

RESOLUTION NUMBER R- 310274

DATE OF FINAL PASSAGE FEB 23 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO. 932619, CONDITIONAL USE PERMIT NO. 932618, PLANNED DEVELOPMENT PERMIT NO. 1451656, NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1451657 AND MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT FOR THE GLEN AT SCRIPPS RANCH PROJECT – PROJECT NO. 264823.

WHEREAS, Alliant International University, a California nonprofit corporation, Owner, and The Glen at Scripps Ranch CCRC, LLC, a Delaware Limited Liability Company, Permittee, filed an application with the City of San Diego for a Planned Development Permit No. 1451656, Site Development Permit No. 932619, Conditional Use Permit No. 932618, Neighborhood Development Permit No. 1451657 and Multi-Habitat Planning Area Boundary Line Adjustment to construct 450 assisted living units and 60 skilled nursing beds and a MHPA Boundary Line Adjustment on a 53.0 acre site known as The Glen at Scripps Ranch Project (Project), located at 10455 Pomerado Road, and legally described as Parcel 2 of Parcel Map No. 21237, filed May 22, 2015 as DOC# 2015-7000168, in the Office of the County Recorder, County of San Diego, California, in the Scripps Miramar Ranch Community Plan area, in the RS-1-8 Zone; and

WHEREAS, on November 19, 2015, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1451656, Site Development Permit No. 932619, Conditional Use Permit No. 932618, Neighborhood Development Permit No. 1451657, and the Multi-Habitat Planning Area Boundary Line Adjustment, and pursuant to Resolution No. 4746-PC voted to recommend approval of the Permit; 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 of 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 permits, the ownership of the property changed, necessitating another change in Project approvals; and

WHEREAS, the matter was set for public hearing on February 23, 2016, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 1451656, Site Development Permit No. 932619, Conditional Use Permit No. 932618 and Neighborhood Development Permit No. 1451657:

PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site.

The proposed Project, located within “Area D” of 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. The site location in the Community Plan is part 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 Project, 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 added to the MHPA and preserved through a Covenant of Easement or dedication in fee title to the City of San Diego. 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 General Plan's Conservation Element includes a goal for San Diego to become a city that is an international model of sustainable development and conservation. Policy CE-A.5 recommends the construction and operation of new development employ sustainable or "green" building techniques. The Project provides a variety of sustainable features and meets the General Plan's Conservation Element by implementation extensive green-building design measures, increased energy efficiency, increased lighting efficiency and will be designed and constructed to the equivalent of LEED Bronze certified. Further, the Project will implement sustainable landscape design and maintenance, reduce the heat island effect by minimizing dark hued reflective color in the roof design and minimizing the amount of pavement, including features to facilitate recycling of trash generated by building occupants, preserving on-site open space, implementation of water conservation measures to increase water use efficiency, developing a walk-able community using an integrated system of pedestrian, bicycle, van pooling, and shuttle service.

The Project meets a goal of the Scripps Miramar Ranch Community Plan in that the Project will enhance the present living environment while accommodating residential growth which is complementary to the existing community. The Project will provide an opportunity to seniors 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 Project, its design and improvements are consistent with the policies, goals, and objectives of the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment, on a 53 acre site.

The Project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the Project for this site contains specific conditions addressing compliance with the City's codes, policies, and regulations, as well as 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. Conditions of approval require compliance with several operational constraints and development controls, the review of all construction plans by professional staff to determine construction will comply with all regulations, and the inspection of construction to assure construction permits are implemented in accordance with the approved plans, and that the final construction will comply with all regulations. The proposed development will not be detrimental to the health, safety, or general welfare of persons residing or working in the area.

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than will be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment, on a 53 acre site.

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.

In accordance with the purpose of the Planned Development Permit regulations, deviations from the applicable base zone development regulations may be requested in order to

provide flexibility in achieving a zone-equivalent project design that will be consistent with the intent of the base zone. The Project is consistent with the criteria for development design of the Land Development Code Section 143.0410(j) which states: (1) The overall development design should be comprehensive and should demonstrate the relationships of the proposed development on-site with existing development off-site; (2) The scale of the project should be consistent with the neighborhood scale as represented by the dominant development pattern in the surrounding area or as otherwise specified in the applicable land use Plan; (3) Buildings, structures, and facilities on the premises should be well integrated into, oriented towards, and related to, the topographic and natural features of the site; (4) Proposed developments should avoid repetitious development patterns that are inconsistent with the goals of the applicable land use plan; (5) Buildings should avoid an overwhelming or dominating appearance as compared to adjacent structures and development patterns. Abrupt differences in scale between large commercial buildings and adjacent residential areas should be avoided. Instead, gradual transitions in building scale should be incorporated; (6) Larger structures should be designed to reduce actual or apparent bulk. This can be achieved by using pitched roof designs, separating large surface masses through changes in exterior treatment, or other architectural techniques; (7) To the greatest extent possible, landscaping should be used to soften the appearance of blank walls and building edges and enhance the pedestrian scale of the development; (8) Elements such as curbside landscaping, varied setbacks, and enhanced paving should be used to enhance the visual appearance of the development; (9) Roof forms should be consistent in material, design, and appearance with existing structures in the surrounding neighborhood. Plant materials and other design features should be used to define and enhance the appearance of roof spaces, especially flat roofs that are visible from higher elevations, and (10) Building material and color palettes should be consistent with applicable guidelines in the applicable land use plan, if provided. The Project is consistent with each of the ten criteria for development design of the Planned Development Permit regulations.

The first deviation is required where a development proposes a private driveway rather than a public street. The requirement for physical access to the proposed lots is met by the private driveway and the requirement for street frontage may be waived through the Planned Development Permit regulations with the approval of a Planned Development Permit.

The topography of the site is variable and the Multi-Habitat Planning Area (MHPA) on the site is between Pomerado Road and the developable portions of the site making access to the site from Pomerado Road by means of a dedicated public road to all lots very difficult. Access from Pomerado Road into the site by means of a public road will disturb the most sensitive portion of the on-site habitat which is proposed to be preserved with a covenant of easement for the MHPA. An existing private driveway, Chabad Center Driveway, connects the existing Chabad development to Pomerado Road and the Project proposes to utilize this private driveway for access. As a Project feature, this deviation will protect sensitive habitat intended for preservation in the MHPA and reduce the amount of impervious surface for access purposes to the least amount practical. In keeping with the purpose and intent of the Planned Development Permit regulations 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 use of a private driveway to provide access into the site is preferred and requires the approval of a deviation from the Land Development Code Section §131.0431, Development Regulations Table of Residential Zones, Table 131-04D which

requires each lot to have street frontage. The deviation will result in a better project than without the deviation. Without direct access to a public street the proposed lots have no street frontage and do not meet the requirements of the Land Development Code.

The second deviation is to allow six of the 49 proposed buildings to exceed the maximum height of the RS-1-8 zone. Specifically, building 42 will be approximately 37'-0" high, buildings 44 and 45 will be approximately 40'-0" high, building 46 will be approximately 50'-0" high and building 47 will be approximately 49'-0" high. These buildings are located well behind the front yard setback adjacent to Pomerado Road. Their location from the Pomerado Road right-of-way varies from 650 to 1800 feet. The buildings will not be a visual impact or negative addition to the community when viewed from Pomerado Road due to the existing and planned landscaping, site topography and the distance of the buildings from the road.

The third deviation is to allow monument signs in the public right-of-way. The Project proposes two monument signs within the public right-of-way south of the improved Pomerado Road. The monument signs are located on both the east and west sides of the existing Chabad Center Driveway. The sign west side of Chabad Center Driveway abuts The Glen at Scripps Ranch property and the sign on the east side of the driveway abuts the adjacent property owner's site. Because the development of the site will be over 600 feet south of Pomerado Road, the signs are essential to the site's visibility in the community. The signs are proposed to be located in the public right-of-way due to several existing constraints in the area:

- Pomerado Road is currently constructed as a two-lane roadway within a right-of-way dedicated for a four-lane major road. Even as a four-lane major roadway, the right-of-way is exceptionally wide and extends down an existing slope. If located on private property the signs will not be visible as they will be fifteen to twenty feet below the road.
- The southerly right-of-way line for Pomerado Road abuts the Carroll Canyon Creek MHPA area to be dedicated by the Project as an open space covenant of easement. It is inconsistent with the purposes of dedicated open space to locate the monument signs within this area.

Due to these existing constraints, the only opportunity to locate monument signs is within the right-of-way of Pomerado Road, as allowed with the approval of a Site Development Permit and Neighborhood Development Permit. A survey of the existing conditions along Pomerado Road identified other monument signs located within the public right-of-way. In total, four existing signs: two monument signs at the entry to Pomerado Terrace on the southwest and southeast corners of the Scripps Ranch Boulevard and Pomerado Road intersection and two residential development directional signs along the south side of Pomerado Road between Avenue of Nations and Semillon Boulevard are also located within the public right-of-way.

The ability of the Project to provide identification of the services provided to the community through the construction of monument signs along a main thoroughfare is a reasonable and pragmatic project feature. The proposed monument signs will provide adequate directional signage for the public to locate the Project site. The site is setback more than 600 feet from Pomerado Road and existing trees and shrubs obstruct a clear view of the properties south of the roadway. The monument signs will be installed with lighting, themed planting, and paving surrounding the structure. Materials will consist of cobble plaster, stucco, terra cotta caps, and

vinyl or painted wood. The main entry signs at Chabad Center Driveway will be no higher than 6'6" in height and no longer than 20' in length with a sign copy area of 20 square feet or less and will be set back between four and 12'6" from the face of the berm on Pomerado Road. Slopes behind the monuments will be reinforced and the existing guardrail along Chabad Center Driveway will be enhanced where required and complimented by planted vegetation behind the rail.

There are several benefits to the community with the proposed signage for the Project. The signs will help direct patrons of the Project to the site consistent with the Urban Design Element of the Community Plan in that a sign "should...provide directions and information." The signs will provide identification for employees, visitors, residents, and deliveries. Without the placement of the signs in their proposed locations, patrons and others could pass Chabad Center Driveway and thus result in additional out-of-direction travel. The signs are also useful in identifying the Project to the community. A goal of the Community Plan is to preserve the existing sense of neighborhood identity and the design of these signs will aid to implementation of this goal. The sign design is consistent with the Urban Design Element of the Community Plan in that "signage should advertise a place of business and be aesthetically pleasing and in scale with surrounding buildings." The design of the signs will be consistent in character with other signs in the community, using cobblestone features at the base and side pillars, a natural earth-tone color scheme, enhanced lighting, themed planting around the signs, and reinforced slopes where necessary. These design features will reinforce the existing theme of neighborhood and community entry along Pomerado Road.

Consistent with SDMC 141.1101, the signs will be stationary ground-mounted, will not impede sight distance for drivers or pedestrians, and will require an Encroachment Maintenance and Removal Agreement in accordance with Section 129.0715 so that if Pomerado Road is to be widened to its ultimate classification at some future date, the Owner may be required to remove the signs.

The fourth deviation is to allow the development to encroach into steep hillsides is supported by the fact that the area of the site which contains steep hillsides is a minor portion of the site. The site is 53 acres and the area of steep hillsides is 3.72 acres or approximately seven percent of the site. One hundred percent of the steep hillsides on the site will be developed by the Project. Of the 3.72 acres of steep hillsides, none of this area is visible from the public right-of-way or other public vantage points and the Project buildings will obscure visibility of the manufactured slopes which will be planted with trees, shrubs and groundcovers. The encroachment into steep hillsides will include only excavations and not embankments, the retaining walls proposed adjacent to steep hillsides will be lower than the ten foot maximum height, undulated slopes will be provided where feasible to create an appearance of landform grading, the Project design will create gradual transitions and no harsh angular lines are proposed, no increase in run-off is proposed, and no parking will be near the top of any steep hillsides. Because of these features, the Project is consistent with many of the goals of the City's adopted Steep Hillside Design Standard Guidelines of the Land Development Manual.

The Project's centralized and accessible location within San Diego County provides convenient access to medical care facilities, retail, and recreational amenities. Residents are offered a shuttle to these needs. The Project will also provide many benefits to Scripps Ranch,

the surrounding communities and San Diego as a whole. It will create a boost to the local economy through job growth in the service and healthcare industry. Also, the Project will dedicate as open space eighteen percent of the site, 9.90 acres, into the Multiple Habitat Planning Area. The Project, as a CCRC, combines all of the elements necessary to care for seniors at all levels of activity and healthcare support. The relationship of amenities, care, and residential units/skilled nursing beds are thoughtfully provided in order to provide the best balance of services and operability. The deviations requested maximize the developable area of the site and enhance the capability of the Project to meet these goals and ultimately ensure long-term success of the Project. Considering the proposed design, even with and because of the four deviations, the Project will create a more desirable development that is clearly distinguishable from surrounding communities than will be achieved by strict conformance with the development regulations of the applicable zone and will be consistent with the purpose and intent of the Planned Development Permit regulations.

SITE DEVELOPMENT PERMITS – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment, on a 53 acre site. The proposed Project, located within 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 Conditional Use Permit. For additional information, see PDP Finding No. 1 above.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment, on a 53 acre site. The Project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the Project for this site contains specific conditions addressing compliance with the City’s codes, policies, and regulations, as well as 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. For additional information, see PDP Finding No. 2 above.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden

terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment, on a 53 acre site. 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. For additional information, see PDP Finding No. 3 above.

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands. The 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 of California to practice in these technical fields. These technical reports were reviewed by city staff also licensed by the state of California to practice their technical specialties. 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.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire

hazards. The Project 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. Portions of the site were previously graded and these areas do not contain natural land forms. The majority of the site does not meet the definition of the Land Development Code as “*steep hillsides.*” The design of the Project includes the creation of manufactured slopes adjacent to natural slopes and in these areas the manufactured slopes will be contoured to blend into the natural slopes. All slopes 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 these features and requirements, the Project will not result in undue risks from erosion.

The Geotechnical Investigation prepared by Leighton and Associates, Inc., indicated that the potential for a surface fault-rupture, landslides or slope failures to affect the project is considered low. Alluvial soils and undocumented fills located within or adjacent to construction areas will be removed and replaced with properly engineered fill prior to project construction in accordance with the geotechnical investigation. To avoid potential groundwater accumulation issues, the project will include subdrains at the base of removals and at the base of cut and fill slopes in accordance with the geotechnical investigation. Potential impacts of earthquake shaking on the proposed structures will be reduced to an acceptable level by design and construction in accordance with prevailing building codes, as discussed in the geotechnical investigation. The project will comply with the recommendations contained in the geotechnical investigation as well as applicable building and grading regulations to ensure that no impacts from geologic conditions will result with project implementation. Analysis of the submitted Geotechnical Investigation, The Glen at Scripps Ranch Continuing Care Retirement Community, San Diego, California, prepared by Leighton and Associates, Inc., dated July 22, 2014, indicates the Project will not result in undue risks from geologic forces.

The 100-year floodplain of the Carroll Canyon drainage extends onto the northwestern portion of the project site. The Project proposes grading embankments and a detention basin within the existing 100-year floodplain. The Project will comply with compaction and development requirements contained in Section 143.0145, Development Regulations for Special Flood Hazard Areas, of the City’s Municipal Code. On-site peak flows will be reduced by the proposed detention basin such that there is no anticipated change in peak 100 year flows within the adjacent creek. The resultant 100-year water surface elevations of Carroll Canyon Creek will not exceed one foot when compared to the existing condition. All increases in water surface elevations will be within the Project site. Also, there will be no change in base flood elevations at both the upstream downstream limits of the HEC-RAS model. The floodplain analysis concludes the proposed detention basin will not be affected by the 100-year flooding in the creek. No structures will be inundated or affected by flood waters due to the Project.

The Water Quality Technical Report and the Drainage Study for the project indicate that with the implementation of the described Best Management Practices, the Project will not result in significant impacts to drainage, erosion, or water quality even though it will alter the drainage of the Site.

The brush management plan for the project will encompass 7.3 acres. There are two zones of vegetation in the brush management plan. Brush management Zone 1 equals 5.2 acres and will be designed to be the least flammable area around the proposed structures, with permanently irrigated ornamental planting consisting of turf and low-growing shrubs which will not exceed four feet in height. Brush management Zone 2 equals 2.1 acres and planting will be composed of native, non-permanently irrigated, low-fuel, and fire-resistive vegetation that will be irrigated only until establishment. All brush management zone areas will be located outside the MHPA and will be maintained on a regular basis.

Therefore the Project will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosion forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site.

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 design of the Project has considered the adjacent properties so that the design, construction and continued use of the site as a continuing care retirement community will not have any adverse effect upon adjacent properties whether or not there are or are not environmentally sensitive lands present on those adjacent properties.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of

various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site.

A boundary line adjustment to the MHPA is included with the Project that results in a net loss of MHPA area. With the MHPA boundary line adjustment, 1.87 acres will be removed and 7.46 acres of land will be added via a conservation easement. As a result, the total MHPA land on-site will total 9.90 acres. All MHPA adjacency guidelines relating to drainage, toxins, lighting, noise, invasive species, barriers, grading, and brush management have been adhered to and are outlined with the Biological Resources Study. Mitigation is required for any impacts to biological resources.

The proposed development will be consistent with the Environmentally Sensitive Land Regulations and with the Multiple Species Conservation Program which specifically allows for such a boundary line adjustment to the MHPA and will result in equal or higher biological values. Therefore the development is consistent with the City of San Diego's MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site. The 53 acre site is located at 10455 Pomerado Road in the RM-1-8 Zone of the Scripps Miramar Ranch community. The site is more than nine miles from the Pacific Ocean. The drainage design of the Project, the Best Management Practices that address stormwater runoff and the practical, pragmatic management of the site will assure the Project will not impact the local shoreline sand supply and will not contribute to the erosion of public beaches nine miles to the west.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment, on a 53 acre site. All of the mitigation required as a condition of the permit has been determined to be appropriate for the Project after current best practices and scientific analysis as may be reasonably know or expected. All mitigation required of the Project is balanced and reasonably related to, and calculated to alleviate, negative impacts created by the proposed development so that negative impacts will not be the result of the proposed development. All mitigation required as a condition of the permit is supported by current best practices and scientific analysis and no mitigation required as a condition of the permit is arbitrary or capricious, without rational basis in fact or known science to the best standards of the day.

The Project conducted a site-specific impact analysis for the proposed development which identifies the project design features, a Mitigation Monitoring Reporting Program, and when combined with implementation of the federal, state, and local rules and regulations and the project's permit conditions, are reasonably related to and are calculated to alleviate negative impacts and reduce any negative impact to below a level of significance where feasible.

C. Supplemental Findings--Environmentally Sensitive Lands Deviations

1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site.

The Project requires a deviation to allow the development to encroach into steep hillsides. The site is 53 acres and the area of steep hillsides is 3.72 acres or approximately seven percent of the site. One hundred percent of the steep hillsides on the site will be developed by the Project. Of the 3.72 acres of steep hillsides, none of the steep hillsides are visible from the public right-of-way or other public vantage points and the Project buildings will obscure visibility of the manufactured slopes which will be planted with trees, shrubs and groundcovers. The Project is consistent with many of the goals of the City's adopted Steep Hillside Design Standard Guidelines of the Land Development Manual. No other deviations environmentally sensitive lands deviations are required and all impacts to sensitive biology will be mitigated at the appropriate ratios of the City's Biology Guidelines. Every effort was made to maintain areas of existing topography; however, for use of the site as a continuing care retirement community, close attention to the Americans with Disabilities Act (Act) requirements was incorporated into the design to comply with the Act and with fire, life and safety concerns to create fire turnarounds where necessary; as a result the proposed encroachment into steep hillsides is necessary for the driveway adjacent to the steep hillsides.

The Project, as a continuing care retirement community, combines all of the elements necessary to care for seniors at all levels of activity and healthcare support. The amenities, care, and number of residential units/skilled nursing beds are related to each other in order to provide the best balance of service and operability. The site design incorporates the elimination of steep slopes while addressing the topographic constraints and maximizing the developable area to enhance the capacity of the Project to meet established goals and ultimately assure the long-term success of the continuing care retirement community. Any reduction to the components of the site plan due to topographic constraints will reduce the scope of the Project and the elements necessary to care for seniors at all levels of activity and healthcare support.

2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style

accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site.

The deviations requested are needed in order to create a balanced site plan supporting a campus setting with assisted-living units, a superior health center, and several common area amenities. The area of steep hillsides is a minor portion of the site, 3.72 acres or approximately seven percent of the site. One hundred percent of the steep hillsides on the site will be developed by the Project. Of the 3.72 acres of steep hillsides, none of this area is visible from the public right-of-way or other public vantage points and the Project buildings will obscure visibility of the manufactured slopes which will be planted with trees, shrubs and groundcovers. The remaining portion of the site does not contain steep hillsides as defined by the San Diego Municipal Code. Every effort was made to maintain areas of existing topography, however, close attention to the Americans with Disabilities Act (Act) requirements was incorporated into the design to comply with the Act and with fire, life and safety concerns to create fire turnarounds where necessary. In addition, the encroachment into steep hillsides includes only cut activities. Several consistencies with the Steep Slopes Guidelines are proposed as part of the Project. The encroachment into steep hillsides will include only cut, the retaining walls proposed adjacent to steep hillsides will be lower than the 10-foot maximum, undulated slopes are provided where feasible to appear landform graded, the Project design complies with gradual transitions, no harsh angular lines are proposed, no increase in run-off is proposed for the Project, and no parking is proposed near the top of steep hillsides. The parking areas have been placed strategically throughout the site to comply with Americans with Disabilities Act requirements, the proposed Project will connect to existing utilities with the surrounding developments, development is not proposed directly on top of steep hillsides, and the Independent Living Units and Garden Terraces will include patios that maintain view corridors of the existing topography.

The Project will dedicate eighteen percent of the site, 9.90 acres, into the Multiple Habitat Planning Area as open space. Combined together the MHPA and landscaped areas, sixty-six percent of the site is designed to be pervious surfaces.

A continuing care retirement community is regulated by the California Department of Social Services. The Department's Community Care Licensing Division has two branches. The Senior Care Program monitors continuing care providers for compliance with Community Care licensing laws and regulations regarding buildings and grounds, accommodations, care and supervision of residents, and quality of service. The Continuing Care Contracts Branch is responsible for reviewing and approving applications to operate a continuing care retirement community and monitors the ongoing financial condition of all providers and their ability to fulfill the long-term contractual obligations to residents. All components proposed on the development plans are sited to provide and maintain a balanced continuing care retirement community that will provide all levels of care, including acute care and physician's and surgeon's services and care for the life of its residents while meeting all State licensing requirements, demonstrating a viable marketing plan and meeting its sales projections to continue to demonstrate financial viability.

Furthermore, the Project's centralized and accessible location within San Diego County provides convenient access to medical care facilities, retail, and recreational amenities. Residents

will be offered a shuttle to meet these needs. The proposed continuing care retirement community will also provide many benefits to the Scripps Ranch community, surrounding communities and San Diego as a whole. The Project will create a boost to the local economy through job growth in the service and healthcare industry. The Project, as a continuing care retirement community, combines all of the elements necessary to care for seniors at all levels of activity and healthcare support. The amount of amenities, care, and residential units/skilled nursing beds are related to each other in order to provide the best balance of service and operability. The deviations requested maximize the developable area of the site and enhance the capability of the project to meet these goals and ultimately assure the long-term success of the continuing care retirement community. Therefore, the proposed deviation is the minimum necessary to afford relief from these special circumstances and conditions of the land and are not of the applicant's making.

CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0305

1. The proposed development will not adversely affect the applicable land use Plan. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site. The proposed Project, located within 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 Conditional Use Permit. For additional information, see PDP Finding No. 1 above.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment, on a 53 acre site. The Project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the Project for this site contains specific conditions addressing compliance with the City’s codes, policies, and regulations, as well as 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. For additional information, see PDP Finding No. 2 above.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450

assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site. Considering the proposed design, even with and because of the four deviations, the Project will create a more desirable development that is clearly distinguishable from surrounding communities than will be achieved by strict conformance with the development regulations of the applicable zone and will be consistent with the purpose and intent of the Planned Development Permit regulations as allowed by a Planned Development Permit. For additional information, see PDP Finding No. 3 above.

4. The proposed use is appropriate at the proposed location. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site.

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 Project is appropriate at the proposed location and the Project will result in minimum disturbance to environmentally sensitive lands.

NEIGHBORHOOD DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE
(SDMC) SECTION 126.0404

1. The proposed development will not adversely affect the applicable land use plan. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site. The proposed Project, located within 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 Conditional Use Permit. For additional information, see PDP Finding No. 1 above.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site. The Project will not be detrimental to public health, safety and welfare in that the permit controlling the development and continued use of the Project for this site contains specific conditions addressing compliance with the City’s codes, policies, and regulations, as well as 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. For additional information, see PDP Finding No. 2 above.

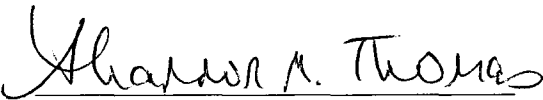
3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code. The Project will construct a continuing care retirement community with 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, and a MHPA Boundary Line Adjustment on a 53 acre site. Considering the proposed design, even with and because of the four deviations, the Project will create a more desirable development that is clearly distinguishable from surrounding communities than will be achieved by strict conformance with the development regulations of the applicable zone and will be consistent with the purpose and intent of the Planned Development Permit regulations as allowed by a Planned Development Permit. For additional information, see PDP Finding No. 3 above.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 1451656, Site Development Permit No. 932619, Conditional Use Permit No. 932618, and Neighborhood Development Permit No. 1451657 is granted to The Glen at Scripps Ranch CCRC LLC, a Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

BE IT FURTHER RESOLVED, that the MHPA Boundary Line Adjustment as shown on Vesting Tentative Map No. 1451662 is approved.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
11/25/2015
12/04/2015 Cor.Copy
02/09/2016 Cor.Copy.1
02/24/2016 Rev. Copy
04/15/2016 Rev. Copy.1
08/23/2016 Rev. Copy.2
Or.Dept:DSD
Doc. No.: 1166153_6

Attachment: Planned Development Permit, Site Development Permit/Conditional Use Permit/Neighborhood Development Permit and Multi-Habitat Planning Area Boundary Line Adjustment

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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002348

SITE DEVELOPMENT PERMIT NO. 932619, CONDITIONAL USE PERMIT NO. 932618,
PLANNED DEVELOPMENT PERMIT NO. 1451656,
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1451657 and
AND MULTI-HABITAT PLANNING AREA BOUNDARY LINE ADJUSTMENT
THE GLEN AT SCRIPPS RANCH PROJECT NO. 264823 [MMRP]
Amending Conditional Use Permit No. 133-PC
CITY COUNCIL

This Site Development Permit No. 932619, Conditional Use Permit No. 932618, Planned Development Permit No. 1451656, Neighborhood Development Permit No. 1451657 and a Multi-Habitat Planning Area Boundary Line Adjustment, Amending Conditional Use Permit No. 133-PC, is granted by the City Council of the City of San Diego to THE GLEN AT SCRIPPS RANCH CCRC LLC, a Delaware limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0504 and 126.0305. The 53 acre site is located at 10455 Pomerado Road in the RS-1-8 Zone of the Scripps Miramar Ranch community. The project site is legally described as Parcel 2 of Parcel Map No. 21237, filed May 22, 2015 as DOC# 2015-7000168, in the Office of the County Recorder, County of San Diego, California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a California licensed continuing care retirement community consisting of 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds and a Multi-Habitat Planning Area Boundary Line Adjustment, with deviations, on a 53 acre site at 10455 Pomerado Road in the RS-1-8 Zone within the Scripps Miramar Ranch Community Plan described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated FEB 23 2016, on file in the Development Services Department.

The project shall include:

- a. 400 age restricted, non-acute assisted living units of various configurations (villas, garden terraces and apartment style accommodations), 50 acute assisted living units sixteen of which are memory care units, and 60 skilled nursing beds for a total of 450 assisted living units and 60 skilled nursing beds, with deviations, on a 53 acre site; and
- b. A Multi-Habitat Planning Area Boundary Line Adjustment;
- c. Deviations specifically 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

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- 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. This permit expires on FEB 23 2019. 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.

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. This Permit amends Conditional Use Permit No. 133-PC to allow the proposed project on this site and Conditional Use Permit No. 133-PC shall be null and void on this site legally described as Parcel 2 of Parcel Map No. 21237, filed May 22, 2015 as DOC# 2015-7000168, in the Office of the County Recorder, County of San Diego, California.
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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the federal Endangered Species Act (ESA) and by the California Department of Fish and Wildlife (CDFW) pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.
8. 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.

9. 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.

10. 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.

11. 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.

12. This Permit may be developed in phases.

ENVIRONMENTAL/MITIGATION REQUIREMENTS

13. 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.

14. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 264823 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 264823, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

**Land Use (MSCP),
Biological Resources,
Historical Resources, and
Paleontological Resources**

AIRPORT REQUIREMENTS

16. Prior to issuance of all building permits, the Owner/Permittee shall provide to the Development Services Department a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration.

ENGINEERING REQUIREMENTS

17. The Site Development Permit No. 932619, Conditional Use Permit No. 932618, Planned Development Permit No. 1451656 and Neighborhood Development Permit No. 1451657 shall comply with all conditions of the Vesting Tentative Map No.1451662.

18. The project proposes to export no material from the project site. Any excavated material that is exported, shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2009 edition and Regional Supplement Amendments adopted by Regional Standards Committee.

19. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement, from the City Engineer, for the monument signs located in the public right of way along Pomerado Road.

22. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the reconstruction of the existing curb ramp at the southeast corner of Pomerado Road

and Chabad Center Driveway, with current City Standard curb ramp Standard Drawing SDG-130 and SDG-132 with truncated domes, satisfactory to the City Engineer.

23. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

24. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

25. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2007-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

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

27. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

28. A portion of this project has been identified as being within the floodway of a Special Flood Hazard Area. No increases to base-flood elevations are allowed. A Registered Professional Engineer shall submit a no rise certification along with a detailed engineering analysis to substantiate the certification, subject to the approval of the City Engineer.

29. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the Owner/Permittee must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency prior to issuance of any grading, engineering, or building permits. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

30. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, no certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision (LOMR) is obtained from FEMA. The LOMR is issued based upon as-built site conditions.

Therefore, the applicant must allow time to complete this process. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

31. Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.

32. No structures except those allowed by Section 131.0222 (Use Regulations for Open Space Zones) of the Land Development Code shall be built within the floodway.

LANDSCAPE REQUIREMENTS

33. Prior to issuance of any engineering permits for grading, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Landscape Standards to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

34. Prior to issuance of any construction permits for grading, the Owner/Permittee shall submit complete landscape construction documents showing the brush management zones on the property in substantial conformance with Exhibit "A" in accordance with the Landscape Standards to the satisfaction of the Development Services Department.

35. In the event a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan identifying all landscape areas consistent with Exhibit "A." These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

36. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A." Construction plans shall show, label, and dimension a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)(5).

37. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per SDMC 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

38. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the

Landscape Standards. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or “topping” of trees is not permitted.

39. If any required landscape, including existing or new plantings, hardscape, landscape features, et cetera, indicated on the approved construction document plans is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS

40. Prior to the issuance of any construction permits, the Owner/Permittee 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, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee 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 agreements 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, USFWS, and CDFW. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

41. Prior to issuance of any building permits, the Owner/Permittee shall schedule an inspection with the Park and 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’s acceptance.

PLANNING/DESIGN REQUIREMENTS

42. Prior to the issuance of a construction permit for a monument sign in the public right-of-way adjacent to the property identified as belonging to the Chabad organization, the owner of the property shall sign the application for the construction permit, to the satisfaction of the Development Services Department.

43. 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.

44. All signs associated with this development shall be consistent with sign criteria established by the approved Exhibit “A.”

45. 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.

46. The Owner/Permittee shall comply with the following GHG-reducing project design feature:

- Install high efficiency lighting to reduce lighting energy consumption by 25 percent.
- Prior to issuance of the last occupancy permit, the Owner/Permittee shall install a 200 kW photovoltaic system capable of generating 340,000 kWh annually, to the satisfaction of the Development Services Director.

TRANSPORTATION REQUIREMENTS

47. The Owner/Permittee shall provide bus, car and van shuttles for shopping, doctor visits and outings for residents. A 28-passenger bus and a 24-passenger bus, along with one van and two cars shall be used to provide this service, satisfactory to the City Engineer.

48. A minimum of 450 off-street parking spaces (with 554 off-street parking spaces provided) shall be permanently maintained on the property within the approximate location shown on the Exhibit "A." Further, all on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Municipal Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate decision maker.

PUBLIC UTILITY REQUIREMENTS

49. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

50. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water and sewer facilities are to be in accordance with established criteria in the most current City of San Diego Water and Sewer Design Guides.

51. All public water and sewer facilities are to be in accordance with the established criteria in the most current City of San Diego Water and Sewer Design Guides.

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

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

54. All public water and sewer facilities are to be in accordance with the approved Water and Sewer Studies.

GEOLOGY REQUIREMENTS

55. 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.

56. 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.

CITY COUNCIL CONDITIONS

57. The Project's Full Time Equivalent allocation of AIU CUP No. 133 is 550 as a result of the transfer of acreage to the Owner/Permittee.

58. The two monument signs on the southeast and southwest corners of the Chabad Driveway shall have the same style.

59. The Owner/Permittee shall construct a sidewalk on the east side of the Chabad driveway. The sidewalk shall extend from Pomerado Road to a point opposite the Glen entrance.

60. The Chabad Driveway shall be widened so that vehicles turning right on Pomerado Road do not trip the left-lane sensor and activate the signal to stop traffic on Pomerado Road.

61. The Owner/Permittee shall save or plant approximately 20 trees along Carroll Canyon Creek.

62. The Owner/Permittee shall maintain fire safety through active brush management as necessary in the open space along Pomerado Road and Chabad Center Driveway.

63. The Owner/Permittee shall work with the community for a pedestrian "Campus Trail" link from the Chabad Driveway through to Marshall Middle School.

64. As stated in the Final Environmental Impact Report No. 264823, Section 4.2, the Owner/Permittee shall provide shuttles for routine resident trips to reduce peak hour traffic in the community, and will schedule employee work shifts outside peak hours to the maximum extent possible to reduce traffic impacts.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on FEB 23 2016 and
 Resolution No. 310274.

Permit Type/PTS Approval No.: SDP No. 932619, CUP No. 932618,
PDP No. 1451656 & NDP No. 1451657
Date of Approval: FEB 23 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
Development Project Manager

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

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

**THE GLEN AT SCRIPPS RANCH CCRC,
LLC**, a Delaware limited liability company,
Owner/Permittee

By _____
Richard Aschenbrenner
Member Director

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

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.

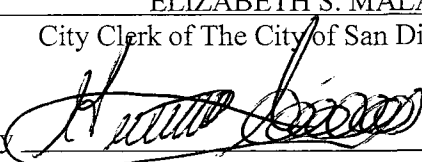
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- 310274