

RESOLUTION NUMBER R- 310273
DATE OF FINAL PASSAGE FEB 23 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE VESTING TENTATIVE MAP NO. 1451662 FOR THE GLEN AT SCRIPPS RANCH PROJECT – PROJECT NO. 264823.

WHEREAS, Alliant International University, a California nonprofit corporation, Subdivider, and Brad Sager, Engineer, submitted an application to the City of San Diego for a Vesting Tentative Map No. 1451662 for The Glen at Scripps Ranch. The project site is located south of Pomerado Road, west of Chabad Center Driveway in the RS-1-8 zone in the Scripps Ranch Community Plan area. The property is legally described as Parcel 2 of Parcel Map No. 21237; and

WHEREAS, the Map proposes the Subdivision of a 53.0 acre-site into two lots and one open space lot for the Multi-Habitat Planning Area for development of a continuing care retirement community; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on November 19, 2015, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 1451662, and pursuant to Resolution No. 4746-PC, the Planning Commission voted to recommend City Council approval of the map; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, after approval of the above referenced Project by the City Council, the corporate name of Alliant University changed, necessitating a change to the Project approvals; and

WHEREAS, subsequent to this change in corporate name, but prior to recordation of the Tentative Map approval, the ownership of the property changed, necessitating another change in Project approvals; and

WHEREAS, on February 23, 2016, the City Council of the City of San Diego considered Vesting Tentative Map No. 1451662 and pursuant to San Diego Municipal Code section 125.0440 and Subdivision Map Act section 66428, received for its consideration written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 1451662:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan. The Glen at Scripps Ranch project (Project) would create a subdivision of three lots. Two lots for development of a continuing care residential community and one lot for MHPA open space. The Project would construct 400 age restricted, non-acute assisted living units, 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds.

The proposed Project, located within throughout the Scripps Miramar Ranch Community Plan, is designated as “Institutional” land use, along with the City of San Diego’s General Plan. The Project is consistent with the City’s General Plan Land Use Element designation of “Institution and Public and Semi-Public Facilities” and “Park, Open Space, and Recreation.” The continuing care residential community is allowed in the Scripps Miramar Ranch Community Plan with the approval of a Planned Development Permit. Area D in the Community Plan is comprised of 800 acres located in the southeast portion of the planning area. Land in this area is

generally characterized by slopes in excess of thirteen percent and/or eucalyptus trees. Because of these factors, density is limited in this area and the maximum preservation of open space is encouraged. The open space located south of Pomerado Road and north of the Project's grading footprint will be preserved consistent with the goals of the General Plan and Scripps Miramar Ranch Community Plan. In addition to the proposed subdivision, a proposed Multi-Habitat Planning Area boundary line adjustment will result with the approval of the Project. From the Multi-Habitat Planning Area 1.87 acres will be removed from the MHPA and 7.46 acres will be preserved through a Covenant of Easement. As a result of this on-site land exchange, the MHPA land on-site will total 9.90 acres and will achieve an important goal of the Scripps Miramar Ranch Community Plan.

The Project meets a goal of the Scripps Miramar Ranch Community Plan in that the Project will enhance the present living environment while accommodating a continuing care retirement community which is complementary to the existing community. The Project will provide an opportunity to senior's transitioning from standard residential housing to assisted-living units. The use is designed to be consistent with existing surrounding land uses and will not adversely affect the land use plan. Therefore, the proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the land development code. The proposed Project has been designed to comply with the development regulations of the San Diego Municipal Code as it relates to the creation of lots and minimum lot standards in the RS-1-8 zone. Overall, the proposed Project has been designed to be in harmony with the immediately adjacent neighborhood as it relates to the relevant standards for the creation of lots in RS-1-8 zone. Implementation of the Project will not require deviations from the zoning regulations as it relates to the subdivision of land. While the Project complies with the majority of the development regulations of the applicable zone the Project requires four deviations, as allowed by the Planned Development Permit regulations. The Planned Development Permit process is the proper vehicle to request deviations where the topographic constraints and other existing conditions of the site dictate a design response which requires flexibility. The deviations requested are reasonable and will result in a better project in keeping with the purpose and intent of the Planned Development Permit regulations. More specifically the deviations are as follows:

	<u>Deviation</u>	<u>RS-1-8 Zone</u>	<u>Proposed</u>
•	Minimum Street Frontage	100'	None (private driveway)
•	Maximum building height	35'	Varies; 37-50'
•	Monument signs in public right-of-way	None	2 signs
•	Development encroachment into steep hillsides		100% encroachment

The purpose of the Planned Development Permit regulations is to provide flexibility in the application of development regulations for projects where strict application of the base zone development regulations will restrict design options and result in a less desirable project. The

intent of the Planned Development Permit regulations is to accommodate, to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, and community and City benefits. Considered together the deviations will create a more desirable project that is clearly distinguishable from surrounding communities than will be achieved by strict conformance with the development regulations of the applicable zone. As a subdivision in the RS-1-8 zone, the Project complies with the applicable zoning and development regulations of the Land Development Code, as allowed with the approval of a Planned Development Permit.

3. The site is physically suitable for the type and density of development. The Project site is located in an area of hills and drainages on the south side of Carroll Canyon. Land in the area is generally characterized by slopes in excess of thirteen percent slope, found primarily in Carroll Canyon and smaller subsidiary canyons. A large existing ridge runs diagonally across the center of the site from the southeast to northwest. A natural drainage originally ran from the southeast corner of the site diagonally across the property and emptied into Carroll Canyon. Elevation on the site range from approximately 550 to 790 feet above mean sea level. The southern end of the property consists of the north-facing slopes of an off-site westerly trending ridge, and is bisected by two drainages. An area measuring approximately 270 meters by 100 meters in the west-central portion of the site has been extensively excavated and filled in the past. This area was originally a narrow southeast to northwest trending canyon. The sides of the canyon were extensively excavated, and the resulting soil was used to fill the bottom of the canyon. The excavated slopes are up to 60 feet high. The northwestern half of this fill area is now being used as a baseball field, and the southeastern half is a vacant, abandoned softball field.

The Project required the submission of several technical reports prepared by individuals licensed by the state to practice in their technical specialty. These technical reports were reviewed by city staff also licensed by the state to practice in their technical specialty. The applicant submitted a Geotechnical Investigation prepared by Leighton and Associates, Inc., a Steep Slopes Analysis, prepared by Latitude 33 Planning and Engineering, a Conceptual Grading/Drainage Plan Report prepared by Latitude 33 Planning and Engineering, a Water Quality Technical Report prepared by Latitude 33 Planning and Engineering, a preliminary Drainage Study prepared by Latitude 33 Planning and Engineering, a Cultural and Paleontological Resources Survey Report prepared by RECON Environmental, Inc., an Archaeological Resources Report prepared by RECON Environmental, Inc., and a Biological Resources Technical Report prepared by RECON Environmental, Inc. Review of these technical reports when considered in total indicates the site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. Therefore, the site is physically suitable for the design and siting of the project and the project will result in minimum disturbance to environmentally sensitive lands.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. As a subdivision in the RS-1-8 zone, the Project complies with the applicable zoning and development regulations of the Land Development Code. The Project site

is approximately 53 acres and contains environmentally sensitive lands in the form of biological resources and steep hillsides. The Project is proposing to mitigate all biological impacts. A boundary line adjustment to the MHPA is included with the Project which will result in a no net loss of MHPA area. With the MHPA boundary line adjustment, 1.87 acres will be removed from the MHPA and 7.46 acres will be added to the MHPA through a conservation easement. As a result, the total MHPA land on-site will become 9.90 acres. All MHPA adjacency guidelines have been adhered to for the Project.

The design of the subdivision includes the creation of manufactured slopes all of which will be stabilized and planted with vegetation to prevent erosion through wind or rainfall. The plant species to be used in erosion control will be selected for their variation of rooting depth to provide additional stability to the manufactured slopes in addition to the engineering practices and standards in the excavation and embankment of earthen works. In light of the adherence to strict engineering construction standards, the design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare. The design of the subdivision, the Project and its related site improvements will not be detrimental to public health, safety and welfare. The Project will comply with the City's codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to the health, safety and general welfare of persons residing and/or working in the area in relation to the subdivision of land. Conditions of approval require compliance with several regulations relevant to the subdivision of land. These requirements will assure the continued health, safety and general welfare of persons residing or working in the area in relation to the subdivision of land.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. The design of the subdivision, the Project and its related site improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision specifically due to the fact the site contains no easements acquired by the public at large for access through or use of property within the proposed subdivision. In that there are no easements acquired for the public at large, there can be no conflict with something which does not exist.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities. The design of the subdivision, the Project and related site improvements, will provide, to the extent feasible, for future passive or natural heating and cooling opportunities. The proposed subdivision of a 53 acre parcel into 3 lots for a continuing care retirement community will not impede or inhibit any future passive or natural heating and cooling opportunities. Design and construction of the proposed buildings will not impede or inhibit any future passive or natural heating and cooling opportunities. As a result of the design of the proposed subdivision, each structure to be constructed on the site will have the opportunity through building materials, site orientation, architectural treatments, placement

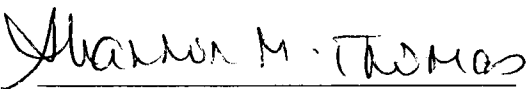
and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources. The design of the subdivision, the Project and its related site improvements will meet a specialized need in the community for a continuing care retirement community. The effects of the proposed subdivision on the housing needs of the region will be to improve the variety of housing types for the elderly population. All public utilities are available to the project site. The project will improve an unimproved property which in turn will increase the tax base in the community and the cost of any needed public services, such as fire and police protection, will be at least partially offset by the increase to the city's general fund. All environmental resources impacted by the project will be fully mitigated at the appropriate mitigation ratios of the city's Biology Guidelines.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No.1451662 is hereby granted to The Glen at Scripps Ranch CCRC LLC, Owner, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Shannon M. Thomas
Deputy City Attorney

SMT:als
11/25/2015
02/09/2016 Cor. Copy
04/14/2016 Cor. Copy.1
08/23/2016 Cor. Copy.2
Or.Dept: DSD
Doc. No. 1166047_4

Attachment: Vesting Tentative Map Conditions

CITY COUNCIL CONDITIONS FOR VESTING TENTATIVE MAP NO. 1451662

THE GLEN AT SCRIPPS RANCH - PROJECT NO. 264823

310273

ADOPTED BY RESOLUTION NO. R-_____ ON **FEB 23 2016**

GENERAL

1. This Vesting Tentative Map will expire on **FEB 23 2019**.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. The Parcel Map shall conform to the provisions of Site Development Permit No. 932619, Conditional Use Permit No. 932618, Planned Development Permit No. 1451656 and Neighborhood Development Permit No. 1451657.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.

MAPPING

7. Prior to the Tentative Map expiration date, a Parcel Map subdividing the property into 3 parcels shall be recorded in the office of the San Diego County Recorder.
8. Prior to the recordation of the Parcel Map, taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder, must be provided to satisfy this condition.
9. All subdivision maps in the City of San Diego are required to be tied to the California Coordinate System of 1983 (CCS83), Zone 6, pursuant to section 8801 through 8819 of the California Public Resources Code.
10. The Parcel Map shall:
 - a. Use the California Coordinate System for its “Basis of Bearing” and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of First Order accuracy. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

PUBLIC UTILITIES

11. The Subdivider shall grant a minimum 25-foot wide water easement, including vehicular access to each of the proposed public dual water services and water meter boxes, as shown on the Utilities plan.

PLANNING

12. Prior to the recordation of the Parcel Map, the Subdivider shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit “A,” in accordance with San Diego Municipal Code section 143.0152. The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands that will be preserved as shown on Exhibit “A.”

MSCP

13. Prior to the recordation of the Parcel Map, the Subdivider shall grant the on-site Multiple Habitat Planning Area (MHPA) to the City's Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), as shown on Exhibit "A." Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, landscape and brush management areas, active restoration/revegetation, and graded slopes. The Subdivider shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreement and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City and USFWS and CDFW. The Subdivider shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.
14. Prior to the recordation of the Parcel Map, the Subdivider shall schedule an inspection with the Park & Recreation Department, Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, invasive species, illegal use and associated structures on the lot(s) shall be removed prior to the City acceptance.

INFORMATION:

- The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the imposition within ninety days of the approval of this Vesting Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Passed by the Council of The City of San Diego on FEB 23 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 23 2016.

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

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310273