of the Mitigated Negative Declaration to minimize noise impacts.

Grading for the proposed project would require excavation and removal of approximately 2,800 cubic yards of cut material and would extend to depths of approximately seven feet. Due to the quantity and depth of grading, mitigation measures are required for potential impacts to paleontological resources to provide for paleontological monitoring during grading activities.

Mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program (MMRP). As such, the project now avoids or mitigates any potentially significant environmental impacts to noise, paleontological

resources, and Traffic/Circulation related issues in accordance with the California Environmental Quality Act.

Project-Related Issues:

Land Development Code Amendment Analysis - (Revisions to the Southeastern San Diego Planned District Ordinance):

School uses are currently allowed in the residential zones of the Southeastern San Diego Planned District, but are prohibited within the commercial and industrial zones. The project proposes to amend the Southeastern San Diego Planned District Ordinance to allow school uses, limited to primary, elementary, junior high and senior high, in any commercial zone of the Southeastern San Diego Planned District through approval of a Special Permit (SP).

The SP is processed as a Process Three Conditional Use Permit (CUP) in accordance with Land Development Code Chapter 12, Article 6, Division 3. The SP also requires the approval of a Southeastern San Diego Development Permit, which is processed in the same manner as an application for a Site Development Permit (SDP), in accordance with Land Development Code Chapter 11, Article 2 (Required Steps in Processing) and Chapter 12, Article 6, Division 5 (Site Development Permit Procedures) Process 3.

Staff analyzed several options for the proposal including re-designating the site to an existing land use designation contained within the community plan, "Schools/Public Facilities", as well as rezoning the site to a residential zone. City-wide commercial zones allow schools with the processing of a discretionary permit. Staff concluded that amending the code was the appropriate mechanism to allow consistency with city-wide commercial zones and to enable future site specific applications in the community to be analyzed on a case by case basis through the public hearing process.

Planned Development Permit/Deviation Analysis:

The project requires a PDP for two deviations to the fence and driveway regulations. Staff's expanded analysis of the deviation requests are outlined within the draft PDP Resolution for consideration in Attachment 10.

The project proposes a deviation to the fence height within the street side yard setback fronting Bancroft Street, a paper street. The deviation would allow a 5'-6" high retaining wall where 3'-0" is allowed and, a 9'-0" high, wrought iron fence on top where a 6'-0" high open fencing is permitted. The second deviation would allow a driveway on Island Avenue where driveways are not permitted when the parcel has less than 150 feet of street frontage and access to the an alley.

A 9'-0" high wrought iron fence is proposed around the perimeter of the facility for the school and parking lot for security purposes. Due to the topographic sloping conditions along the east side of the property adjacent to Bancroft Street, a retaining wall is proposed to level the site. The majority of the fencing complies with the regulations with the exception of a segment located within the street side yard along Bancroft Street where the combination fencing would result in a maximum height of 14'-6" (a maximum 5'-6" high retaining wall with a 9'-0" high wrought iron fence on top). The proposed driveway along Island Avenue is the preferred alternative to allow safe and efficient ingress and egress of school traffic and emergency vehicles access rather than

Market Street. Additionally, eliminating the driveway on Island Avenue would result in the requirement for an on-site vehicular turn-around area which would reduce the development area, substantially impacting the school size and related activities.

The Planned Development Permit allows flexibility in the application of development regulations for projects where strict application of the base zone development regulations would restrict design options and result in a less desirable project. Staff supports the proposed deviation to wall height and driveway as the deviations are minor in scope and consistent with the provisions of the Planned Development Permit Ordinance. The project conforms to all other development requirements which implement community plan recommendations through sensitive design practices. The property contains site constraints in the form of non-contiguous parcels, an adjoining paper street, unusual shape and topography as well as restricted vehicular access. The development is an institutional use subject to the residential and commercial zone regulations. The development provides a community benefit in that it will provide alternative options for educational opportunities as well as public right-of-way improvements.

Conclusion:

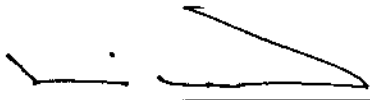
Staff has reviewed the proposed project and has determined the project is in conformance with all applicable sections of the San Diego Municipal Code Sections. Staff has concluded that the proposed deviations will not adversely affect the General Plan or the Southeastern San Diego Community Plan. Staff has determined the required findings can be supported as the project meets the applicable San Diego Municipal Code requirements regulating institutional developments.

ALTERNATIVES

1. **Recommend Approval** of Land Development Code Amendment, Planned Development Permit No. 308874, Site Development Permit No. 523210, Conditional Use Permit No. 523208, and Neighborhood Development Permit No. 730122.

2. **Recommend Denial** of Land Development Code Amendment, Planned Development Permit No. 308874, Site Development Permit No. 523210, Conditional Use Permit No. 523208, and Neighborhood Development Permit No. 730122 with conditions, with modifications.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



William Zounes
Project Manager
Development Services Department

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Site Plan(s)
6. Project Landscape Plans
7. Project Elevations
8. Project Floor Plans
9. Draft Permit with Conditions
10. Draft Resolution with Findings
11. Community Planning Group Recommendation
12. Ownership Disclosure Statement
13. Project Chronology
14. Project Renderings
15. Draft City Council Ordinance

Attachment 1 Aerial Photograph of Site



Attachment 2 Community Plan Land Use Map

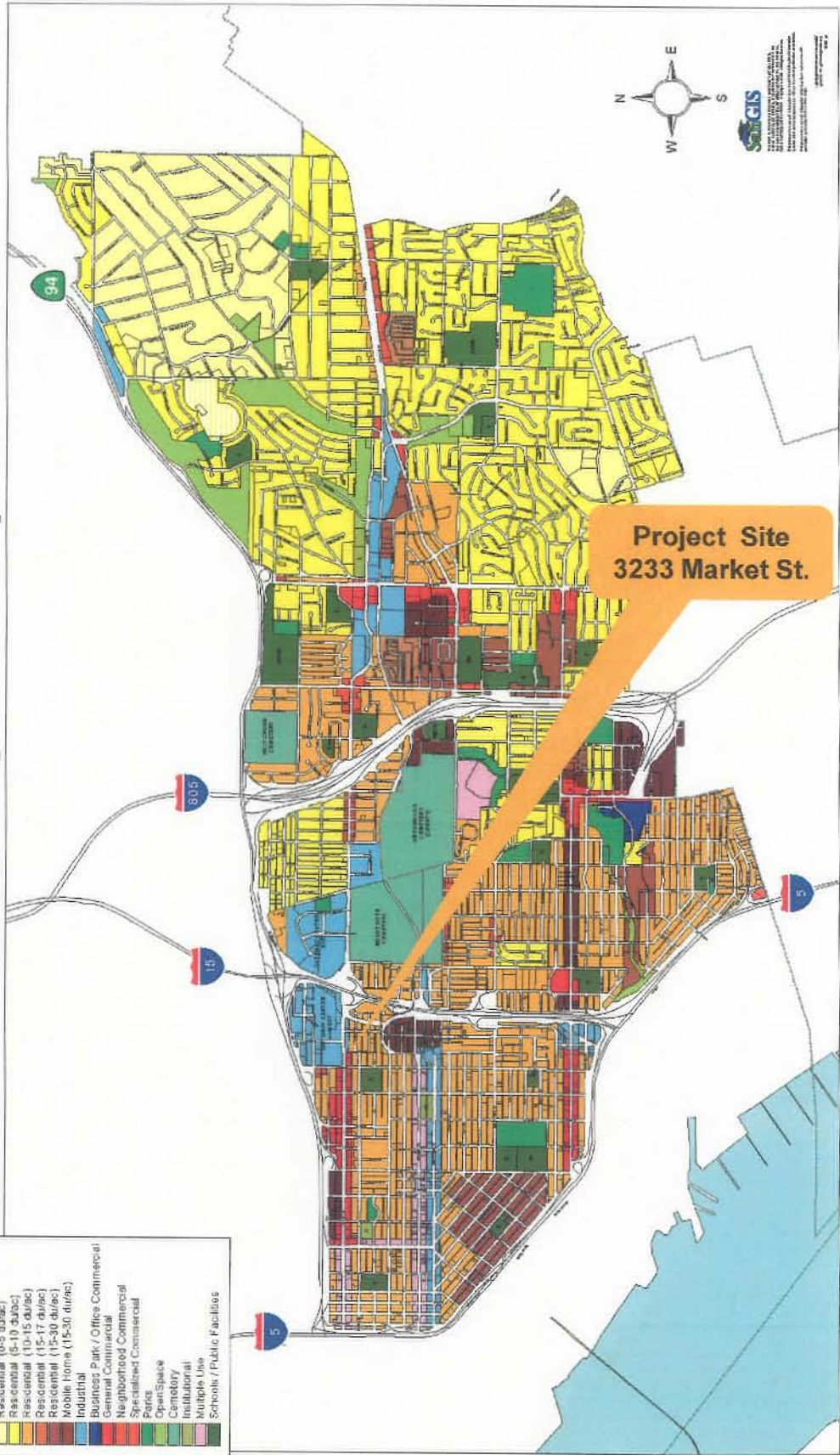


City of San Diego Planning Department

Southeastern San Diego Community Plan Land Use

LEGEND

[Light Yellow]	Residential (0-2 du/acre)
[Yellow]	Residential (0.5-4 du/acre)
[Light Orange]	Residential (5-10 du/acre)
[Orange]	Residential (10-15 du/acre)
[Dark Orange]	Residential (15-17 du/acre)
[Red-Orange]	Residential (15-30 du/acre)
[Red]	Mobile Home (15-30 du/acre)
[Dark Red]	Industrial
[Blue-Gray]	Business Park / Office Commercial
[Blue]	General Commercial
[Light Blue]	Neighborhood Commercial
[Light Green]	Specialized Commercial
[Green]	Park
[Light Green]	Open Space
[Dark Green]	Cemetery
[Light Green]	Institutional
[Light Green]	Multiple Use
[Light Green]	Schools / Public Facilities

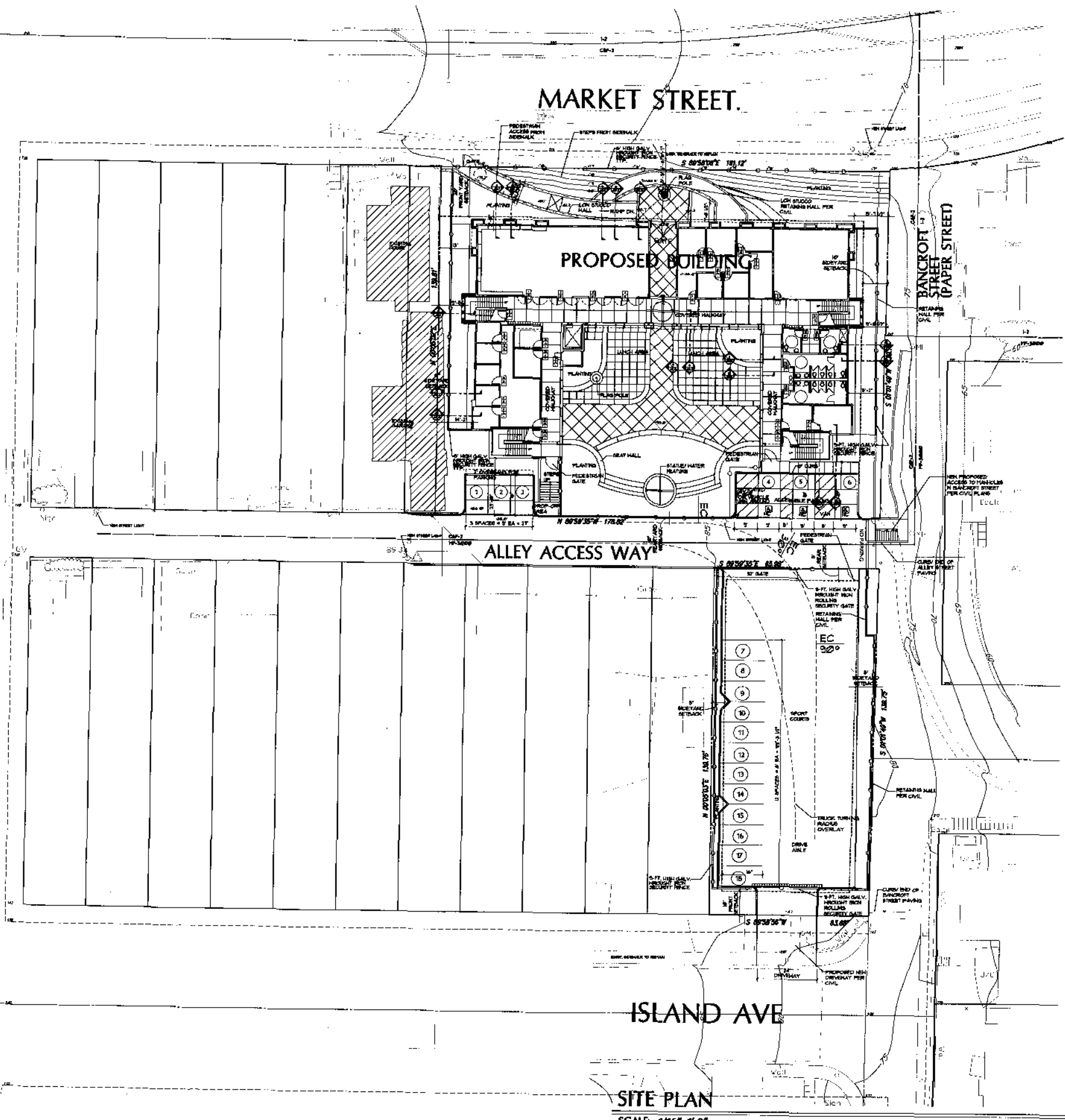


**Project Site
3233 Market St.**

Attachment 3 Project Location



PROJECT DATA SHEET		
PROJECT NAME:	Nativity Prep Academy	
PROJECT DESCRIPTION:	Proposed 13,127 square-foot, two-story private middle school ranging in grades from sixth through eighth with 5,517 square-foot loggia area and accessory improvements including sports court, enhanced paving, public improvements, and landscaping	
COMMUNITY PLAN AREA:	Southeastern San Diego	
DISCRETIONARY ACTIONS:	Conditional Use Permit/Southeastern San Diego Development Permit/Planned Development Permit/Site Development Permit/PDO Amendment	
COMMUNITY PLAN LAND USE DESIGNATION:	Residential/Commercial	
<u>ZONING INFORMATION:</u>		
ZONE: MF-3000/CSF-2 HEIGHT LIMIT: 30 feet/No limit LOT SIZE: 3,000 square feet/10,000 square feet minimum lot size. FLOOR AREA RATIO: 1.0/0.50 maximum. FRONT SETBACK: 10 feet/20 feet SIDE SETBACK: 5 feet/0 feet STREETSIDE SETBACK: 8 feet/10 feet REAR SETBACK: 15 feet/0 feet PARKING: 18 parking spaces required for school use		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Industrial; I-1	Light Industrial
SOUTH:	Residential/SF-3000	homes
EAST:	Residential/Industrial/I-1/MF-3000	Homes/vocational school
WEST:	Commercial/Residential/CSF-2/MF-3000	Homes/commercial services
DEVIATIONS OR VARIANCES REQUESTED:	Fence/wall height and new driveway on lot with alley access	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On April 12, 2010, the Southeastern San Diego Community Planning Group voted 9-0-0 to recommend approval of the project with conditions.	



SITE PLAN
SCALE 1/16"=1'-0"

PROJECT INFORMATION

PROJECT SCOPE:
THE PROJECT PROPOSES A 12,700 SF SCHOOL, 1,500 SF ON-SITE PARKING SPACES AND ACCESSORY IMPROVEMENTS ON A 0.25 ACRES SITE. THE PROJECT REQUIRES APPROVAL OF A PUD APPLICANT TO ALLOW A SCHOOL USE THROUGH A CONDITIONAL USE PERMIT IN THE ZONE. A PUD FOR DEVIATIONS TO ALLOW OVERSIGHT RETAINING WALLS, A SITE DEVELOPMENT PERMIT (SOUTHEASTERN CALIFORNIA PLANNED DEVELOPMENT PERMIT FOR DEVELOPMENT WITHIN THE SOUTHEASTERN CALIFORNIA PLANNED DEVELOPMENT PERMIT FOR RETAINING WALLS WITHIN THE PUBLIC RIGHT-OF-WAY, AND A CONDITIONAL USE PERMIT FOR THE SCHOOL USE.

LEGAL DESCRIPTION:
THOSE PORTIONS OF LOTS 248 THROUGH 254 AND 251 N BLOCK 25 OF REED AND SHAYNE CENTRAL PARK ADDITION MAP NUMBER 802.

ASSESSOR'S PARCEL NUMBER: 949-10-14, 949-10-15, 949-10-16, 949-10-17-19

EXISTING BUILDING ON SITE: YES

BUILDING ADDRESS: 323 MARKET STREET
SAN DIEGO, CA

USE: VACANT LOT

PROPOSED USE: EDUCATIONAL

ZONE: CF-2 AND MF-3600

OVERLAY ZONES: SOUTHEASTERN SAN DIEGO PLANNED DEVELOPMENT DISTRICT

EXISTING PERMITS: NONE

REQUIRED PERMITS:
- PROGRAM 2 NEIGHBORHOOD DEVELOPMENT PERMIT OF CONTRACTING RETAINING WALLS WITHIN THE PUBLIC RIGHT-OF-WAY
- PROGRAM 2 NEIGHBORHOOD DEVELOPMENT PERMIT OF CONTRACTING DEVELOPMENT PERMIT FOR A PROPOSED SCHOOL WITHIN THE REED PLANNED DEVELOPMENT DISTRICT
- PROGRAM 3 NEIGHBORHOOD DEVELOPMENT PERMIT FOR A NEIGHBORHOOD SCHOOL IN ACCORDANCE TO SAN DIEGO PLANNED DEVELOPMENT DISTRICT ORDINANCE
- PROGRAM 3 NEIGHBORHOOD DEVELOPMENT PERMIT FOR A NEIGHBORHOOD SCHOOL IN ACCORDANCE TO SAN DIEGO PLANNED DEVELOPMENT DISTRICT ORDINANCE
- PLANNED DEVELOPMENT PERMIT

LAND USE INFORMATION

BUILDING HEIGHT: CLASSROOM BUILDING (2 STORY)

SITE AREA:
ZONE CF-2 (LOTS 1 THRU 17) 25,258 S.F.
ZONE MF-3600 (LOTS 24 AND 27) 3,425 S.F.
GRASSY SITE ACRES: 0.25 ACRES

CF-2: ALLOWABLE BUILDING COVERAGE: 50%
ALLOWABLE FLOOR COVERAGE: 50%

MF-3600: ALLOWABLE BUILDING COVERAGE: 50%
ALLOWABLE FLOOR COVERAGE: 50%

TOTAL: PROPOSED LOT COVERAGE: 100%
PROPOSED FLOOR COVERAGE: 100%

SETBACKS (PER ZONE):
FRONT YARD: 25'
SIDE YARD: 5'
STREET SIDE YARD: 15'
REAR YARD: 5'

BUILDING GROSS FLOOR AREA

FLOOR	CF-2 ZONE	MF-3600 ZONE	PROPOSED
FIRST FLOOR	2,611 S.F.	2,611 S.F.	5,222 S.F.
SECOND FLOOR	1,774 S.F.	1,774 S.F.	3,548 S.F.
TOTAL	4,385 S.F.	4,385 S.F.	8,770 S.F.

PARKING INFORMATION

PARKING SPACE MINIMUM REQUIREMENTS:
TYPICAL SPACE: 8'-0" WIDE x 18'-0" LONG

ACCESSIBLE PARKING SPACE REQUIREMENTS:
TYPICAL SPACE: 9'-6" WIDE x 18'-0" LONG
ACCESSIBLE (NON-VAN): 9'-6" WIDE x 18'-0" LONG
ACCESSIBLE (VAN): 9'-6" WIDE x 18'-0" LONG

MAXIMUM PARKING ALLOWED PER PID: PER CITY OF SAN DIEGO STD

PARKING REQUIRED: 2 SPACES PER CLASSROOM + 3 CLASSROOMS = 15 SPACES REQUIRED

PARKING PROVIDED: 15 STALLS
ACCESSIBLE (1 VAN + 2 RES): 3 STALLS

SCHOOL INFO

HOURS OF OPERATION: MID-SEPTEMBER TO MID-JUNE 7:30AM TO 5:00 PM
WEDNESDAY, THURSDAY, FRIDAY 7:30AM TO 5:00 PM
SATURDAY 7:30AM TO 5:00 PM
SUNDAY 7:30AM TO 5:00 PM

GRADE LEVELS: 6TH GRADE THROUGH 8TH GRADE

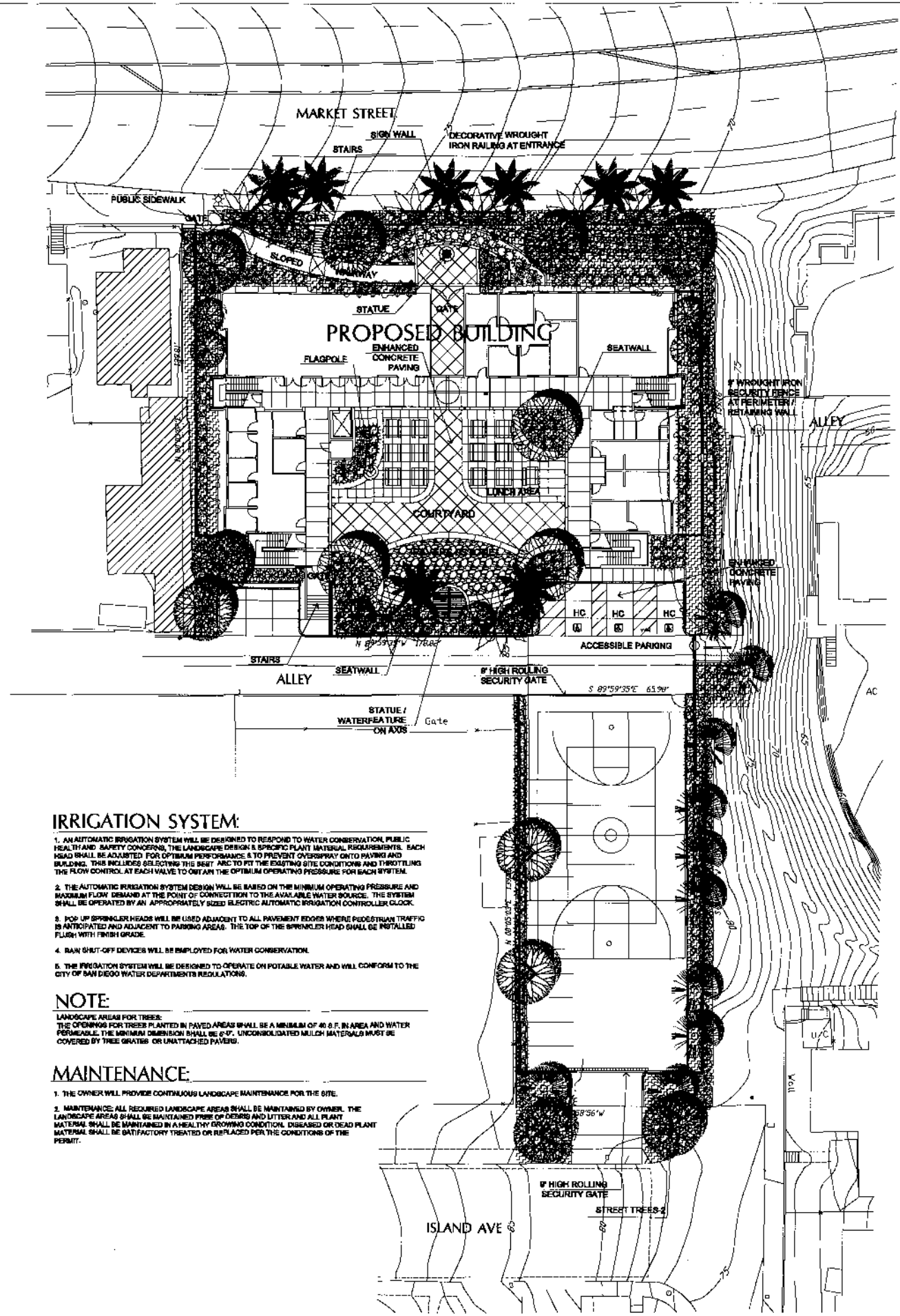
NUMBER OF STUDENTS: 60 TO 90 STUDENTS AT FULL ENROLLMENT

SITE PLAN NOTES

- PROJECT SHALL COMPLY WITH ALL CURRENT STREET LIGHTING STANDARDS ACCORDING TO THE CITY OF SAN DIEGO STREET DESIGN MANUAL (DOCUMENT NO. 21716) AND THE AMENDMENT TO CONCEPT PROJECT 200-21 APPROVED BY CITY COUNCIL ON FEBRUARY 20, 2009 (RESOLUTION R-21644)
- ALL FENCES SHALL BE UNCLE TOM'S IRON

PREPARED BY:	PACIFIC CORNERSTONE ARCHITECTS, INC.	REVISION 14:	
ADDRESS:	4705 SOLICITADO VALLEY BLVD. SAN DIEGO, CA 92121	REVISION 13:	
PHONE #:	(619) 577-9900 784 SOLICITADO VALLEY BLVD. SAN DIEGO, CA 92121	REVISION 12:	
PROJECT ADDRESS:	323 MARKET STREET SAN DIEGO, CA 92102	REVISION 11:	
PROJECT NAME:	NATIVITY PREP ACADEMY	REVISION 10:	
DATE:	04/12/2016	REVISION 9:	
DESIGNED BY:		REVISION 8:	
CHECKED BY:		REVISION 7:	
APPROVED BY:		REVISION 6:	
		REVISION 5:	
		REVISION 4:	
		REVISION 3:	
		REVISION 2:	
		REVISION 1:	
		ORIGINAL DATE:	01/04/08
		SHEET:	4 OF 13
		DATE:	04/12/2016
		PROJECT #:	148390

NATIVITY PREP ACADEMY
 323 MARKET STREET
 SAN DIEGO, CA 92102
 04.12.2016
 SITE PLAN
 AS1.0



PLANT MATERIALS LEGEND			QTY	FORM / FUNCTION
	PALM TREES (100% - 12 BROWN TRUNK HEIGHT) QUEEN PALM (PRECASTRUM ROMANOFFIANUM)		6 BT 2 CT	PALM TREES ARE USED AS STREET TREES & TO FRAME THE SCHOOL & ALLOW FOR INCREASED VISIBILITY
	CANOPY SHADE TREES (40% - 36" BOX, 60% - 24" BOX) TUPLO TREE (TUPLOIA TIPLO) JACARANDA (JACARANDA MINOSFOLIA)	RUSSET MAGNOLIA (MAGNOLIA GRANDIFLORA) CAMPHOR TREE (CINNAMOMUM CAMPHORA)	10 3	CANOPY TREES TO PROVIDE SHADE AND ACCENTUATE THE BUILDING
	UPRIGHT EVERGREEN TREES (35% - 36" BOX, 65% - 24" BOX, SUCH AS) BRISBANE BOX (FRAXINA COCCIFERA) ORIENTAL TREES (100% - 36" BOX, MIN. SUCH AS) HONG KONG ORCHID TREE (BAIKINIA BLAKEANA)	CANARY ISLAND PINE (PINUS CANARIENSIS) GRAPHELOID (LAGERSTROEMIA X HYBRIDS) MARINA STRAWBERRY TREE (ARBUTUS MARINA)	10 8	EVERGREEN TREE TO UNIFY PARKING & SCREEN PERIMETER AREAS ORNAMENTAL TREES TO PROVIDE SEASONAL INTEREST
	LARGE ACCENT SHRUBS (100% - 16 GAL. SIZE) ITALIAN CYPRESS (CUPRESSUS SEMPERVERENS) ACCENT SHRUBS (20% - 16 GAL. SIZE, 40% - 5 GAL. SIZE) BIRD OF PARADISE (STRELTIZIA REGINAE)	INDIAN HAWTHORNE STANDARD (RAFFLESIA INDICA MAJESTIC BEAUTY) PYGMY DATE PALM (PHOENIX ROSEBERRY) NEW ZEALAND FLAX (PHORMIUM TENAX)		LARGE ACCENT SHRUBS ACCENT SHRUBS TO HIGHLIGHT THE BUILDING AND HIGH USE AREAS
	SCREENING SHRUBS (100% - 5 GAL. SIZE, SUCH AS) TURKISH BLUE ROSEMARY (ROSMARINUS TURKICUS BLUE) LOW & MEDIUM SHRUBS (70% - 6 GAL. SIZE, 30% - 1 GAL. SIZE @ 5" O.C. MAX.) GREEN CARPET NATAL FLUM (CARISSA GRANDIFLORA) NEWPORT DWARF ESCALLONIA (ESCALLONIA NEWPORT DWY) DAYLILIES (HEMERICALLIS HYBRIDS) HEAVENLY BAMBOO (BAMBUSA DOMESTICA VAR.)	SHINY TYLOSMA (TYLOSMA COMGESTUM) PINK PRINCESS ESCALLONIA (ESCALLONIA TRADES) AFRICAN IRIS (DIETER VEGETA) LILY OF THE NILE (AGAPANTHUS AFRICANUS) PRINCESS FLOWER (TIBOUCHINA URVILLEANA) JAPANESE BARBERS (BERBERIS THUNBERG) RED FOUNTAIN GRASS (Pennisetum setaceum) WHEELERS DWARF PITT. (PITT. TOGRIA 'WIL DWARF') DWARF INDIAN HAWTHORN (RAFFLESIA INDICA VAR.)		LARGE SCREENING SHRUBS TO BUFFER VIEWS MEDIUM AND LOW GROWING SHRUBS TO PROVIDE SEASONAL INTEREST & EROSION CONTROL
	VINES (100% - 5 GAL. SIZE, SUCH AS) BOUGAINVILLEA (BOUGAINVILLEA SPECTABILIS)	CREeping FIG (FIGUS PUMILA) SCARLET TRUMPET VINE (DISTICTUS BUCHANANIA)		CLIMBING VINES ON RETAINING WALLS
	GROUNDCOVER (50% - 1 GAL. SIZE @ 5" O.C. MAX., 50% FLATS @ 12" O.C., SUCH AS) GAZANIA (GAZANIA HYBRIDS) WHITE LIGHTNING LANTANA (LANTANA SELLOWIANA)	PUTAH; CREeping MYOPORUM (MYOPORUM HARRYFOLIUM) JAPANESE STAR JASMINE (TRACHELOSPERMUM JASMINOIDES) SLOPE SAVER FERDUE (HYDROSEED 10 LB. PER 1000 S.F.)		LOW GROWING EROSIONCOVER TO PROVIDE SEASONAL INTEREST & EROSION CONTROL
	ROOT BARRIERS			

IRRIGATION SYSTEM:

1. AN AUTOMATIC IRRIGATION SYSTEM WILL BE DESIGNED TO RESPOND TO WATER CONSERVATION, PUBLIC HEALTH AND SAFETY CONCERNS, THE LANDSCAPE DESIGN & SPECIFIC PLANT MATERIAL REQUIREMENTS. EACH HEAD SHALL BE ADJUSTED FOR OPTIMUM PERFORMANCE & TO PREVENT OVERSPRAY ON TO PAVING AND BUILDING. THIS INCLUDES SELECTING THE BEST AND TO FIT THE EXISTING SITE CONDITIONS AND THROTTLING THE FLOW CONTROL AT EACH VALVE TO OBTAIN THE OPTIMUM OPERATING PRESSURE FOR EACH SYSTEM.
2. THE AUTOMATIC IRRIGATION SYSTEM DESIGN WILL BE BASED ON THE MINIMUM OPERATING PRESSURE AND MAXIMUM FLOW DEMAND AT THE POINT OF CONNECTION TO THE AVAILABLE WATER SOURCE. THE SYSTEM SHALL BE OPERATED BY AN APPROPRIATELY SIZED ELECTRIC AUTOMATIC IRRIGATION CONTROLLER CLOCK.
3. POP UP SPRINKLER HEADS WILL BE USED ADJACENT TO ALL PAVEMENT EDGES WHERE PEDESTRIAN TRAFFIC IS ANTICIPATED AND ADJACENT TO PARKING AREAS. THE TOP OF THE SPRINKLER HEAD SHALL BE INSTALLED FLUSH WITH FINISH GRADE.
4. RAIN SHUT-OFF DEVICES WILL BE EMPLOYED FOR WATER CONSERVATION.
5. THE IRRIGATION SYSTEM WILL BE DESIGNED TO OPERATE ON POTABLE WATER AND WILL CONFORM TO THE CITY OF SAN DIEGO WATER DEPARTMENT'S REGULATIONS.

NOTE:

LANDSCAPE AREAS FOR TREES: THE OPENINGS FOR TREES PLANTED IN PAVED AREAS SHALL BE A MINIMUM OF 48" IN AREA AND WATER PERMEABLE. THE MINIMUM DIMENSION SHALL BE 6'-0". UNCONSOLIDATED MULCH MATERIALS MUST BE COVERED BY TREE GRATES OR UNATTACHED PAVERS.

MAINTENANCE:

1. THE OWNER WILL PROVIDE CONTINUOUS LANDSCAPE MAINTENANCE FOR THE SITE.
2. MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

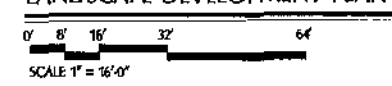
LANDSCAPE CONCEPT:

1. THE LANDSCAPE ARCHITECTURE IS DESIGNED IN ACCORDANCE WITH THE CITY-WIDE LANDSCAPE REGULATIONS, THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL, STANDARDS AND RELATED CITY & REGIONAL STANDARDS.
2. THE LANDSCAPE ARCHITECTURAL DESIGN INTEGRATES THE ARCHITECTURAL FEATURES OF THE BUILDING AND SITE INTO A UNIFIED DEVELOPMENT. GREEN PALMS HAVE BEEN SELECTED AS STREET TREES FOR MARKET STREET. THEY WILL ENHANCE THE STREETSCAPE ZONE WHILE FRAMING THE SCHOOL AND IMPROVING SAFETY AND VISIBILITY. FOUR (4) LARGE CANOPY SHADE TREES WILL ALSO BE USED TO FRAME & BOTTLE THE FACADE. ITALIAN CYPRESS WILL BE USED TO PROVIDE SCALE AND COMPLETE THE BUILDING'S COLORPALETTE.
3. AN ACCESSIBLE PATH OF TRAVEL IS PROVIDED FROM MARKET STREET TO THE BUILDING ENTRY AND IS DESIGNED TO MEET ADA & TITLE 24 REQUIREMENTS.
4. THE PERIMETER OF THE SITE WILL BE FENCED TO PROVIDE A SAFE AND SECURE LEARNING ENVIRONMENT.
5. SCREENING SHRUBS (8" HIGH MIN.) WILL BE PROVIDED ALONG THE EDGES OF PARKING AREAS AND PLAYGROUND. SCREENING SHRUBS WILL PROVIDE COMPLETE SCREENING WITHIN 24 MONTHS.
6. A LINCHPIN AREA IS PROVIDED IN THE REAR COURTYARD & WILL BE FURNISHED WITH PATIO TABLES & CHAIRS AND ENHANCED CONCRETE PAVING.
7. PLANT MATERIALS HAVE BEEN SELECTED FOR THEIR SPECIAL CHARACTERISTICS INCLUDING COLOR, TEXTURE, FORM, DROUGHT RESISTANCE AND LOW MAINTENANCE. AN AGRICULTURAL SUSTAINABILITY TEST WILL BE PERFORMED TO ESTABLISH THE NUTRIENT LEVELS REQUIRED TO PROVIDE OPTIMAL PLANT GROWTH.

PLANTING NOTES:

1. ALL EXISTING PLANT MATERIALS DETERMINED TO REMAIN SHALL BE PROTECTED DURING CONSTRUCTION. ANY PLANT DAMAGED OR REMOVED SHALL BE REPLACED IN KIND.
2. IF ANY EXISTING HARDSCAPE OR LANDSCAPE INDICATED ON THE APPROVED PLANS IS DAMAGED OR REMOVED DURING DISRUPTION OR CONSTRUCTION, IT SHALL BE REPAIRED OR REPLACED IN KIND WITH EQUIVALENT SIZE MATERIAL PER THE APPROVED PLANS.
3. ALL GRADES, DISTURBED OR ERODED AREAS THAT WILL NOT BE PERMANENTLY PAVED OR COVERED BY STRUCTURES SHALL BE PERMANENTLY REVEGETATED AND PROTECTED AS SHOWN IN TABLE 14.04.07 AND IN ACCORDANCE WITH THE STANDARDS IN THE LAND DEVELOPMENT MANUAL (14.04.11)(K).
4. TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS OR STREET PAVEMENTS OR WHERE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. THE BARRIERS WILL NOT WRAP AROUND THE ROOT BALL.
5. MULCH: ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A MIN. DEPTH OF 2 INCHES. EXCLUDING BLOBS. RECURRING REVEGETATION AND AREAS PLANTED WITH GROUNDCOVER. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL ALSO BE MULCHED TO THIS MIN. DEPTH.
6. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO'S LAND DEVELOPMENT CODE, LANDSCAPE REGULATIONS, THE LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS, THE SOUTH-EASTERN SAN DIEGO PLANNED DISTRICT, AND ALL OTHER CITY AND REGIONAL STANDARDS.
7. ALL PLANTING PROVIDED SHALL PROVIDE 80% SCREENING OF THE WALL WITHIN TWO YEARS.
8. TREES AND SHRUBS SHALL BE LOCATED AND MAINTAINED TO PRESERVE A CLEAR ZONE AS DESIGNATED BELOW:
TREES - MINIMUM SEPARATION DISTANCE
TRAFFIC SIGNAL, STOP SIGN, LINCHPIN AND UTILITY LINES 30 FEET
8 FEET (10' FROM BEAMER)
10 FEET (TRANSFORMER, HYDRANTS, UTILITY POLES, ETC.)
10 FEET INTERSECTIONS
20 FEET (INTERSECTING CURB LINES OF TWO STREETS)

LANDSCAPE DEVELOPMENT PLAN



PREPARED BY: ARCHITECTURAL LANDSCAPE	REVISION 14: 01/13/08
NAME: TRAVIS BLAGOJEVIC	REVISION 12: 01/13/08
ADDRESS: 3235 MARKET STREET, SAN DIEGO, CA 92102	REVISION 11: 01/13/08
PHONE # 619-484-1098	REVISION 10: 01/13/08
BERNARD R. WENZIG, AIA	REVISION 9: 01/13/08
PROJECT ADDRESS: NATIVITY PREP ACADEMY, 3235 MARKET STREET, SAN DIEGO, CA 92102	REVISION 8: 01/13/08
PROJECT NAME: NATIVITY PREP ACADEMY	REVISION 7: 01/13/08
	REVISION 6: 01/13/08
	REVISION 5: 01/13/08
	REVISION 4: 01/13/08
	REVISION 3: 01/13/08
	REVISION 2: 01/13/08
	REVISION 1: 01/13/08
	ORIGINAL DATE: 01/04/08
SHEET TITLE: LANDSCAPE DEVELOPMENT PLAN	SHEET 12 OF 13
DWG #	
PROJECT #	

THOMAS SCHULZE, AIA Principal
SEAN TRACY, AIA Principal
KEVIN PERRY, AIA Principal
4105 Serrano Valley Blvd.
San Diego
California
92121
Ph: 656.677.9880
Fx: 656.677.9866

PLAN CHECK DRAWINGS
THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THESE ARE SCHEMATIC DESIGN DRAWINGS ONLY AND ARE SUBJECT TO REVISION CONTRACT DOCUMENTS. BID DOCUMENTS SHALL BE ISSUED AT A LATER DATE.

Architectural Landscapes
Landscape Architecture
Urban Design
Planning
12145 Regwood Street
San Diego, California 92125-4103
656 / 499-9096 Office
656 / 484-0277 Fax
email: schulze@alglobal.com

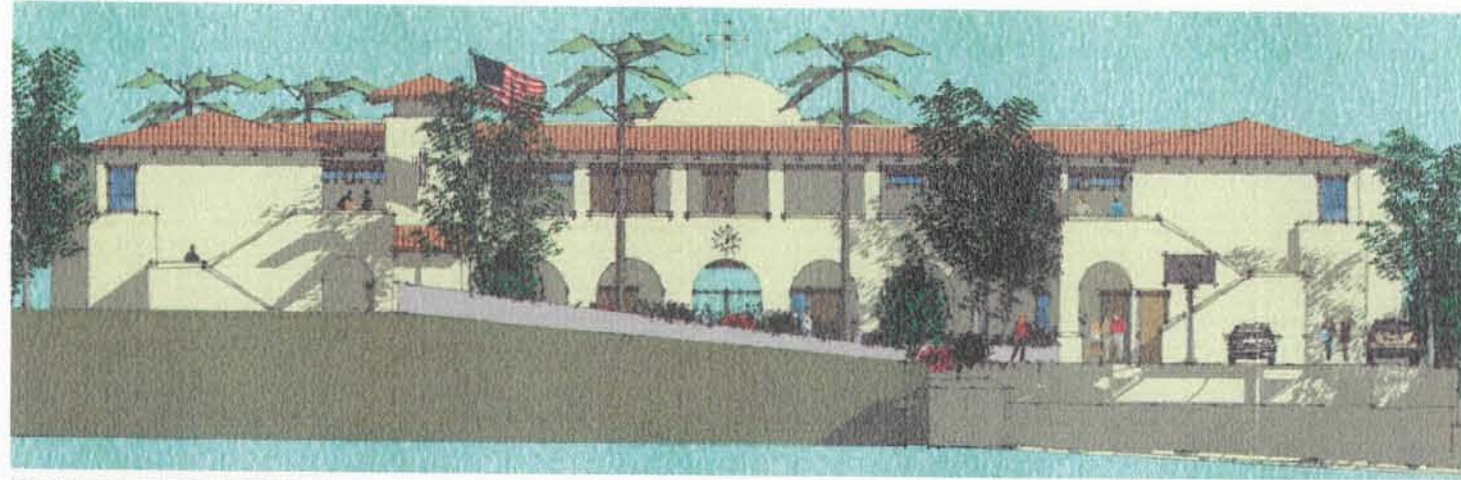


Date Issued	Remarks
11/13/06	REVISION 14: 01/13/08
12/15/06	REVISION 12: 01/13/08
05/25/07	REVISION 10: 01/13/08
11/06/07	REVISION 9: 01/13/08
01/09/08	REVISION 8: 01/13/08
09/12/08	REVISION 7: 01/13/08
01/28/09	REVISION 6: 01/13/08
06/03/09	REVISION 5: 01/13/08

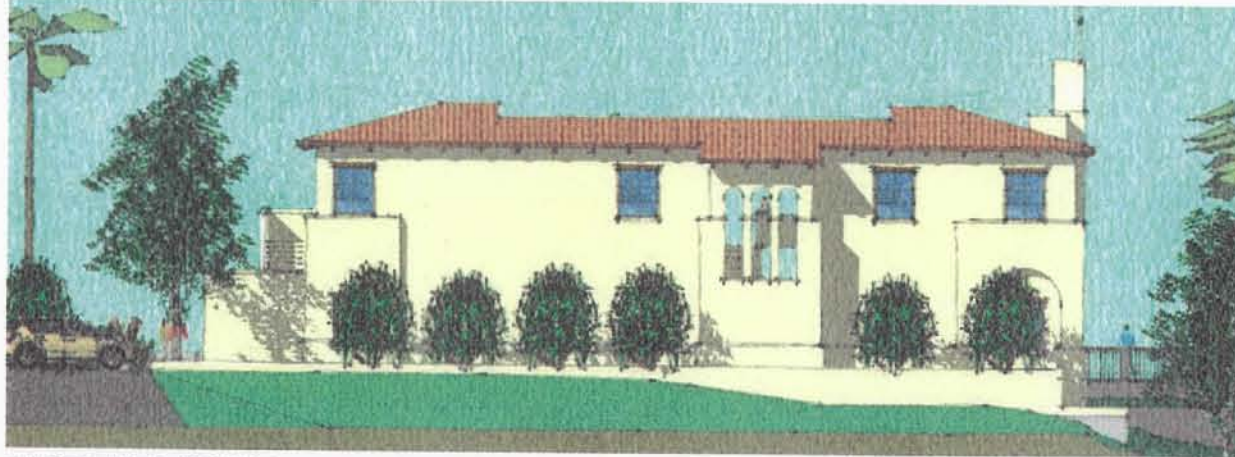
NATIVITY PREP ACADEMY
Project No.

Sheet Title:
LANDSCAPE DEVELOPMENT PLAN

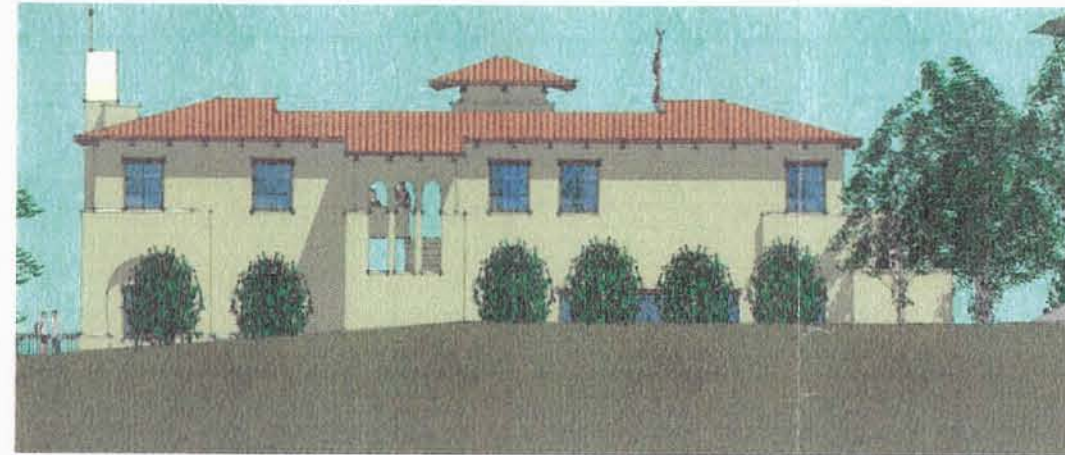
LA-1
Sheet No.



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

EXTERIOR ELEVATIONS
SCALE 1/8" = 1'-0"

DESIGNED BY	PACIFIC CORNERSTONE ARCHITECTS, INC.	REVISION 14	
DATE	04.12.2010	REVISION 13	
PROJECT ADDRESS	4103 SORRENTO VALLEY BLVD. SAN DIEGO, CA 92121	REVISION 12	
PROJECT NAME	NATIVITY PREP ACADEMY	REVISION 11	
OWNER	THE SCHOLES / DE CREE	REVISION 10	
ARCHITECT	PACIFIC CORNERSTONE ARCHITECTS, INC.	REVISION 9	
DATE	04.12.2010	REVISION 8	
PROJECT NUMBER	14000	REVISION 7	
DATE	04.12.2010	REVISION 6	
PROJECT NAME	NATIVITY PREP ACADEMY	REVISION 5	
DATE	04.12.2010	REVISION 4	
PROJECT ADDRESS	4103 SORRENTO VALLEY BLVD. SAN DIEGO, CA 92121	REVISION 3	
DATE	04.12.2010	REVISION 2	
PROJECT NAME	NATIVITY PREP ACADEMY	REVISION 1	
DATE	04.12.2010		

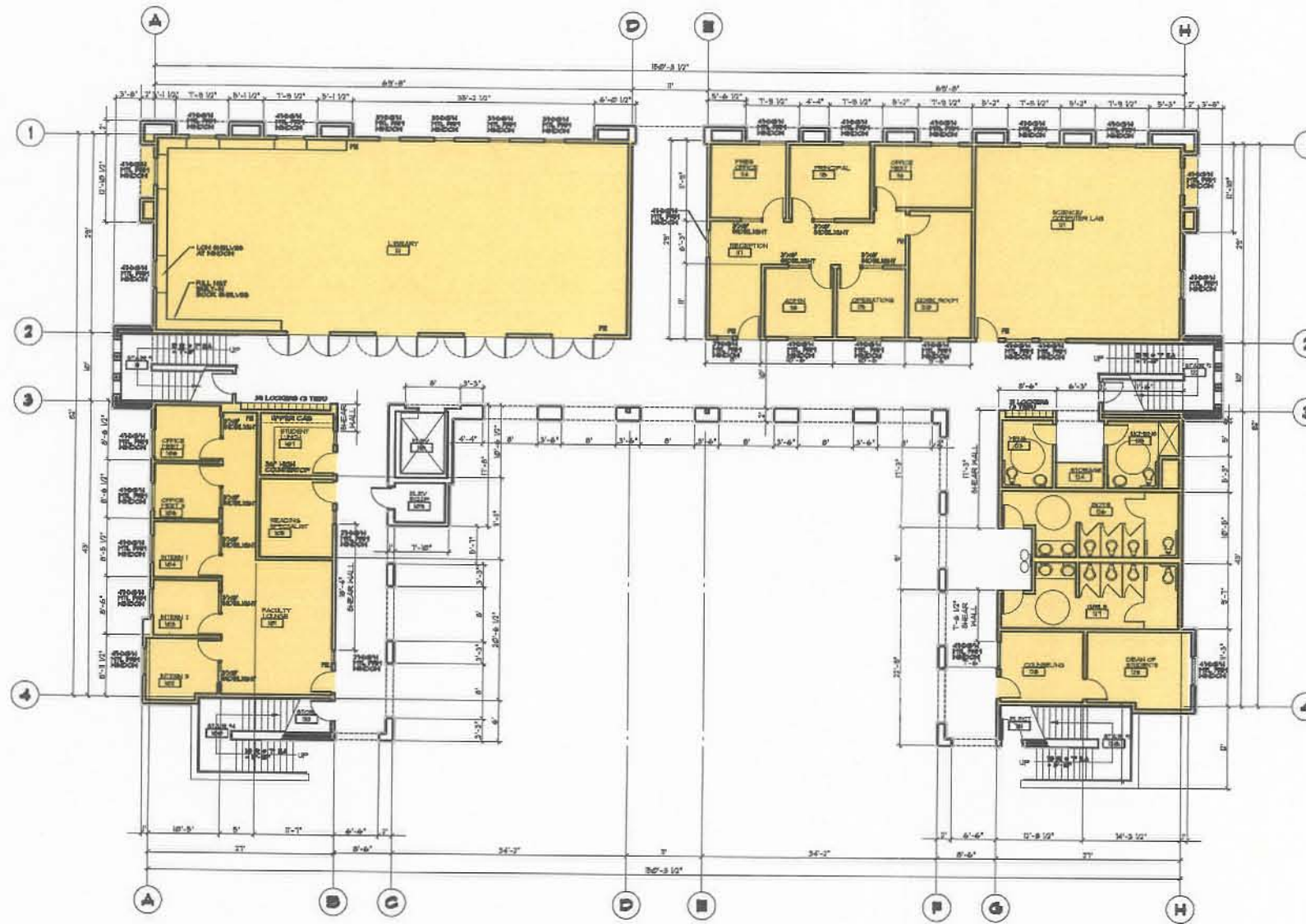
NATIVITY PREP ACADEMY
Elevating Inner-City Youth. Higher Standards. Higher Expectations.
3233 Market Street
San Diego, California

Pacific Cornerstone Arch
4103 SORRENTO VALLEY BLVD., SAN DIEGO, CA 92121 619.477.9880 www.pca.com

04.12.2010

EXTERIOR ELEVATIONS

Sheet No. A-3.0



FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"

DESIGNED BY	PACIFIC CORNERSTONE ARCHITECTS, INC.	REVISION 01	
DATE	04/12/2010	REVISION 02	
PROJECT ADDRESS	4785 SORRENTO VALLEY BLVD. SAN DIEGO, CA 92121	REVISION 03	
PROJECT NAME	NATIVITY PREP ACADEMY	REVISION 04	
PROJECT NUMBER	145320	REVISION 05	
PROJECT OWNER	NATIVITY PREP ACADEMY	REVISION 06	
PROJECT ARCHITECT	PACIFIC CORNERSTONE ARCHITECTS, INC.	REVISION 07	
PROJECT ENGINEER		REVISION 08	
PROJECT CONTRACTOR		REVISION 09	
PROJECT SUBMITTER		REVISION 10	
PROJECT DATE	04/12/2010	REVISION 11	
PROJECT SHEET	6 OF 13	REVISION 12	
PROJECT SHEET	01 OF 01	REVISION 13	
PROJECT SHEET		REVISION 14	
PROJECT SHEET		REVISION 15	
PROJECT SHEET		REVISION 16	
PROJECT SHEET		REVISION 17	
PROJECT SHEET		REVISION 18	
PROJECT SHEET		REVISION 19	
PROJECT SHEET		REVISION 20	

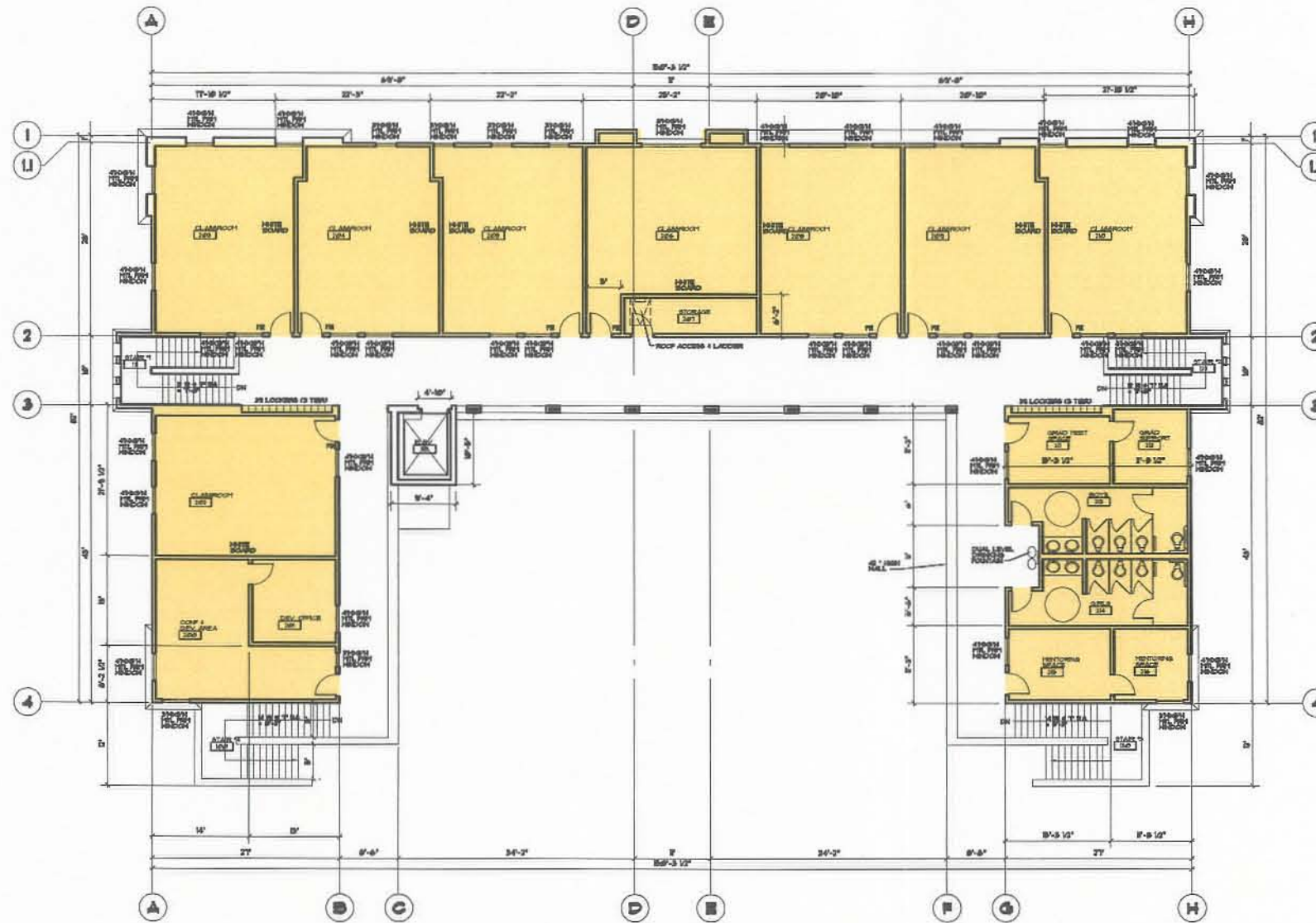
04.12.2010

Sheet Title:
FIRST FLOOR PLAN

Sheet No.
A-1.0

Pacific Cornerstone Arch
4785 SORRENTO VALLEY BLVD. SAN DIEGO, CA 92121 619.437.9850

NATIVITY PREP ACADEMY
Educating Inner-City Youth. Higher Standards. Higher Expectations.
3233 Market Street
San Diego, California



SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"



DESIGNED BY	PACIFIC CORNERSTONE ARCHITECTS, INC.	REVISION 14	
DATE	4/12/2010	REVISION 13	
PROJECT	NATIVITY PREP ACADEMY	REVISION 12	
ADDRESS	4103 SORRENTO VALLEY BLVD. SAN DIEGO, CA 92121	REVISION 11	
PHONE	619 477-9880	REVISION 10	
	THE SCHEDULE / IN DOWRY	REVISION 9	
PROJECT ARCHITECT	NATIVITY PREP ACADEMY	REVISION 8	
	3233 MARKET STREET	REVISION 7	
	SAN DIEGO, CA 92101	REVISION 6	
PROJECT OWNER	NATIVITY PREP ACADEMY	REVISION 5	
		REVISION 4	
		REVISION 3	
		REVISION 2	
		REVISION 1	
PROJECT NAME	NATIVITY PREP ACADEMY	ORIGINAL DATE	05/04/08
REVISION FLOOR PLAN		SHEET	1 OF 13
		DATE	
		PROJECT #	148220

04.12.2010

Sheet Title:
SECOND FLOOR PLAN

Sheet No.

A-2.0

Pacific Cornerstone Arc
4103 SORRENTO VALLEY BLVD. SAN DIEGO, CA 92121 619.477.9880

NATIVITY PREP ACADEMY
Educating Inner-City Youth - Higher Standards - Higher Expectations



San Diego, California
3233 Market Street

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

**WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 23430221

**PLANNED DEVELOPMENT PERMIT NO. 730154
SITE DEVELOPMENT PERMIT NO. 523210
CONDITIONAL USE PERMIT NO. 523208
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 730122
NATIVITY PREP ACADEMY PROJECT NO. 148350
CITY COUNCIL**

This Planned Development Permit No. 730154, Site Development Permit No. 523210, Conditional Use Permit No. 523208, Neighborhood Development Permit No. 730122 is granted by the City Council of the City of San Diego to DAVID RIVERA, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0402, 126.0303, 1519.0202, 126.0602. The 0.79-acre site is located at 3229-3233 Market Street and 3236-3238 Island Avenue in the CSF-2 and MF-3000 zones of the Southeastern San Diego Planned District within the Southeastern San Diego Community Plan. The project site is legally described as the east half of lot 7, lots 8 through 13, the west seven feet of lot 36 and all of lot 37 in block 129 of Reed and Swayne's Central Park Addition according to Map No. 982 filed in the office of the County recorder of San Diego, March 28, 1906;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a private middle school with associated parking, hardscape and landscape described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 3, 2010, on file in the Development Services Department.

The project shall include:

- a. The demolition of 8 existing structures for the construction of a new, two-story 13,127-square-foot private school ranging in grades from sixth through eighth with library, offices, classrooms, court yard, lunch area, and recreation area;

Attachment 9
Draft Permit with Conditions

- b. Hours of operation: Monday – Friday 7:30 a.m. - 6:00 p.m.; Saturdays (athletic activity only) 8:00 a.m.-5:00 p.m.; Summer School, Monday – Friday, 7:30 a.m. - 1:00 p.m.
- c. 5,517 square feet of loggia area;
- b. Deviations as follows:
 - 1) A 14’-6” high combination fence and retaining wall (5’-6” high retaining wall with 9’-0” wrought iron fence on top) within the front yard setback on unimproved Bancroft Street where a 3’-0” high retaining wall and a 6’-0” high free standing fence would be allowed;
 - 2) One driveway on Island Avenue where driveways are not permitted for lots with less than 150 feet of street frontage with alley access;
- c. Landscaping (planting and landscape related improvements);
- d. Off-street parking;
- e. Enhanced concrete and stone pavers within courtyard and;
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer’s requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
- 2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.

Attachment 9
Draft Permit with Conditions

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void,

challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration, No. 148350 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration, NO. 148350 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for Noise and Paleontology.

ENGINEERING REQUIREMENTS:

14. Prior to the issuance of a construction permit, the owner/permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the owner/permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

16. Prior to the issuance of any construction permits, the owner/permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

Attachment 9
Draft Permit with Conditions

17. Prior to the issuance of any construction permits, the owner/permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permits, the owner/permittee shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.
19. The drainage system proposed for this development is private and subject to approval by the City Engineer.
20. The drainage system proposed for this development is private and subject to approval by the City Engineer.
21. This project proposes to export 2,800 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the on-site processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).
22. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement (EMRA), for at the terminus of the alley and a portion of the private drainage pipe at the alley, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

23. Prior to issuance of any construction permits for buildings the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.
24. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
25. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
26. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility

of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

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

PLANNING/DESIGN REQUIREMENTS:

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

29. All fences constructed on-site shall be of wrought iron, wood, concrete or other masonry materials.

30. The project shall comply with the fence and wall regulations of the San Diego Municipal Code except where a deviation has been approved as part of this permit.

31. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

32. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

33. No fewer than 6 off-street parking spaces within the school site, and 12 off-street parking spaces within the school owned lot located south of the school site across the alley, for a total of 18 off-street parking spaces on the property shall be maintained at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

34. Prior to the issuance of the first construction permit, the applicant shall execute and record a Shared Parking Agreement for the proposed 12 parking spaces within the school owned lot located south of the school site across the alley for the school uses satisfactory to the City Engineer.

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

(Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

WASTEWATER REQUIREMENTS:

36. The owner/permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

37. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.

38. No permanent structures, substructures, trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

39. Prior to the issuance of any certificate of occupancy, the owner/permittee shall provide the Wastewater Collection Divisions with keyed access, satisfactory to the City of San Diego Director of Public Utilities, for all fences or gates that block access to public sewer facilities. The City will not be held responsible for any issues that may arise relative to possession of the keys.

40. Prior to the issuance of any certificate of occupancy, the owner/permittee shall provide access stairs and ramp to the two existing public manholes in Bancroft Street, satisfactory to the City of San Diego Director of Public Utilities.

41. No approved improvements or landscaping, including grading, walls, stairs and enhanced paving, shall be installed in or over any sewer easement prior to the owner/permittee obtaining an Encroachment Maintenance and Removal Agreement.

WATER REQUIREMENTS:

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

43. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

44. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

45. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

GEOLOGY REQUIREMENTS:

46. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

47. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on xxxxxx.

**Attachment 9
Draft Permit with Conditions**

Permit Type/PTS Approval No.:
PLANNED DEVELOPMENT PERMIT NO. 730154
SITE DEVELOPMENT PERMIT NO. 523210
CONDITIONAL USE PERMIT NO. 523208
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 730122

Date of Approval: XXXXXX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

William Zounes
Development Project Manager

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

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

Owner/Permittee

By _____
DAVID RIVERA

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

CITY COUNCIL
RESOLUTION NO.
PLANNED DEVELOPMENT PERMIT NO. 730154
CONDITIONAL USE PERMIT NO. 523208
SITE DEVELOPMENT PERMIT NO. 523210
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 730122
NATIVITY PREP ACADEMY PROJECT NO. 148350

WHEREAS, DAVID RIVERA, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a private middle school for grades 6th through 8th with associated parking, hardscape and landscape (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 730154, 523208, 523210 and 730122), on portions of a 0.79-acre site;

WHEREAS, the project site is located at 3229-3233 Market Street and 3236-3238 Island Avenue in the CSF-2 and MF-3000 zones of the Southeastern San Diego Planned District within the Southeastern San Diego Community Plan;

WHEREAS, the project site is legally described as the east half of lot 7, lots 8 through 13, the west seven feet of lot 36, and lot 37 in block 129 of Reed and Swayne's Central Park Addition according to Map No. 982 filed in the office of the County recorder of San Diego, March 28, 1906;

WHEREAS, on -----, the City Council of the City of San Diego considered Planned Development Permit No. 730154, Conditional Use Permit No. 523208, Site Development Permit No. 523210, and Neighborhood Development Permit No. 730122, pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the City Council of the City of San Diego as follows:

That the City Council adopts the following written Findings, dated -----.

FINDINGS:

Planned Development Permit - Section 126.0604

- 1. The proposed development will not adversely affect the applicable land use plan.**

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area.

The proposed project is located in Stockton Neighborhood of the Southeastern San Diego Community Plan area. The Community Plan designates the parcels fronting on Market Street as General Commercial. The non-contiguous parcels fronting on Island Avenue are designated Single Family

Residential, 10 to 15 dwelling units per acre. A 6th through 8th grade private school facility currently exists on the General Commercial designated portion of the subject site. Two residential structures exist on the Single Family Residential, 10 to 15 DU/AC designated portion of the project site. The residential structures have been determined not to be significant by Historic Resources staff and will be demolished.

The proposed project meets the goals of the General Plan and Southeastern San Diego Community Plan by providing a high quality, technologically equipped, aesthetically pleasing, and sustainable school. The proposed project is a 13,127 square-foot structure that is designed in the Mission style reflective of early San Diego. The structure integrates arched entryways and a covered walkway, tile roof with exposed wood rafter tails, articulated first and second stories, and Santa Barbara style smooth stucco finished exterior. The interior consists of a large loggia to function as a lunch area, courtyard, and assembly area to serve the needs of the students, faculty, and gathering needs of the facility. The landscape design softens the bulk and scale of the structure with inclusion of canopy shade trees along the exterior perimeter and interior courtyard. The structure is connected to the Market Street sidewalk and roadway at a lower elevation to the north by a series of curved retaining walls, walkways, and a landscape buffer that guides the pedestrian and the eye to the northern entrance at the top of slope. The architectural design and landscape features help to integrate the two story structure into a community of mixed one and two story commercial structures and residences. The site is located near another middle school, the King Chavez Primary Arts Academy. The project is consistent with urban design goals of the community plan and therefore will not adversely affect adopted Community and General Plan policies.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact following areas:

- Noise, due to vehicular traffic along Market Street during school hours;
- Paleontological Resources, due to the grading of 2,800 cubic yards on site within an area defined as having a high paleontological resources.

Mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program (MMRP). As such, the project now avoids or mitigates any potentially significant environmental impacts to noise and paleontological resources related issues in accordance with the California Environmental Quality Act.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to fence and walls, storm water runoff, landscaping, public improvements, signs, lighting, parking, water, and sewer requirements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

The proposed buildings will comply with all of the development regulations with respect to coverage, floor area ratio, height, landscaping, and setback requirements. The parking lot conforms to city standards regarding ingress and egress, and surfacing and landscape requirements. The project proposes two deviations for over-height fencing within the street side yard on Bancroft Street and to allow a driveway on Island Avenue where driveways are not permitted when the parcel has less than 150 feet of street frontage and has access to an alley.

A 9'-0" high wrought iron security fence is proposed around the perimeter of the facility for the school and parking lot. Due to the topographic sloping conditions along the east side of the property adjacent to Bancroft Street, a retaining wall reaching a maximum height of 5'-6" is proposed to level the site. The majority of the fencing complies with the regulations with the exception of a segment located within the street side yard setback along Bancroft Street where the combination fencing would result in a maximum height of 14'-6" (a maximum 5'-6" high retaining wall with a 9'-0" high wrought iron fence on top). The proposed driveway along Island Avenue is the preferred alternative to allow safe and efficient ingress and egress of school traffic and emergency vehicles access rather than Market Street. Additionally, eliminating the driveway on Island Avenue would result in the requirement for an on-site vehicular turn-around area which would reduce the development area, substantially impacting the school size and related activities.

Bancroft Street between Market Street and Island Avenue is an undeveloped paper street with two manholes and a drainage culvert. The street has a substandard width of 26 feet where 48 feet would be required for a two lane residential street. It is unlikely that the extension of Bancroft Street will be completed. Because of this condition, the setback abutting Bancroft was reviewed as an interior setback rather than a street side yard. A 9'-0" high fence with a 3'-0" high retaining wall below is permitted in an interior side setback. The fencing would be screened by landscaping.

The proposed driveway along Island Avenue will allow the ingress and egress of school traffic and emergency vehicles through the alley instead of Market Street which is the preferred location by the San Diego Fire Department and Development Services Department Transportation section.

The Planned Development Permit Ordinance contains general regulations which include criteria for development design. These additional criteria require that the overall design of developments be comprehensive and demonstrate the relationship between on-site and off-site developments. Structures should avoid repetitious patterns that are inconsistent with the goals of the land use plan. The scale of the development should be consistent with the neighborhood and should represent the dominant development pattern in the area or as called for in the community plan. Landscaping should be used to soften the appearance of blank walls and enhance the pedestrian scale of the development.

The proposed building and site design is consistent with each of the design criteria. The architectural design and landscape features help to integrate the two story structure into a community of mixed one and two story commercial structures and residences. The primary use of the facility will occur within the building along Market Street and within the interior of the site while parking areas are proposed south of the building at the rear. The Urban Design Element of the Southeastern San Diego Community Plan recommends a visual and character improvement of the community. In addition, an objective within the Stockton Neighborhood section of the plan is to improve the appearance of Market Street through additional landscaping. The design of the proposed facility has incorporated numerous architectural elements to soften the bulk and scale and add visual interest to the building. These elements include offsetting planes with an assortment of material to include a loggia (roofed open gallery area) and Spanish tile roof to match the architecture of the California Missions. Landscaping along Market Street will include a variety of trees, shrubs, and ground covers in accordance with Project First Class recommendations of the Southeastern San Diego Community Plan. Other improvements in the public right-of-way include the placement of a statue and decorative wrought iron fence. These features will result in an enhanced landscape parkway along both street frontages.

Therefore, the proposed development will comply with the regulations the Land Development Code.

4. The proposed development, when considered as a whole, will be beneficial to the community;

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517 square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District. Surrounding developments include residential homes, a vocational school and the King Chavez Primary Arts Academy middle school.

The property is developed with six older commercial buildings and two residences. The site will be visually enhanced through the placement of the new building and enhanced landscape areas. The building is designed in the Mission style reflective of early San Diego. The structure integrates arched entryways and a covered walkway, tile roof with exposed wood rafter tails, articulated first and second

stories, and Santa Barbara style smooth stucco finished exterior. Several project amenities have been incorporated into the site design including a roofed open gallery area, a large loggia which provides a covered walkway, courtyard, and assembly area to serve the needs of the students, faculty, and gathering needs of the facility. The landscape design softens the bulk and scale of the structure with inclusion of canopy shade trees along the exterior perimeter and interior courtyard.

The applicant has submitted the following information for the proposed request:

Nativity Prep Academy's Mission is to provide high school and college preparation to middle school to underserved middle school children from the community of Southeastern San Diego. The school's expectation is that students succeed in high school and college and become role models and leaders in their communities. The school is part of a national network of more than 50 Nativity schools that are attempting to alleviate the cycle of poverty through education.

The school is proposed to be maintained at this location to facilitate an alternative educational opportunity within this low-income neighborhood. Therefore, the proposed development, when considered as a whole, will be beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The project requires a Planned Development Permit for two deviations to the allowable fence height and driveway location regulations. The deviation would allow a 5'-6" high retaining wall where 3'-0" is allowed with a 9'-0" high, wrought iron fence on top where a 6'-0" high open fencing would be allowed. The second deviation would allow a driveway on Island Avenue where driveways are not permitted when the parcel has less than 150 feet of street frontage and access to the an alley.

A 9'-0" high wrought iron security fence is proposed around the perimeter of the facility for the school and parking lot. Due to the topographic sloping conditions along the east side of the property adjacent to Bancroft Street, a retaining wall is proposed to level the site. The majority of the fencing complies with the regulations with the exception of a segment located within the front setback along Bancroft Street where the combination fencing would result in a maximum height of 14'-6" (a maximum 5'-6" high retaining wall with a 9'-0" high wrought iron fence on top). The proposed driveway along Island Avenue is the preferred alternative to allow safe and efficient ingress and egress of school traffic and emergency vehicles access rather than Market Street. Additionally, eliminating the driveway on Island Avenue would result in the requirement for an on-site vehicular turn-around area which would reduce the development area, substantially impacting the school size and related activities.

Staff supports the proposed deviations to wall height and driveway location as the deviations are minor in scope and consistent with the provisions of the Planned Development Permit Ordinance. The purpose of the Planned Development Permit Ordinance is to provide flexibility in the application of the development regulations to allow the analysis of site constraints, required public improvements, proposed project amenities, and community and City benefits. Deviations may be granted in those circumstances where they would be beneficial to the neighborhood due to unique circumstance pertaining to the subject property. The project conforms to all other development regulations and implements several

community plan recommendations through sensitive design practices. The property contains site constraints in the form of non-contiguous parcels, an adjoining paper street, unusual shape and topography as well as restricted vehicular access. The development is an institutional use subject to the residential and commercial zone regulations. The development provides a community benefit in that it will provide alternative options for educational opportunities, as well as public right-of-way improvements.

Therefore, any proposed deviations pursuant to Section 126.0602 (b) (1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

Conditional Use Permit - Section 126.0305

1. The proposed development will not adversely affect the applicable land use plan;

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area.

The proposed project is located in Stockton Neighborhood of the Southeastern San Diego Community Plan area. The Community Plan designates the parcels fronting on Market Street as General Commercial. The non-contiguous parcels fronting on Island Avenue are designated Single Family Residential, 10 to 15 dwelling units per acre. A 6th through 8th grade private school facility currently exists on the General Commercial designated portion of the subject site. Two residential structures exist on the Single Family Residential, 10 to 15 DU/AC designated portion of the project site. The residential structures have been determined not to be significant by Historic Resources staff and will be demolished.

The proposed project meets the goals of the General Plan and Southeastern San Diego Community Plan by providing a high quality, technologically equipped, aesthetically pleasing, and sustainable school. The proposed project is a 13,127 square-foot structure that is designed in the Mission style reflective of early San Diego. The structure integrates arched entryways and a covered walkway, tile roof with exposed wood rafter tails, articulated first and second stories, and Santa Barbara style smooth stucco finished exterior. The interior consists of a large loggia to function as a lunch area, courtyard, and assembly area to serve the needs of the students, faculty, and gathering needs of the facility. The landscape design softens the bulk and scale of the structure with inclusion of canopy shade trees along the exterior perimeter and interior courtyard. The structure is connected to the Market Street sidewalk and roadway at a lower elevation to the north by a series of curved retaining walls, walkways, and a landscape buffer that guides the pedestrian and the eye to the northern entrance at the top of slope. The architectural design and landscape features help to integrate the two story structure into a community of mixed one and two story commercial structures and residences. The site is located near another middle school, the King Chavez Primary Arts Academy. The project is consistent with urban design goals of the community plan and therefore will not adversely affect adopted Community and General Plan policies.

2. The proposed development will not be detrimental to the public health, safety, and welfare;

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact following areas:

- Noise, due to vehicular traffic along Market Street during school hours;
- Paleontological Resources, due to the grading of 2,800 cubic yards on site within an area defined as having a high paleontological resources.

Mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program (MMRP). As such, the project now avoids or mitigates any potentially significant environmental impacts to noise and paleontological resources related issues in accordance with the California Environmental Quality Act. The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to fence and walls, storm water runoff, landscaping, public improvements, signs, lighting, parking, water, and sewer requirements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517 square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

The proposed buildings will comply with all of the development regulations with respect to coverage, floor area ratio, height, landscaping, and setback requirements. The parking lot conforms to city standards regarding ingress and egress, and surfacing and landscape requirements. The project proposes two deviations for over-height fencing within the street side yard on Bancroft Street and to allow a driveway on Island Avenue where driveways are not permitted when the parcel has less than 150 feet of street frontage and has access to the an alley.

A 9'-0" high wrought iron fence is proposed around the perimeter of the facility for the school and parking lot for security purposes. Due to the topographic sloping conditions along the east side of the property adjacent to Bancroft Street, a retaining wall reaching a maximum height of 5'-6" is proposed to level the site. The majority of the fencing complies with the regulations with the exception of a segment located within the front setback along Bancroft Street where the combination fencing would result in a maximum height of 14'-6" (a maximum 5'-6" high retaining wall with a 9'-0" high wrought iron fence on top). The proposed driveway along Island Avenue is the preferred alternative to allow safe and efficient ingress and egress of school traffic and emergency vehicles access rather than Market Street. Additionally, eliminating the driveway on Island Avenue would result in the requirement for an on-site vehicular turn-around area which would reduce the development area, substantially impacting the school size and related activities.

Bancroft Street between Market Street and Island Avenue is an undeveloped paper street with two manholes and a drainage culvert. The street has a substandard width of 26 feet where 48 feet would be required for a two lane residential street. It is unlikely that the extension of Bancroft Street will be completed. Because of this condition, the setback abutting Bancroft was reviewed as an interior setback rather than a street side yard. A 9'-0" high fence with a 3'-0" high retaining wall below is permitted in an interior side setback. The fencing would be screened by landscaping.

The proposed driveway along Island Avenue will allow the ingress and egress of school traffic and emergency vehicles through the alley instead of Market Street which is the preferred location by the San Diego Fire Department and Development Services Department Transportation section.

Therefore, the proposed development will comply to the maximum extent feasible with the regulations the Land Development Code.

4. The proposed use is appropriate at the proposed location.

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517 square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

The project requires an amendment to the Land Development Code to allow school uses within the Southeastern San Diego Planned District's commercial zones, through the processing of a discretionary permit. Staff analyzed various options for processing including re-designating and rezoning the site. The Land Development Code Amendment was deemed to be the appropriate mechanism to allow the continued use of the school, and to allow for similar requests in the community, consistent with the provision within city-wide commercial zones which allow schools through the processing of a discretionary permit.

The Land Development Code contains separately regulated use regulations for educational facilities. The proposed facility is consistent with each of the applicable requirements as noted below:

1. The design of the structures shall incorporate architectural elements that help to diminish building bulk. The proposed structure is designed in the Mission style with several elements that help reduce its bulk and scale. As seen from Market Street, the façade provides a combination of hipped and flat roofs, numerous offsetting planes, arches, an entrance corridor that softens the building wall and varied roof lines which serve to reduce the bulk and scale. The building is also set back 20 feet from the front property line, reducing the perceived size when viewed from Market Street.
2. Larger structures, areas with high levels of activity, and parking areas shall be located on the site away from surrounding development that is smaller in scale or less intense. Classroom activity will be conducted within the classrooms of the proposed building. Potential noise resulting from activities in between classes (walking, recess, lunch) will occur within the courtyard in the center of the structure and along the walkways surrounding the courtyard. The courtyard is surrounded on all sides by the building and any potential noise emanating from this area will be buffered by the surrounding walls.
3. Off-street parking requirements for kindergarten through grade 12 must be consistent with the regulations. The development provides the required number of parking spaces.

The applicant has submitted additional information as part of this request as noted below:

The school began with 20 students and has grown to 60 students as of 2008. Nativity Prep Academy's Mission is to provide college prep, middle school education to underserved children from the community of Southeastern San Diego. The school's expectation is that students succeed in high school and college and become role models and leaders in their communities. A new site search was conducted by contacting over 25 commercial real estate brokers and scanned the community for a suitable site to remain in the community so that we can continue to provide high school and college preparation to underserved children. As a result of the search and staff's review of the feasibility of maintaining the current location, it was concluded that a request to maintain the current location could be processed.

The facility is compatible with other uses in the area which include the King Chavez Art Academy located approximately 600 feet from the site. Across the street is the Career College of San Diego, a technical trade school for adults. The school will accommodate a maximum of 90 students with six classrooms, administration offices, courtyard, playground, and public improvements. Vehicular access to the site will be from Island Avenue, reducing potential traffic impacts on Market Street. As mentioned above, this application is an amendment to the Southeastern San Diego Planned District Ordinance to allow schools within the commercial CSF-1 and CSF-2 zones. Therefore, the proposed use is appropriate at the proposed location.

Site Development Permit - Section 126.0504

1. **The proposed development will not adversely affect the applicable land use plan;**

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and

accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area.

The proposed project is located in Stockton Neighborhood of the Southeastern San Diego Community Plan area. The Community Plan designates the parcels fronting on Market Street as General Commercial. The non-contiguous parcels fronting on Island Avenue are designated Single Family Residential, 10 to 15 dwelling units per acre. A 6th through 8th grade private school facility currently exists on the General Commercial designated portion of the subject site. Two residential structures exist on the Single Family Residential, 10 to 15 DU/AC designated portion of the project site. The residential structures have been determined not to be significant by Historic Resources staff and will be demolished.

The proposed project meets the goals of the General Plan and Southeastern San Diego Community Plan by providing a high quality, technologically equipped, aesthetically pleasing, and sustainable school. The proposed project is a 13,127 square-foot structure that is designed in the Mission style reflective of early San Diego. The structure integrates arched entryways and a covered walkway, tile roof with exposed wood rafter tails, articulated first and second stories, and Santa Barbara style smooth stucco finished exterior. The interior consists of a large loggia to function as a lunch area, courtyard, and assembly area to serve the needs of the students, faculty, and gathering needs of the facility. The landscape design softens the bulk and scale of the structure with inclusion of canopy shade trees along the exterior perimeter and interior courtyard. The structure is connected to the Market Street sidewalk and roadway at a lower elevation to the north by a series of curved retaining walls, walkways, and a landscape buffer that guides the pedestrian and the eye to the northern entrance at the top of slope. The architectural design and landscape features help to integrate the two story structure into a community of mixed one and two story commercial structures and residences. The site is located near another middle school, the King Chavez Primary Arts Academy. The project is consistent with urban design goals of the community plan and therefore will not adversely affect adopted Community and General Plan policies.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact following areas:

- Noise, due to vehicular traffic along Market Street during school hours;
- Paleontological Resources, due to the grading of 2,800 cubic yards on site within an area defined as having a high paleontological resources.

Mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program (MMRP). As such, the project now avoids or

mitigates any potentially significant environmental impacts to noise and paleontological resources related issues in accordance with the California Environmental Quality Act.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health, safety, and welfare of persons residing in the area. These conditions address requirements relating to fence and walls, storm water runoff, landscaping, public improvements, signs, lighting, parking, water, and sewer requirements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517 square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

The proposed buildings will comply with all of the development regulations with respect to coverage, floor area ratio, height, landscaping, and setback requirements. The parking lot conforms to city standards regarding ingress and egress, and surfacing and landscape requirements. The project proposes two deviations for over-height fencing within the street side yard on Bancroft Street and to allow a driveway on Island Avenue where driveways are not permitted when the parcel has less than 150 feet of street frontage and has access to an alley.

A 9'-0" high wrought iron security fence is proposed around the perimeter of the facility for the school and parking lot. Due to the topographic sloping conditions along the east side of the property adjacent to Bancroft Street, a retaining wall reaching a maximum height of 5'-6" is proposed to level the site. The majority of the fencing complies with the regulations with the exception of a segment located within the street side yard setback along Bancroft Street where the combination fencing would result in a maximum height of 14'-6" (a maximum 5'-6" high retaining wall with a 9'-0" high wrought iron fence on top). The proposed driveway along Island Avenue is the preferred alternative to allow safe and efficient ingress and egress of school traffic and emergency vehicles access rather than Market Street. Additionally, eliminating the driveway on Island Avenue would result in the requirement for an on-site vehicular turn-around area which would reduce the development area, substantially impacting the school size and related activities.

Bancroft Street, between Market Street and Island Avenue is an undeveloped paper street with two manholes and a drainage culvert. The street has a substandard width of 26 feet where 48 feet would be required for a two lane residential street. It is unlikely that the extension of Bancroft Street will be completed. Because of this condition, the setback abutting Bancroft was reviewed as an interior setback

rather than a street side yard. A 9'-0" high fence with a 3'-0" high retaining wall below is permitted in an interior side setback. The fencing would be screened by landscaping.

The proposed driveway along Island Avenue will allow the ingress and egress of school traffic and emergency vehicles through the alley instead of Market Street which is the preferred location by the San Diego Fire Department and Development Services Department Transportation section.

The Planned Development Permit Ordinance contains general regulations which include criteria for development design. These additional criteria require that the overall design of developments be comprehensive and demonstrate the relationship between on-site and off-site developments. Structures should avoid repetitious patterns that are inconsistent with the goals of the land use plan. The scale of the development should be consistent with the neighborhood and should represent the dominant development pattern in the area or as called for in the community plan. Landscaping should be used to soften the appearance of blank walls and enhance the pedestrian scale of the development.

The proposed building and site design is consistent with each of the design criteria. The architectural design and landscape features help to integrate the two story structure into a community of mixed one and two story commercial structures and residences. The primary use of the facility will occur within the building along Market Street and within the interior of the site while parking areas are proposed south of the building at the rear. The Urban Design Element of the Southeastern San Diego Community Plan recommends a visual and character improvement of the community. In addition the Stockton Neighborhood objective is to improve the appearance of Market Street through added landscaping. The design of the proposed facility has incorporated numerous architectural elements to soften the bulk and scale and add visual interest to the building. These elements include offsetting planes with an assortment of material to include a loggia (roofed open gallery area) and Spanish tile roof to match the architecture of the California Missions. Landscaping along Market Street will include a variety of trees, shrubs, and ground covers in accordance with Project First Class recommendations of the Southeastern San Diego Community Plan and hardscape to include a statute and decorative wrought iron fence. These features will result in an enhanced landscape parkway along both street frontages.

Therefore, the proposed development will comply with the regulations the Land Development Code.

Southeastern San Diego Development Permit Findings – Section 1519.0202

- 1. The proposed use and project design meet the purpose and intent of this Division, comply with the recommendations of the Southeastern San Diego Community Plan, and will not adversely affect the General Plan or other applicable plans adopted by the City Council;**

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area.

The proposed project is located in Stockton Neighborhood of the Southeastern San Diego Community Plan area. The Community Plan designates the parcels fronting on Market Street as General Commercial. The non-contiguous parcels fronting on Island Avenue are designated Single Family Residential, 10 to 15 dwelling units per acre. A 6th through 8th grade private school facility currently exists on the General Commercial designated portion of the subject site. Two residential structures exist on the Single Family Residential, 10 to 15 DU/AC designated portion of the project site. The residential structures have been determined not to be significant by Historic Resources staff and will be demolished.

The proposed project meets the goals of the General Plan and Southeastern San Diego Community Plan by providing a high quality, technologically equipped, aesthetically pleasing, and sustainable school. The proposed project is a 13,127 square-foot structure that is designed in the Mission style reflective of early San Diego. The structure integrates arched entryways and a covered walkway, tile roof with exposed wood rafter tails, articulated first and second stories, and Santa Barbara style smooth stucco finished exterior. The interior consists of a large loggia to function as a lunch area, courtyard, and assembly area to serve the needs of the students, faculty, and gathering needs of the facility. The landscape design softens the bulk and scale of the structure with inclusion of canopy shade trees along the exterior perimeter and interior courtyard. The structure is connected to the Market Street sidewalk and roadway at a lower elevation to the north by a series of curved retaining walls, walkways, and a landscape buffer that guides the pedestrian and the eye to the northern entrance at the top of slope. The architectural design and landscape features help to integrate the two story structure into a community of mixed one and two story commercial structures and residences. The site is located near another middle school, the King Chavez Primary Arts Academy. The project is consistent with urban design goals of the community plan and therefore will not adversely affect adopted Community and General Plan policies.

- 2. The proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable**

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517 square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

The facility will include one building where the first floor will be comprised of administration offices, library, computer lab, bathrooms and classrooms for a total square footage of 6,513 square feet. The second floor will include classrooms, counseling rooms, and bathrooms for a total of 6,614 square feet. Improvements to the site includes new landscaping in accordance with the Citywide Landscape Ordinance, lunch area, court yard, sport court, replacement of existing chain link fence with wrought iron, a new pedestrian walkway on Market Street and access to existing manholes within unimproved Bancroft Street.

The proposed school will be compatible with existing land uses on adjoining properties as another educational facility is located across Market Street to the north and 600 feet to the west along Island

Avenue. Additionally, the site is adjacent to residentially developed properties. The residential zones of the Southeastern Diego Planned District, and city-wide residential zones, allow schools by right as schools are deemed an appropriate use in close proximity to residential development.

The project has been reviewed in accordance with the Southeastern San Diego Community Plan, the General Plan, and the San Diego Municipal Code MF-5000 zone and CSF-1 zone to ensure the project is in compliance with the recommendations and requirements of the policies and codes. The school use will not create a disruptive element to the neighborhood but rather visually improve the site through the construction of on-site and public right-of-way improvements. The design of the proposed facility has incorporated numerous architectural elements to diminish the bulk and scale and add rhythm to the building. These elements include offsetting planes with an assortment of material to include a loggia (roofed open gallery area) and Spanish tile roof to match the architecture of the California Missions. Landscaping along Market Street will include a variety of trees, shrubs, and ground covers in accordance with Project First Class and hardscape to include a statute and decorative wrought iron fence. In the rear of the development will be a courtyard with fountain, stone pavers, and lunch area. Therefore, the proposed development shall be compatible with existing and planned land use on adjoining properties and shall not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

- 3. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.**

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517-square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

A Mitigated Negative Declaration was prepared from the project as it was determined that the proposed development could have a significant impact following areas:

- o Noise, due to vehicular traffic along Market Street during school hours;
- o Paleontological Resources, due to the grading of 2,800 cubic yards on site within an area defined as having a high paleontological resources.

Mitigation measures are required to be applied to the project in accordance with Section V of the associated Mitigation, Monitoring, and Reporting Program (MMRP). As such, the project now avoids or mitigates any potentially significant environmental impacts to noise and paleontological resources related issues in accordance with the California Environmental Quality Act.

The permit controlling this development contains conditions addressing compliance with the City's regulations and other regional, State and Federal regulations to prevent detrimental impacts to the health,

safety, and welfare of persons residing in the area. These conditions address requirements relating to fence and walls, storm water runoff, landscaping, public improvements, signs, lighting, parking, water, and sewer requirements. All Uniform Building, Fire, Plumbing, Electrical, and Mechanical Codes governing the construction and continued operation of the development will apply to this site to prevent adverse affects to those persons or other properties in the vicinity. Therefore, the use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

4. The proposed use will comply with the relevant regulations of the Municipal Code.

The project proposes a 13,127 square-foot, two-story private middle school ranging in grades from 6th through 8th. The development includes a 5,517 square-foot loggia area (roofed open gallery area) and accessory improvements including off-street parking, sports court, enhanced paving, public improvements, and landscaping. The site is located at 3229-3233 Market Street and 3236-3638 Island Avenue within the Southeastern San Diego Community Planning area, designated Residential and Commercial and zoned CSF-2 and MF-3000 of the Southeastern San Diego Planned District.

The proposed buildings will comply with all of the development regulations with respect to coverage, floor area ratio, height, landscaping, and setback requirements. The parking lot conforms to city standards regarding ingress and egress, and surfacing and landscape requirements. The project proposes two deviations for over-height fencing within the street side yard on Bancroft Street and to allow a driveway on Island Avenue where driveways are not permitted when the parcel has less than 150 feet of street frontage and has access to an alley.

A 9'-0" high wrought iron security fence is proposed around the perimeter of the facility for the school and parking lot. Due to the topographic sloping conditions along the east side of the property adjacent to Bancroft Street, a retaining wall reaching a maximum height of 5'-6" is proposed to level the site. The majority of the fencing complies with the regulations with the exception of a segment located within the street side yard setback along Bancroft Street where the combination fencing would result in a maximum height of 14'-6" (a maximum 5'-6" high retaining wall with a 9'-0" high wrought iron fence on top). The proposed driveway along Island Avenue is the preferred alternative to allow safe and efficient ingress and egress of school traffic and emergency vehicles access rather than Market Street. Additionally, eliminating the driveway on Island Avenue would result in the requirement for an on-site vehicular turn-around area which would reduce the development area, substantially impacting the school size and related activities.

Bancroft Street between Market Street and Island Avenue is an undeveloped paper street with two manholes and a drainage culvert. The street has a substandard width of 26 feet where 48 feet would be required for a two lane residential street. It is unlikely that the extension of Bancroft Street will be completed. Because of this condition, the setback abutting Bancroft was reviewed as an interior setback rather than a street side yard. A 9'-0" high fence with a 3'-0" high retaining wall below is permitted in an interior side setback. The fencing would be screened by landscaping.

The proposed driveway along Island Avenue will allow the ingress and egress of school traffic and emergency vehicles through the alley instead of Market Street which is the preferred location by the San Diego Fire Department and Development Services Department Transportation section.

The Planned Development Permit Ordinance contains general regulations which include criteria for development design. These additional criteria require that the overall design of developments be comprehensive and demonstrate the relationship between on-site and off-site developments. Structures should avoid repetitious patterns that are inconsistent with the goals of the land use plan. The scale of the development should be consistent with the neighborhood and should represent the dominant development pattern in the area or as called for in the community plan. Landscaping should be used to soften the appearance of blank walls and enhance the pedestrian scale of the development.

The proposed building and site design is consistent with each of the design criteria. The architectural design and landscape features help to integrate the two story structure into a community of mixed one and two story commercial structures and residences. The primary use of the facility will occur within the building along Market Street and within the interior of the site while parking areas are proposed south of the building at the rear. The Urban Design Element of the Southeastern San Diego Community Plan recommends a visual and character improvement of the community. In addition the Stockton Neighborhood objective is to improve the appearance of Market Street through added landscaping. The design of the proposed facility has incorporated numerous architectural elements to soften the bulk and scale and add visual interest to the building. These elements include offsetting planes with an assortment of material to include a loggia (roofed open gallery area) and Spanish tile roof to match the architecture of the California Missions. Landscaping along Market Street will include a variety of trees, shrubs, and ground covers in accordance with Project First Class recommendations of the Southeastern San Diego Community Plan and hardscape to include a statute and decorative wrought iron fence. These features will result in an enhanced landscape parkway along both street frontages.

Therefore, the proposed development will comply with the regulations the Land Development Code.

Neighborhood Development Permit - Section 126.0404

1. The proposed development will not adversely affect the applicable land use plan;

The project requires a Neighborhood Development Permit (NDP) for the proposed construction of a walkway and stairwell within Bancroft Street public right-of-way. The encroachment is a requirement for the proposed construction of a two story, private middle school within the Southeastern San Diego Community Planning area. Project implementation requires that the walkway and stairwell be constructed in order to facilitate improved access to the main. The site is located within the Southeastern San Diego Community Plan. The plan does not contain recommendations regarding such encroachments. Therefore, the development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The project requires a Neighborhood Development Permit (NDP) for the proposed construction of a walkway and stairwell within Bancroft Street public right-of-way. The encroachment is a requirement for the proposed construction of a two story, private middle school located on Market Street and Island Avenue within the Southeastern San Diego Community Planning area. The walkway and stairwell will facilitate City crew access to the sewer main located within Bancroft Street. Bancroft Street is an

unimproved public right-of-way with varying topography and dense landscaping. The right-of-way is not utilized as a public thoroughfare. As such, the placement of the walkway and stairwell will not inhibit public access. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The project requires a Neighborhood Development Permit (NDP) for the proposed construction of a walkway and stairwell within Bancroft Street public right-of-way. The encroachment is a requirement for the proposed construction of a two story, private middle school located on Market Street and Island Avenue within the Southeastern San Diego Community Planning area. Therefore, the proposed development will comply to the maximum extent feasible with the regulations the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, , and is hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Planned Development Permit No. 730154, Conditional Use Permit No. 523208, Site Development Permit No. 523210, and Neighborhood Development Permit No. 730122, a copy of which is attached hereto and made a part hereof.

William Zounes
Development Project Manager
Development Services

Adopted on: _____

Job Order No. 23430221

SOUTHEASTERN SAN DIEGO PLANNING GROUP (SSDPG)

Meeting Location: Neighborhood House, 841 S. 41st Street, San Diego, CA 92113

AGENDA

April 12, 2010 6:00 p.m. – 7:55 p.m.

This Planning Committee covers the area south of the Dr. Martin Luther King, Jr. Freeway (Highway 94), east of Interstate 5, north of the border of National City, and west of Interstate 805. It includes the communities of Sherman Heights, Logan Heights, Grant Hill, Memorial, Stockton, Mount Hope, Mountain View, Southcrest, and Shelltown.

NOTE: The Election of SSDPG Officers will take place at this meeting.

1. CALL TO ORDER, ROLL CALL, AND INTRODUCTIONS

Reynaldo PISAÑO (Vice Chair), representing Mount Hope
Louise TORIO (Secretary), representing Sherman Heights
Liliana Garcia-Rivera, representing Sherman Heights
B.D. Howard, representing Sherman Heights
Vincent NOTO, representing the Business Community
Ben RIVERA, representing Logan Heights
Paul SWEENEY, representing the Business Community
Joshua Von WOLFFOLK, representing Mount Hope
Reggie WOMACK, representing Stockton

Board Members Not At Meeting: Ivette Yela, representing Grant Hill;
Robert Leif, representing the Business Community

City of San Diego Planning Department Staff: Karen Bucey

Vice Chair Reynaldo PISAÑO chaired the meeting, since a new Chair will be elected at this meeting. Vice Chair PISAÑO introduced himself, welcomed Board members and guests to the meeting, and explained the purpose of this planning group, which serves in an advisory capacity to the City of San Diego in regard to land use issues in this area.

2. APPROVAL OF TODAY'S AGENDA (ADDITIONS OR OMISSIONS)
Motion by Torio, seconded by Noto, to approve the agenda. MSC: 6-0-0

3. PUBLIC COMMENTS (two minutes per public speaker, on non-agenda items only)
None.

4. STAFF REPORTS
1) Mayor's Office - None
2) Council District 4 – see below
3) Council District 8 – see below
4) Congresswoman Susan Davis' Office – see below
5) Congressman Bob Filner's Office - none
6) SEDC – None
7) CCDC – None
8) Planning Department – see below
9) Other – None

7. ACTION ITEMS:

A. Nativity Prep, 3233 Market Street, Project #148350 – Planned District Ordinance Amendment. Conditional Use Permit and Site Development Permit to construct a 6,513 sq. ft. school on a 0.82 acre site. Tim Schultz and Jim Darby presented.

David Rivera could not attend. This project is to add a school use in a commercial zone. To do this, the Planned District Ordinance must be amended. David Rivera and the architectural team at Pacific Cornerstone have been working on the plan for this new middle school for five years. The school started in 2001 and has a high rate of success with neighborhood kids, and many kids go on to attend college. It is a faith-based school but it is not part of the Catholic Diocese. Rivera is currently raising funds to realize the dream. This project appeared before the Projects Committee several times. It is before the full Board tonight for final recommendations.

Several older buildings currently on the site will be demolished and the residential units will be donated and relocated. The owner of the land will donate the land to the school if the funds can be raised to build the new school. The construction firm of T.B. Pennick will donate to the construction effort. The expected start date is Summer 2011. The project will have nine classrooms, a multi-purpose room, and an interior courtyard for events. There will be parking for 18 cars. The student drop off and pick up will be off the alley, not on Market Street. The paper street is not paved, and a big expense will be that this project must remove and fix the landfill to make it a paved street at their expense. The building design is inspired by the architecture of Irving Gill. It will be well lit with uplighting. Solar power panels will be on the roof, but will not be visible. No electronic signage is planned. There will be school identify signage on the curved access way leading to the front entrance. The fencing will be galvanized hot dipped metal, and native drought-tolerant plants will be used. There will be a safety plan and they will put in lights in the alley.

Overall, the SSDPG members very supportive and believed this to be a quality project. The Projects Committee made the following recommendations:

- 1) Planned District Ordinance amendment application;
- 2) Planned Development Permit application;
- 3) Site Development Permit application;
- 4) Neighborhood Use Permit application;
- 5) Conditional Use Permit application;
- 6) Deviations and Variances applied for;
- 7) Response and comments and suggestions made to the SDPD Report;
- 8) Additional alley lights should be installed: one at each end and one in the middle. These lights shall be 150 watts, high pressure sodium, energy efficient, white lights with illumination on demand capability;
- 9) Students shall be picked up/dropped off only on Island Avenue and not on Market Street;
- 10) Recommend art panels on the columns in front of the school;
- 11) Recommend clinging vines on retaining wall to discourage graffiti;
- 12) Recommend latest information technology for education purposes and administration be installed as allowed in the school budget;
- 13) All issues on the Project Tracking System (PTS) Report shall be cleared;
- 14) Suggestions for school signage shall be brought to the Full Board for input;
- 15) Exterior paint shall not be such as to produce a glare;

- 16) Wrought iron fence finish shall be hot dip galvanized; and,
- 17) A street light shall be placed in front of the school, between the existing lights - 150 watts, high pressure sodium, energy efficient white lights with illumination-on-demand capability.

We recommend that signage, fencing design, and any art on the building come back to this group for review. The applicants said they would be happy to return.

Motion by Torio, seconded by Noto, to support the project, with the Projects Committee recommendations. MSC: 9-0-0

On the (Environmental Document) Mitigated Negative Declaration (MND): Recommend support with the following comments:

Initial Study:

1. Page 10, Subject Paragraph, 2nd sentence, Correction: site is between 32nd and 33rd Streets, not 31st and 32nd and on the east boundary abuts an undeveloped paper street (Bancroft Street).
2. Page 11, top paragraph, last sentence: Recommendation: the use of the alley, east to west direction definitely should be discouraged, as it is too narrow for twodirectional traffic. In addition, the alley will require three street lights (150 watts high pressure sodium, energy efficient, illumination on demand) one at each end of the alley and one in the middle. Access to the buildings at the north side should be through the parking lot ingress and egress off Island Avenue, as well as for pick and drop off of students. These activities should not occur on Market Street. The cueing of vehicles on Market Street impose a hazard, since at times, the vehicles are three-deep. This is a risk management issue for the Academy as well as the City of San Diego. This observation should be noted on the MND and on the plans.
3. Page 11, Item II Environmental Setting, first sentence: Note our first comment. The site is between 32nd and 33rd Streets.

Motion by Torio, seconded by Womack, to support the environmental document: MSC: 9-0-0



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5210

Community Planning Committee Distribution Form Part 2

Project Name: Nativity Prep Academy		Project Number 148350	Distribution Date 01/31/08	
Project Scope: SOUTHEASTERN SAN DIEGO - J043-0221. (PROCESS 5) Planned District Ordinance Amendment, Conditional Use Permit and Site Development Permit to construct a 6,513 sq ft school on a 0.82 acre site at 3233 Market Street in the CSF-2 Zone of Southeastern SD Planned District within the Southeastern SD Community Plan. Council District 8. Notice Card-2.				
Project Location 3233 Market Street				
Applicant Name: John Jackson			Applicant Phone No. (619)559-1704	
Related Projects				
Project Manager Will Zoumes		Phone Number (619)687-5942	Fax Number (619) 533-5951	E-mail Address wzoumes@sandiego.gov
Community Plan		Council District		
Existing Zone	Proposed Zone	Building Height	Number of Stories	FAR
Committee Recommendations (To be completed for Initial Review):				
<input type="checkbox"/> Vote to Approve		Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Approve With Conditions Listed Below		9	0	0
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below		Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Deny		Members Yes	Members No	Members Abstain
Agenda Date:		<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		<input type="checkbox"/> Continued
CONDITIONS: SEE ACTION ITEM (A)				
NAME STEVEN VEACH		TITLE SEDPG Chair		
SIGNATURE		DATE 4/12/10		
<p><i>Attach Additional Pages If Necessary.</i> Please Return Within 30 Days of Distribution of Project Plans To: Project Management Division City Of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101</p>				



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other _____

Project Title _____ Project No. For City Use Only _____

NATIVITY PREP ACADEMY
Project Address:
3233 MARKET STREET SAN DIEGO, CA. 92102

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):
LEBERZ INVESTMENTS
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
3233 MARKET STREET
 City/State/Zip:
SAN DIEGO, CA 92102
 Phone No: **619-549-1810** Fax No: _____
 Signature: _____ Date: **5-27-09**

Name of Individual (type or print):
LEBERZ INVESTMENTS
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
3229 MARKET STREET
 City/State/Zip:
SAN DIEGO, CA. 92102
 Phone No: **619-549-1810** Fax No: _____
 Signature: _____ Date: **5-27-09**

Name of Individual (type or print):
LEBERZ INVESTMENTS
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
3236 WEST ISLAND AVE
 City/State/Zip:
SAN DIEGO, CA. 92102
 Phone No: **619-549-1810** Fax No: _____
 Signature: _____ Date: **5-27-09**

Name of Individual (type or print):
LEBERZ INVESTMENTS
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
3238 WEST ISLAND AVE
 City/State/Zip:
SAN DIEGO, CA. 92102
 Phone No: **619-549-1810** Fax No: _____
 Signature: _____ Date: **5-27-09**

**Nativity Prep Academy
Project No. 148350**

Date	Action	Description	City Review Time	Applicant Response
1/31/08	First Submittal	Project Deemed Complete and distributed		
3/13/08	First Submittal Assessment Letter out		60 days	
10/3/08	Second submittal In	Normal Submittal		204 days from First Assessment Letter
11/6/08	Second Submittal Assessment Letter out		34 days	
2/3/09	Third submittal In	Normal Submittal		89 days from Second Assessment Letter
3/6/09	Third Submittal Assessment Letter out		31 days	
6/5/09	Fourth submittal In	Normal Submittal		91 days from Third Assessment Letter
7/7/09	Fourth Submittal Assessment Letter out		32 days	
9/23/09	Fifth submittal In	Normal Submittal		78 days from Fourth Assessment Letter
10/22/09	Fifth Submittal Assessment Letter out		29 days	
11/30/09	Sixth submittal In	Normal Submittal		39 days from Fifth Assessment Letter
12/14/09	Sixth Submittal Assessment Letter out		14 days	
6/3/10	Planning Commission Hearing		171 days	
TOTAL STAFF TIME**			12 month 11 days	
TOTAL APPLICANT TIME**				16 months 21 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	29 months 2 days	

**Based on 30 days equals to one month.









DRAFT ORDINANCE

NEW LANGUAGE: Underlined

(0-2010-xxx)

ORDINANCE NUMBER 0-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 15, ARTICLE 19, APPENDIX A OF THE SAN DIEGO MUNICIPAL CODE RELATING TO ALLOWING SCHOOL USES WITHIN THE COMMERCIAL ZONES OF THE SOUTHEASTERN SAN DIEGO PLANNED DISTRICT.

WHEREAS, the Southeastern San Diego Community Planning Group and the Encanto Neighborhoods Community Planning Group in their respective motions dated April 2010 and May 2010, voted unanimously to support an amendment to the Southeastern San Diego Planned District to allow school uses in commercial zones; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the San Diego Municipal Code is amended by amending Chapter 15, Article 19, Appendix A by amending Appendix A to read as follows:

DRAFT ORDINANCE

NEW LANGUAGE: Underlined

(0-2010-xxx)

ORDINANCE NUMBER 0-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING
CHAPTER 15, ARTICLE 19, APPENDIX "A", RELATING TO ALLOWABLE USES
WITHIN THE COMMERCIAL ZONES OF THE SOUTHEASTERN SAN DIEGO
PLANNED DISTRICT.

**SESD PDO Use Table Change:
Added "SP" to Commercial Zones to "Schools
limited to Primary, Elementary, Jr. High and Senior High"**

Permitted Uses	Residential Zones		Commercial Zones			Industrial Zones	
	SF	MF	1	2	3	I-1	I-2
Residential							
Single Family Dwelling	P	P	-	-	-	-	-
Two-Family Dwelling	-	P	-	-	-	-	-
Apartment Houses (No Temporary Residence)	-	P	-	-	-	-	-
Boarding and Lodging Houses (Not a Residential-Care Facility)	-	P	-	-	-	-	-
Child Day Care Center	SP	SP	SP	SP	-	-	-
Churches, Temples or Buildings of a Permanent Nature Used for Religious Purposes	SP	SP	SP	SP	SP	-	-
Companion Units	SP	P	-	-	-	-	-
Elderly or Handicapped Housing	-	SP	-	-	-	-	-
Fraternalities, Sororities	-	SP	-	-	-	-	-
Guest Quarters	SP	P	-	-	-	-	-
Institutions / Home-Full Time Child Care (Maximum 15 Children under 16 Years)	SP	SP	L ⁽¹⁾	L ⁽¹⁾	-	-	-
City Operated Branch Library	P	P	P	P	-	-	-
Mobilehome Used for Temporary Watchman's Quarters ⁽²⁾	SP	SP	SP	SP	SP	SP	SP
Mobilehome Park	-	SP	-	-	-	-	-
Parks and Playgrounds - Public	SP	SP	-	-	-	-	-
Real Estate Offices / Model Homes (Temporary) New Subdivisions	P	P	-	-	-	-	-
Residential - Care Facilities	SP	SP	-	-	-	-	-
Schools Limited to Primary, Elementary, Junior High and Senior High	SP	SP	<u>SP</u>	<u>SP</u>	<u>SP</u>	-	-

ATTACHMENT 15

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.