

RESOLUTION NUMBER R- 310663

DATE OF FINAL PASSAGE AUG 02 2016

ITEM # 323

SVB-C

8/2/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING PLANNED DEVELOPMENT PERMIT NO. 1498311, SITE DEVELOPMENT PERMIT NO. 1498312, AND CONDITIONAL USE PERMIT NO. 1498313 FOR SILVERGATE RANCHO BERNARDO – PROJECT NO. 425893.

WHEREAS, AmeriCare Health & Retirement, Inc., Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit, Site Development Permit, and Conditional Use Permit to construct a 223,797 square-foot, 200-unit residential care facility known as the Silvergate Rancho Bernardo project, located at 16061 Avenida Venusto, and legally described as Lot 5 of Bernardo Heights Unit No. 4, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 9606 as filed in the Office of the County Recorder of san Diego County, April 4, 1980, in the Rancho Bernardo Community Plan area, in the RS-1-14 zone; and

WHEREAS, on June 30, 2016, the Planning Commission of the City of San Diego considered Planned Development Permit (PDP) No. 1498311, Site Development Permit (SDP) No. 1498312, and Conditional Use Permit (CUP) No. 1498313, and pursuant to Resolution No. 4787-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, the matter was set for public hearing on August 2, 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 PDP No. 1498311, SDP No. 1498312, and CUP No. 1498313:

**A. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE
SECTION 126.0604**

1. The proposed development will not adversely affect the applicable land use plan. The proposal to redesignate the subject property from Educational to Residential (low density 1-9 du/ac) requires an amendment to the Rancho Bernardo Community Plan to change the land use designation from Educational to Residential (low density 1-9 du/ac) and to revise the Land Use map in the General Plan from Institutional and Public, Semi-Public Facilities to Residential. The site was deemed surplus by the Poway Unified School District and sold to the applicant in 2013 after having been offered for public use. While residential care facilities do not typically contain dwelling units based upon the definition of dwelling unit in the Land Development Code, the proposed use may be considered ‘group housing’ and would conform to the proposed residential-low density designation. The approval of this plan amendment would increase the amount of land in Rancho Bernardo available for housing of people in need of residential care facilities, which is consistent with General Plan Housing Element policies that support the provision of housing for people with special needs that include the elderly and people with disabilities.

The proposed amendment would implement several policies in the Rancho Bernardo Community Plan. Specifically, the Housing and Residential land use Element of the Rancho Bernardo Community Plan has residential objectives including: to encourage a housing inventory consisting of a wide variety of housing types and prices, to maintain the existing quality and character of Rancho Bernardo in all new development and to develop a high quality residential environment. The proposal would implement these goals through a project that provides: a variety of housing type including assisted living and independent cottages, a design that complements the existing quality and character of the neighborhood with stucco exteriors, tile roofs and use of wrought iron, a high quality environment including location in an established residential area with opportunities for outdoor recreation, gardening and on-site dining alternatives. In particular, the proposal would provide additional housing facilities for the elderly and people with disabilities that provide a level of sheltered living that was not as prevalent in the community.

The Circulation Element of the Rancho Bernardo Community Plan has as an objective to provide a system that minimizes areas of conflict between pedestrian, bicycles and motor vehicle traffic while adequately serving all three transportation modes. The proposal would help implement this objective by providing pedestrian amenities that could provide additional opportunities for connectivity to adjacent open space and minimize conflict with bicycles and

motor vehicles. The proposal would not result in any significant transportation-related impacts, based on a Traffic Impact Study prepared by Fehr & Peers, from August 2015 utilizing City of San Diego significance criteria. Therefore, no traffic improvements are required.

The Open Space, Parks and Recreation Element of the Rancho Bernardo Community Plan has objectives to provide park and recreation facilities that meet the needs of all age groups and interests in the Rancho Bernardo community and meet or exceed citywide standards. The proposal would implement this proposal through a design that features private recreation facilities including a swimming pool, bocce ball court and community garden. In addition, public space would be offered by addition of a tot lot and dog area, benches and decorative light standards, meandering public sidewalk along Avenida Venusto and a pedestrian path forming a connection to designated open space to the east of the project site, as well as around the perimeter of the site.

The proposed amendment would facilitate development consistent with several policies in the General Plan. The General Plan Land Use Element has goals for Balanced Communities and Equitable Development including: community and neighborhood-specific strategies and implementation measures to achieve equitable development. Among the policies to implement those goals are: promote development of balanced communities that take into account community-wide involvement, participation, and needs (LU-H.1); ensure that neighborhood development and redevelopment addresses the needs of older people, particularly those disadvantaged by age, disability, or poverty (LU-H-1,d); provide a full range of senior housing from active adults to convalescent care in an environment conducive to the specific needs of the senior population (LU-H.1, f).

The proposed amendment is consistent with the General Plan's goals for Balanced Communities and Equitable Development because the land use plan initiation is the first step towards the applicant's intent to propose a residential care facility for this site. A residential care facility would represent a key aspect of a full range of senior housing from active adult to convalescent care in an environment conducive to the specific needs of the senior and elderly population, as the proposal would provide assisted living, memory care and convalescent care in an environment conducive to needs of seniors. The proposed plan amendment would also be consistent with the city's practice to apply zoning that is consistent with community plan land use designations to ensure their implementation. Residential care facilities are classified as a residential use category in the Municipal Code, and the redesignation action would also bring the land use into conformity with the site's current zoning (RS-1-14). Additionally, the residential designation at a low-density (1-9 du/ac) will ensure future development is compatible with the surrounding neighborhood, a community concern expressed during initial discussions of the proposal.

The proposal would implement a policy in the General Plan Recreation Element to include recreation needs in community plans, consistent with a Parks Master Plan, to ensure that facilities and programs reflect community preferences, including the growing demand for senior activities (RE-B.3). The proposed project would provide a swimming pool, tot lot, dog area, bocce ball court, meandering public sidewalk and interconnected pedestrian path to open space for residents to use. The proposed project would not result in a significant increase in the demand

for parks or other off-site recreational facilities and would not result in the need for new park facilities or expansion of existing park facilities per the Mitigated Negative Declaration.

The proposal would implement General Plan Conservation Element goals regarding Climate Change & Sustainable Development through a project that would qualify for a Leadership in Energy & Environmental Design (LEED) Certification for Building Design and Construction. LEED Certification would be implemented through an extensive rooftop photovoltaic (PV) solar system that is intended to offset a significant portion of the project's energy demands. A centralized commercial greywater system intended to meet a significant portion of the project's irrigation needs is being proposed, meeting head on the water challenges in the current drought conditions. Drought resistant, water-wise planting throughout the project, along with the use of artificial turf in several recreational areas is proposed. Rainwater capturing biofiltration basins onsite, reducing the strain on municipal stormwater drains, energy saving LED lighting fixtures for interior and exterior lighting fixtures, low flow plumbing fixtures including toilets, showerheads and faucets round out the sustainability features.

The Public Facilities, Services and Safety Element of the General Plan has a goal to provide the public facilities and services needed to serve the existing population and new growth. The proposed change in use would not adversely affect the existing levels of fire protection services to the area and would not require the construction of a new or expanded existing facility. Police protection services are already provided in the area and the proposed project would not adversely affect existing levels of police protection or create a significant new demand, nor would it require the construction of a new facility or expansion of an existing facility per the Mitigated Negative Declaration. In addition, a Gray Water Feasibility Analysis prepared by CGK Consulting Engineers, dated September 2015 demonstrated the proposed project's compliance with the allocated sewage capacity. Also, extension of infrastructure would not be required, only a connection to it, per the Mitigated Negative Declaration.

The General Plan Urban Design Element has goals for a pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respects desirable community character and context. A policy regarding residential design is to provide innovative designs for a variety of housing types to meet the needs of the population (UD-B1, c). The proposed project would implement this policy by offering a residential care facility to meet the demand for assisted senior housing/choice of lifestyle in the community with opportunities for social interaction, as well as possible opportunities to the broader community. Another specific Urban Design policy for residential design is to integrate new construction with the existing fabric and scale of development in surrounding neighborhoods. Taller or denser development is not necessarily inconsistent with older, lower-density neighborhoods, but must be designed with sensitivity to existing development (UD-B1, a). The proposal would implement this policy through a design that features one-story cottages facing Avenida Venusto with the taller, two and three-story structures located further back in the interior of the site. The proposal would be compatible with the existing neighborhood in terms of height, bulk, scale, setback, open space, landscaping, parking and architecture. The taller buildings, placed further back in the interior of the site and screened with trees and landscaping, together with the cottages fronting the right-of-way, would better integrate the development within the predominately two-story neighboring development.

The Noise Element of the General Plan has recommendations to require noise reducing site design, and/or traffic control measures for new development in areas of high noise to ensure that the mitigated levels meet acceptable decibel limits. Standard construction noise control methods including adhering to permissible hours of operation (7:00 a.m. to 7:00 p.m.), maintaining equipment in proper operating condition, and placing staging areas at furthest locations from noise sensitive receivers, are expected to be sufficient for reducing noise impacts to a less than significant level. Long term, operational noise associated with a residential care facility is typically lower than the levels associated with the original use as an elementary school and would not reach a level of significance, according to the Mitigated Negative Declaration. Therefore, the proposed development will not adversely affect the applicable land use plan, as proposed to be amended.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project including the review of grading design, provisions of a structures, private drainage infrastructure, architecture, landscape, and environmental impacts, has been designed to conform with the City of San Diego's codes, policies, and regulation whose primary focus is the protection of the public's health, safety and welfare. The conditions of approval of the project requires compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would reside and/or work at the site and within the community. Conditions of approval address parking, driveways, accessibility, and the appearance of landscaping. Stormwater impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features such as source control and treatment control BMP's and Water Pollution Control Plan. Additionally the project will incorporate a state of the art grey water system designed to capture water waste from showers, lavatories, laundries, and other clear water discharge. This water is then used to supplement the surrounding landscape irrigation and other non-potable water systems.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of the project, City staff will review construction plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare. Therefore, the proposed project will not be detrimental to the health, safety and 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 would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The project proposes a 200-unit residential care facility. The project's proposal includes a Community Plan Amendment to the Rancho Bernardo Community

Plan, a PDP for deviations to height and signage, a Site Development Permit for environmentally sensitive lands, and a Conditional Use Permit to operate a residential care facility.

The proposed project includes deviations to structure height and to monument sign allowance. The deviations were analyzed by staff to determine consistency with the goals and recommendations of the Community Plan, the purpose and intent of the RS-1-14 zone, and the Planned Development Permit ordinance. Four of the structures will exceed the allowable height limit of 35 feet, ranging from 47'-6" to 55'-0" measured at pre-existing grade and 41'-6" to 47'-1" measured from finished grade as noted below:

Height Deviation Table (Pre-Existing and Finished Grade Measurements)/ 35 feet Maximum Allowed

	Assisted Living Structure (West Wing)	Assisted Living Structure (East Wing)	Memory Care	Club House
Max Structure Height at Pre-Existing Grade	53 feet 4 inches to 55 feet	53 feet 3 inches	47 feet 6 inches	52 feet 6 inches to 55 feet
Max Structure Height at Finished Grade	41 feet 6 inches	41 feet 6 inches	44 feet 8 inches	47 feet 1 inch

The project proposes a maximum structural height of 55 feet above pre-existing grade for the proposed assisted living building (west wing) and the club house in order to accommodate roof elements that will enhance the architectural aesthetic of the buildings. Additionally the 55-foot maximum height noted above is requested by the applicant to address potential minor variations of that may occur during the development of the construction drawings for the proposed west wing and club house buildings. The roof elements exceeding the height limit are consistent in architectural style with the Community Plan. The project provides over 3,000 linear feet of enhanced landscaped pathways and is designed to be ADA accessible with walkways that do not exceed three percent in slope. In order to achieve the flat terrain, the existing sloped pad must to be filled on the northern half of the site. Since the building height must be measured from pre-existing grade, the proposed fill contributes to the need for a height deviation.

In addition, the project's Mediterranean architecture with peaked tile roofs and towers, selected in order to be compatible with neighboring developments, results in the need for a height deviation. The buildings located on the northern half of the site that necessitate the height deviation are buffered from public view by the existing natural slope and a grove of large mature Aleppo pine trees located along Avenida Venusto. The buildings are also set back over 100 feet from the street beyond a slope on both the west and south sides of the site. Staff supports the over height condition due to the fact that it is primarily created by topographic conditions and required fill necessary to level the site. Additionally, as the buildings will be set back from the street and sited internally within the property, the building's visibility from the right of way and adjacent properties will be reduced.

A sign deviation is requested as monument signs are not allowed in single family zones. The project proposes four two-foot high monument signs at the driveway entrances. Single family residential zones are only allowed street address numbers at one half square-foot inch and a one square foot name plate. Staff supports the sign deviation as the entry signage serves as wayfinding for its senior population, guests, service providers and emergency vehicles to identify the project and provides a unique sense of individual community identity.

The intent of the Planned Development Permit is to allow flexibility in the application of development regulations 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. Additionally, flexibility should be considered where application of the base zone development regulations would restrict design options and result in a less desirable project. The project site contains constraints due to the topographic conditions, its irregular shape, and the fact that it is an infill lot. These factors limit design opportunities.

The proposed development is consistent with the design standards of the Planned Development Permit which requires a comparative analysis of the surrounding developments. The overall height and massing proposed is generally consistent with the development pattern of the surrounding community. As noted above, the facility was designed to incorporate all of the architectural guidelines that are an integral part of the neighborhood. Adherence to these guidelines facilitates compatibility with the neighborhood. The project meets the purpose and intent of the Planned Development Permit and provides additional housing opportunities with site amenities for residents, which is a community and City benefit.

Therefore the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

**B. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE
SECTION 126.0504**

1. The proposed development will not adversely affect the applicable land use plan. The proposal to redesignate the subject property from Educational to Residential (low density 1-9 du/ac) requires an amendment to the Rancho Bernardo Community Plan to change the land use designation from Educational to Residential (low density 1-9 du/ac) and to revise the Land Use map in the General Plan from Institutional and Public, Semi-Public Facilities to Residential. The site was deemed surplus by the Poway Unified School District and sold to the applicant in 2013 after having been offered for public use. While residential care facilities do not typically contain dwelling units based upon the definition of dwelling unit in the Land Development Code, the proposed use may be considered ‘group housing’ and would conform to the proposed residential-low density designation. The approval of this plan amendment would increase the amount of land in Rancho Bernardo available for housing of people in need of residential care facilities, which is consistent with General Plan Housing Element policies that

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with the allocated sewage capacity. Also, extension of infrastructure would not be required, only a connection to it, per the Mitigated Negative Declaration.

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The Noise Element of the General Plan has recommendations to require noise reducing site design, and/or traffic control measures for new development in areas of high noise to ensure that the mitigated levels meet acceptable decibel limits. Standard construction noise control methods including adhering to permissible hours of operation (7:00 a.m. to 7:00 p.m.), maintaining equipment in proper operating condition, and placing staging areas at furthest locations from noise sensitive receivers, are expected to be sufficient for reducing noise impacts to a less than significant level. Long term, operational noise associated with a residential care facility is typically lower than the levels associated with the original use as an elementary school and would not reach a level of significance, according to the Mitigated Negative Declaration. Therefore, the proposed development will not adversely affect the applicable land use plan, as proposed to be amended.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project including the review of grading design, provisions of a structures, private drainage infrastructure, architecture, landscape, and environmental impacts, has been designed to conform with the City of San Diego's codes, policies, and regulation whose primary focus is the protection of the public's health, safety and welfare. The conditions of approval of the project requires compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would reside and/or work at the site and within the community. Conditions of approval address parking, driveways, accessibility, and the appearance of landscaping. Stormwater impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features such as source control and treatment control BMP's and Water Pollution Control Plan. Additionally the project will incorporate a state of the art grey water

system designed to capture water waste from showers, lavatories, laundries, and other clear water discharge. This water is then used to supplement the surrounding landscape irrigation and other non-potable water systems.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of the project, City staff will review construction plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare. Therefore, the proposed project will not be detrimental to the health, safety and 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 allowable deviations pursuant to the Land Development Code. The project proposes a 200-unit residential care facility. The project’s proposal includes a Community Plan Amendment to the Rancho Bernardo Community Plan, a PDP for deviations to height and signage, a Site Development Permit for environmentally sensitive lands, and a Conditional Use Permit to operate a residential care facility.

The proposed project includes deviations to structure height and to monument sign allowance. The deviations were analyzed by staff to determine consistency with the goals and recommendations of the Community Plan, the purpose and intent of the RS-1-14 zone, and the Planned Development Permit ordinance. Four of the structures will exceed the allowable height limit of 35 feet, ranging from 47’-6” to 55’-0” measured at pre-existing grade and 41’-6” to 47’-1” measured from finished grade as noted below:

Height Deviation Table (Pre-Existing and Finished Grade Measurements)/ 35 feet Maximum Allowed

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Max Structure Height at Finished Grade	41 feet 6 inches	41 feet 6 inches	44 feet 8 inches	47 feet 1 inch

The project proposes a maximum structural height of 55 feet above pre-existing grade for the proposed assisted living building (west wing) and the club house in order to accommodate roof elements that will enhance the architectural aesthetic of the buildings. Additionally the 55-foot maximum height noted above is requested by the applicant to address potential minor

variations of that may occur during the development of the construction drawings for the proposed west wing and club house buildings. The roof elements exceeding the height limit are consistent in architectural style with the Community Plan. The project provides over 3,000 linear feet of enhanced landscaped pathways and is designed to be ADA accessible with walkways that do not exceed three percent in slope. In order to achieve the flat terrain, the existing sloped pad must to be filled on the northern half of the site. Since the building height must be measured from pre-existing grade, the proposed fill contributes to the need for a height deviation.

In addition, the project's Mediterranean architecture with peaked tile roofs and towers, selected in order to be compatible with neighboring developments, results in the need for a height deviation. The buildings located on the northern half of the site that necessitate the height deviation are buffered from public view by the existing natural slope and a grove of large mature Aleppo pine trees located along Avenida Venusto. The buildings are also set back over 100 feet from the street beyond a slope on both the west and south sides of the site. Staff supports the over height condition due to the fact that it is primarily created by topographic conditions and required fill necessary to level the site. Additionally, as the buildings will be set back from the street and sited internally within the property, the building's visibility from the right of way and adjacent properties will be reduced.

A sign deviation is requested as monument signs are not allowed in single family zones. The project proposes four two-foot high monument signs at the driveway entrances. Single family residential zones are only allowed street address numbers at one half square-foot inch and a one square foot name plate. Staff supports the sign deviation as the entry signage serves as wayfinding for its senior population, guests, service providers and emergency vehicles to identify the project and provides a unique sense of individual community identity.

The intent of the Planned Development Permit is to allow flexibility in the application of development regulations 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. Additionally, flexibility should be considered where application of the base zone development regulations would restrict design options and result in a less desirable project. The project site contains constraints due to the topographic conditions, its irregular shape, and the fact that it is an infill lot. These factors limit design opportunities.

The proposed development is consistent with the design standards of the Planned Development Permit which requires a comparative analysis of the surrounding developments. The overall height and massing proposed is generally consistent with the development pattern of the surrounding community. As noted above, the facility was designed to incorporate all of the architectural guidelines that are an integral part of the neighborhood. Adherence to these guidelines facilitates compatibility with the neighborhood. The project meets the purpose and intent of the Planned Development Permit and provides additional housing opportunities with site amenities for residents, which is a community and City benefit.

Therefore the proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be

achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

Environmentally Sensitive Lands – Supplemental Findings – Section 126.0504(b)

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 site was previously mass graded and originally planned as an elementary school for the Poway School District. However, the Poway School District sold the 10.88-acre property to AmeriCare Health & Retirement, Inc. in December 2013. This in-fill parcel is located in the middle of a developed area. Directly to the north is the Bernardo Heights Community Center, to the west and south are existing residences and to the east is a water tank surrounded by designated open space that is privately owned by the Bernardo Heights Association.

A Mitigated Negative Declaration was prepared for the project which included a review of a biology study, geotechnical report, water quality technical report, biology study, greenhouse gas report, traffic impact study, waste management plan, acoustical analysis study, gray water feasibility study, and water study. The documents concluded that mitigation measures were required for potential impacts to biological and paleontological resources. Mitigation measures require that contributions to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.3-acres of Diegan Coastal Sage Scrub (Tier II habitat) and 3.8-acres of Non-Native Grassland (Tier IIIB habitat) resulting in a 4.1-acre equivalent contribution to the HAF plus a ten percent (10%) administration fee. The contribution will be collected prior to the issuance of any construction permit. Additional mitigation includes a Paleontological monitor be on site during grading activities to ensure if unique or unusual fossils are encountered that they will be removed from the site and curated. Therefore 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.

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 site is not located with a flood plain and has been previously graded to a relatively flat pad except on the eastern portion of the property the grade slopes up to a water storage tank and on the north portion of the property the site slopes down to the Bernardo Heights Community Center. Proposed finish grading is designed to have drainage flow various stormwater filtering facilities avoiding runoff to the public streets. According to the City of San Diego's Seismic Safety Study, the project is located within geologic hazards zones 27 and 53 as shown on the City's Seismic Safety Study Geologic Hazards Maps. Zone 27 is characterized by slide-prone formations. Zone 53 is characterized by level or sloping terrain, unfavorable geologic structure, low to moderate risk. In addition, the project site is not located on nor is it adjacent to an earthquake fault. The project would be required to utilize proper engineering design and utilization of standard construction practices, to be verified at the grading permit stage. Because the project is not located in a high fuel area, Brush Management is not required. The project will divert runoff into bio retention basins to avert erosion. Therefore the proposed development will minimize the alteration of natural land forms 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. A Mitigated Negative Declaration was prepared for the project which included a review of a biology study, geotechnical report, water quality technical report, biology study, greenhouse gas report, traffic impact study, waste management plan, acoustical analysis study, gray water feasibility study, and water study. The documents concluded that mitigation measures were required for potential impacts to Biological Resources and Paleontological Resources. Mitigation measures require that contributions to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.3-acres of Diegan Coastal Sage Scrub (Tier II habitat) and 3.8-acres of Non-Native Grassland (Tier IIIB habitat) resulting in a 4.1-acre equivalent contribution to the HAF plus a ten percent (10%) administration fee. The contribution will be collected prior to the issuance of any construction permit. Additional mitigation includes a paleontological monitor be on site during grading activities to ensure if unique or unusual fossils are encountered that they will be removed from the site and analyzed for historic records. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The site is not within or adjacent to the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan Therefore the project is not inconsistent with the City's MSCP.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The site is located approximately 15 miles from a public beach or shoreline therefore the project will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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. A Mitigated Negative Declaration was prepared for the project which included a review of a biology study, geotechnical report, water quality technical report, biology study, greenhouse gas report, traffic impact study, waste management plan, acoustical analysis study, gray water feasibility study, and water study. The documents concluded that mitigation measures were required for potential impacts to biological and paleontological resources. Mitigation measures require that contributions to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.3-acres of Diegan Coastal Sage Scrub (Tier II habitat) and 3.8-acres of Non-Native Grassland (Tier IIIB habitat) resulting in a 4.1-acre equivalent contribution to the HAF plus a ten percent (10%) administration fee. The contribution will be collected prior to the issuance of any construction permit. Additional mitigation includes a Paleontological monitor be on site during grading activities to ensure if unique or unusual fossils are encountered that they will be removed from the site and curated. Therefore 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.

CONDITIONAL USE PERMIT – SECTION 126.0305

1. The proposed development will not adversely affect the applicable land use plan. The proposal to redesignate the subject property from Educational to Residential (low

density 1-9 du/ac) requires an amendment to the Rancho Bernardo Community Plan to change the land use designation from Educational to Residential (low density 1-9 du/ac) and to revise the Land Use map in the General Plan from Institutional and Public, Semi-Public Facilities to Residential. The site was deemed surplus by the Poway Unified School District and sold to the applicant in 2013 after having been offered for public use. While residential care facilities do not typically contain dwelling units based upon the definition of dwelling unit in the Land Development Code, the proposed use may be considered 'group housing' and would conform to the proposed residential-low density designation. The approval of this plan amendment would increase the amount of land in Rancho Bernardo available for housing of people in need of residential care facilities, which is consistent with General Plan Housing Element policies that support the provision of housing for people with special needs that include the elderly and people with disabilities.

The proposed amendment would implement several policies in the Rancho Bernardo Community Plan. Specifically, the Housing and Residential land use Element of the Rancho Bernardo Community Plan has residential objectives including: to encourage a housing inventory consisting of a wide variety of housing types and prices, to maintain the existing quality and character of Rancho Bernardo in all new development and to develop a high quality residential environment. The proposal would implement these goals through a project that provides: a variety of housing type including assisted living and independent cottages, a design that complements the existing quality and character of the neighborhood with stucco exteriors, tile roofs and use of wrought iron, a high quality environment including location in an established residential area with opportunities for outdoor recreation, gardening and on-site dining alternatives. In particular, the proposal would provide additional housing facilities for the elderly and people with disabilities that provide a level of sheltered living that was not as prevalent in the community.

The Circulation Element of the Rancho Bernardo Community Plan has an objective to provide a system that minimizes areas of conflict between pedestrian, bicycles and motor vehicle traffic while adequately serving all three transportation modes. The proposal would help implement this objective by providing pedestrian amenities that could provide additional opportunities for connectivity to adjacent open space and minimize conflict with bicycles and motor vehicles. The proposal would not result in any significant transportation-related impacts, based on a Traffic Impact Study prepared by Fehr & Peers, from August 2015 utilizing City of San Diego significance criteria. Therefore, no traffic improvements are required.

The Open Space, Parks and Recreation Element of the Rancho Bernardo Community Plan has objectives to provide park and recreation facilities that meet the needs of all age groups and interests in the Rancho Bernardo community and meet or exceed citywide standards. The proposal would implement this proposal through a design that features private recreation facilities including a swimming pool, bocce ball court and community garden. In addition, public space would be offered by addition of a tot lot and dog area, benches and decorative light standards, meandering public sidewalk along Avenida Venusto and a pedestrian path forming a connection to designated open space to the east of the project site, as well as around the perimeter of the site.

The proposed amendment would facilitate development consistent with several policies in the General Plan. The General Plan Land Use Element has goals for Balanced Communities and Equitable Development including: community and neighborhood-specific strategies and implementation measures to achieve equitable development. Among the policies to implement those goals are: promote development of balanced communities that take into account community-wide involvement, participation, and needs (LU-H.1); ensure that neighborhood development and redevelopment addresses the needs of older people, particularly those disadvantaged by age, disability, or poverty (LU-H-1,d); provide a full range of senior housing from active adults to convalescent care in an environment conducive to the specific needs of the senior population (LU-H.1, f).

The proposed amendment is consistent with the General Plan's goals for Balanced Communities and Equitable Development because the land use plan initiation is the first step towards the applicant's intent to propose a residential care facility for this site. A residential care facility would represent a key aspect of a full range of senior housing from active adult to convalescent care in an environment conducive to the specific needs of the senior and elderly population, as the proposal would provide assisted living, memory care and convalescent care in an environment conducive to needs of seniors. The proposed plan amendment would also be consistent with the city's practice to apply zoning that is consistent with community plan land use designations to ensure their implementation. Residential care facilities are classified as a residential use category in the Municipal Code, and the redesignation action would also bring the land use into conformity with the site's current zoning (RS-1-14). Additionally, the residential designation at a low-density (1-9 du/ac) will ensure future development is compatible with the surrounding neighborhood, a community concern expressed during initial discussions of the proposal.

The proposal would implement a policy in the General Plan Recreation Element to include recreation needs in community plans, consistent with a Parks Master Plan, to ensure that facilities and programs reflect community preferences, including the growing demand for senior activities (RE-B.3). The proposed project would provide a swimming pool, tot lot, dog area, bocce ball court, meandering public sidewalk and interconnected pedestrian path to open space for residents to use. The proposed project would not result in a significant increase in the demand for parks or other off-site recreational facilities and would not result in the need for new park facilities or expansion of existing park facilities per the Mitigated Negative Declaration.

The proposal would implement General Plan Conservation Element goals regarding Climate Change & Sustainable Development through a project that would qualify for a Leadership in Energy & Environmental Design (LEED) Certification for Building Design and Construction. LEED Certification would be implemented through an extensive rooftop photovoltaic (PV) solar system that is intended to offset a significant portion of the project's energy demands. A centralized commercial greywater system intended to meet a significant portion of the project's irrigation needs is being proposed, meeting head on the water challenges in the current drought conditions. Drought resistant, water-wise planting throughout the project, along with the use of artificial turf in several recreational areas is proposed. Rainwater capturing biofiltration basins onsite, reducing the strain on municipal stormwater drains, energy saving

LED lighting fixtures for interior and exterior lighting fixtures, low flow plumbing fixtures including toilets, showerheads and faucets round out the sustainability features.

The Public Facilities, Services and Safety Element of the General Plan has a goal to provide the public facilities and services needed to serve the existing population and new growth. The proposed change in use would not adversely affect the existing levels of fire protection services to the area and would not require the construction of a new or expanded existing facility. Police protection services are already provided in the area and the proposed project would not adversely affect existing levels of police protection or create a significant new demand, nor would it require the construction of a new facility or expansion of an existing facility per the Mitigated Negative Declaration. In addition, a Gray Water Feasibility Analysis prepared by CGK Consulting Engineers, dated September 2015 demonstrated the proposed project's compliance with the allocated sewage capacity. Also, extension of infrastructure would not be required, only a connection to it, per the Mitigated Negative Declaration.

The General Plan Urban Design Element has goals for a pattern and scale of development that provides visual diversity, choice of lifestyle, opportunities for social interaction, and that respects desirable community character and context. A policy regarding residential design is to provide innovative designs for a variety of housing types to meet the needs of the population (UD-B1, c). The proposed project would implement this policy by offering a residential care facility to meet the demand for assisted senior housing/choice of lifestyle in the community with opportunities for social interaction, as well as possible opportunities to the broader community. Another specific Urban Design policy for residential design is to integrate new construction with the existing fabric and scale of development in surrounding neighborhoods. Taller or denser development is not necessarily inconsistent with older, lower-density neighborhoods, but must be designed with sensitivity to existing development (UD-B1, a). The proposal would implement this policy through a design that features one-story cottages facing Avenida Venusto with the taller, two and three-story structures located further back in the interior of the site. The proposal would be compatible with the existing neighborhood in terms of height, bulk, scale, setback, open space, landscaping, parking and architecture. The taller buildings, placed further back in the interior of the site and screened with trees and landscaping, together with the cottages fronting the right-of-way, would better integrate the development within the predominately two-story neighboring development.

The Noise Element of the General Plan has recommendations to require noise reducing site design, and/or traffic control measures for new development in areas of high noise to ensure that the mitigated levels meet acceptable decibel limits. Standard construction noise control methods including adhering to permissible hours of operation (7:00 a.m. to 7:00 p.m.), maintaining equipment in proper operating condition, and placing staging areas at furthest locations from noise sensitive receivers, are expected to be sufficient for reducing noise impacts to a less than significant level. Long term, operational noise associated with a residential care facility is typically lower than the levels associated with the original use as an elementary school and would not reach a level of significance, according to the Mitigated Negative Declaration. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project including the review of grading design, provisions of a structures, private drainage infrastructure, architecture, landscape, and environmental impacts, has been designed to conform with the City of San Diego's codes, policies, and regulation whose primary focus is the protection of the public's health, safety and welfare. The conditions of approval of the project requires compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who would reside and/or work at the site and within the community. Conditions of approval address parking, driveways, accessibility, and the appearance of landscaping. Stormwater impacts from the project will be mitigated through the implementation and installation of Low Impact Development site design features such as source control and treatment control BMP's and Water Pollution Control Plan. Additionally, the project will incorporate a state of the art gray water system designed to capture water waste from showers, lavatories, laundries, and other clear water discharge. This water is then used to supplement the surrounding landscape irrigation and other non-potable water systems.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code, and the Municipal Code regulations governing the construction and continued operation of the development apply to this site to prevent adverse effects to those persons or other properties in the vicinity. Prior to the actual construction of the project, City staff will review construction plans against the Uniform Building Code to assure that structural, mechanical, electrical, plumbing, and access components of the project are designed to protect the public. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare. Therefore, the proposed project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The project proposes a 200-unit residential care facility. The project's proposal includes a Community Plan Amendment to the Rancho Bernardo Community Plan, a PDP for deviations to height and signage, a Site Development Permit for environmentally sensitive lands, and a Conditional Use Permit to operate a residential care facility.

The proposed project includes deviations to structure height and to monument sign allowance. The deviations were analyzed by staff to determine consistency with the goals and recommendations of the Community Plan, the purpose and intent of the RS-1-14 zone, and the Planned Development Permit ordinance. Four of the structures will exceed the allowable height limit of 35 feet, ranging from 47'-6" to 55'-0" measured at pre-existing grade and 41'-6" to 47'-1" measured from finished grade as noted below:

Height Deviation Table (Pre-Existing and Finished Grade Measurements)/ 35 feet Maximum Allowed

	Assisted Living Structure (West Wing)	Assisted Living Structure (East Wing)	Memory Care	Club House
Max Structure Height at Pre-Existing Grade	53 feet 4 inches to 55 feet	53 feet 3 inches	47 feet 6 inches	52 feet 6 inches to 55 feet
Max Structure Height at Finished Grade	41 feet 6 inches	41 feet 6 inches	44 feet 8 inches	47 feet 1 inch

The project proposes a maximum structural height of 55 feet above pre-existing grade for the proposed assisted living building (west wing) and the club house in order to accommodate roof elements that will enhance the architectural aesthetic of the buildings. Additionally the 55-foot maximum height noted above is requested by the applicant to address potential minor variations of that may occur during the development of the construction drawings for the proposed west wing and club house buildings. The roof elements exceeding the height limit are consistent in architectural style with the Community Plan. The project provides over 3,000 linear feet of enhanced landscaped pathways and is designed to be ADA accessible with walkways that do not exceed three percent in slope. In order to achieve the flat terrain, the existing sloped pad must to be filled on the northern half of the site. Since the building height must be measured from pre-existing grade, the proposed fill contributes to the need for a height deviation.

In addition, the project’s Mediterranean architecture with peaked tile roofs and towers, selected in order to be compatible with neighboring developments, results in the need for a height deviation. The buildings located on the northern half of the site that necessitate the height deviation are buffered from public view by the existing natural slope and a grove of large mature Aleppo pine trees located along Avenida Venusto. The buildings are also set back over 100 feet from the street beyond a slope on both the west and south sides of the site. Staff supports the over height condition due to the fact that it is primarily created by topographic conditions and required fill necessary to level the site. Additionally, as the buildings will be set back from the street and sited internally within the property, the building’s visibility from the right of way and adjacent properties will be reduced.

A sign deviation is requested as monument signs are not allowed in single family zones. The project proposes four two-foot high monument signs at the driveway entrances. Single family residential zones are only allowed street address numbers at one half square-foot inch and a one square foot name plate. Staff supports the sign deviation as the entry signage serves as wayfinding for its senior population, guests, service providers and emergency vehicles to identify the project and provides a unique sense of individual community identity.

The intent of the Planned Development Permit is to allow flexibility in the application of development regulations 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. Additionally, flexibility should be considered where application of the base zone development regulations would restrict design options and result in a less desirable project. The project site contains constraints due to the topographic conditions, its irregular shape, and the fact that it is an infill lot. These factors limit design opportunities.

The proposed development is consistent with the design standards of the Planned Development Permit which requires a comparative analysis of the surrounding developments. The overall height and massing proposed is generally consistent with the development pattern of the surrounding community. As noted above, the facility was designed to incorporate all of the architectural guidelines that are an integral part of the neighborhood. Adherence to these guidelines facilitates compatibility with the neighborhood. The project meets the purpose and intent of the Planned Development Permit and provides additional housing opportunities with site amenities for residents, which is a community and City benefit. Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

4. The proposed use is appropriate at the proposed location. The project proposes a 200-unit residential care facility. The project's proposal includes a Community Plan Amendment to the Rancho Bernardo Community Plan to redesignate the site from Education to Residential, a PDP for deviations to height and signage, a Site Development Permit for environmentally sensitive lands, and a Conditional Use Permit to operate a residential care facility.

The General Plan Land Use element has goals for balanced communities and equitable development, including community and neighborhood specific strategies and implementation measures to achieve equitable development. Among the policies to implement these goals are: (1) promote development of balanced communities that take into account communitywide involvement, participation, and needs;(2) ensure that neighborhood development and redevelopment addresses the needs of older people, particularly those disadvantaged by age, disability, or poverty; and (3) provide a full range of senior housing from active adults to convalescent care in an environment conducive to the specific needs of the senior population.

The proposed community plan amendment is consistent with the General Plan's goals for balanced communities and equitable development. The proposed residential care facility would represent a key aspect of a full range of senior housing from active adult to convalescent care in an environment conducive to the specific needs of the senior population. The Rancho Bernardo community plan includes the following objectives: (1) develop a high quality residential environment, to encourage a housing inventory consisting of a wide variety of housing types and prices and to maintain the existing quality and character of Rancho Bernardo in all new developments. The community plan policies for retirement housing state that projects should be compatible with the existing neighborhood and should be evaluated as to height, bulk, scale, setback, open space, landscaping, parking and architectural quality. The community plan also has policies for residential design, including, creating street frontages with architectural and landscape interest for both pedestrian and neighboring residents. The proposed project would implement community plan goals because senior housing is specifically supported by the Rancho

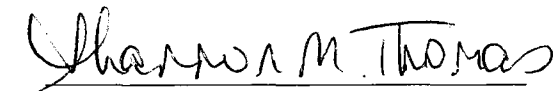
Bernardo community plan and would contribute to the creation of a wide variety of housing types, prices, and architectural continuity. Also, the planned enhanced streetscape would implement policies for residential design to create street frontages with compatible landscape design.

The proposed facility is an allowed use in the zone with a Conditional Use Permit. The development is a compatible use given the surround mix of land uses. The proposed development is appropriate at this location.

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. 1498311, Site Development Permit No. 1498312, and Conditional Use Permit No. 1498313 are granted to AmeriCare Health & Retirement Inc., Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
07/13/2016
Or.Dept:DSD
Doc. No.: 1321653

Passed by the Council of The City of San Diego on AUG 0 2 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 AUG 0 2 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 *Steph Mandy*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310663