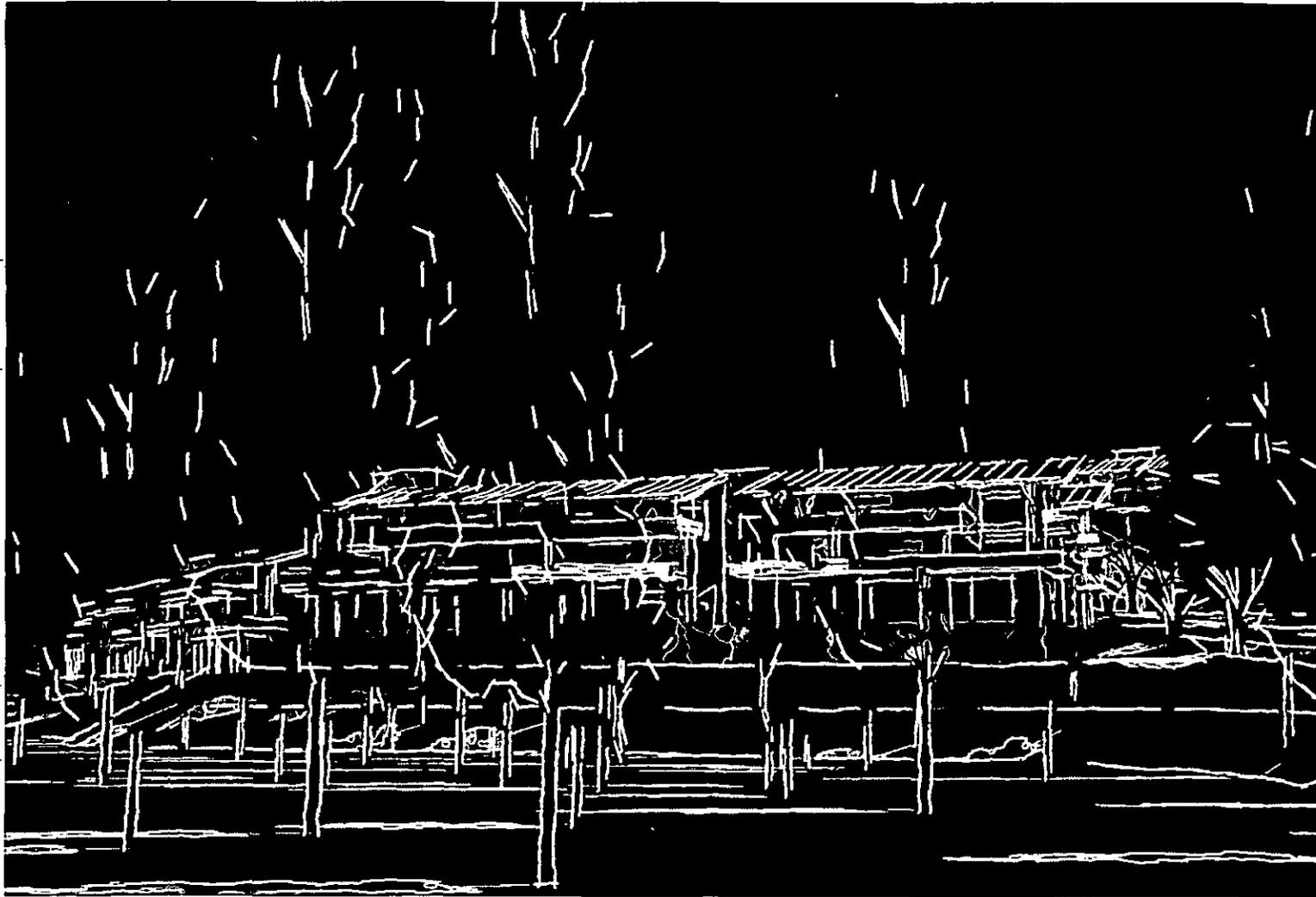


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Chabad Educational Campus
Substantial Conformance Review – CUP 133-PC

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Chabad Educational Campus

Substantial Conformance Review – CUP 133-PC

January 2009

MW Steele Group, Inc.

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Letter of Introduction

Section 1

000004

MEMBERS OF THE CITY COUNCIL

Subject: Chabad Lubavitch

In order to assist your understanding of our project we have prepared for your review this binder of information and a copy of our power point presentation in hope that it may more fully explain the process we have undertaken and our proposed project. This is a modified version of the information we provided to the Planning Commission for their hearing. In order to reduce the amount of information that Council members have to deal with, we have tried to not include information/attachments that we have been advised will be a part of the staff report. We have included: a letter and related material for our request for a waiver from the Inclusionary Affordable Housing Regulations, a copy of our power point presentation, information about life-long learning programs run at various colleges and universities around the country, and a reduced set of plans for the project.

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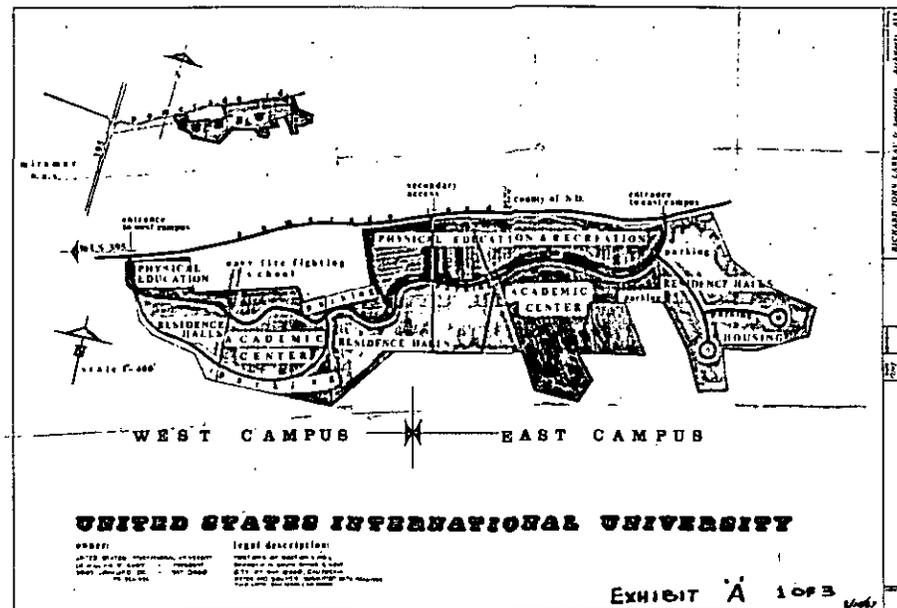
THE PROJECT

Friends of Chabad Lubavitch San Diego respectfully submits for City Council consideration and approval a revised Plot Plan for the completion of development of our educational campus pursuant to the prescribed procedural conditions of CUP 133-PC and City Council Resolution No. R-284501.

The fully developed campus will have no more than 800 students enrolled in either: a pre-school (subject to a separate CUP), an elementary school, a small high school, a Yeshiva, and/or a life-long learning college.

Development shown and proposed with this revised Plot Plan includes additional institutional classroom buildings; athletic facilities (gym, swimming pool, and new relocated athletic field); and 280 units of on-campus housing, and associated commons facilities for students, married students, and faculty.

The R1-1 zoned 27 acre property is located south of Pomerado Road off of Chabad Center Drive in the Scripps Ranch Community and is designated as open space and a resource based park in the 1978 community plan because in 1978 the property was still undeveloped and the community wanted open space if the university was not going to be developed. The property was originally a part of the 435 acre United States International University (USIU) campus approved through CUP 133-PC by the Planning Commission on March 15, 1967. The 1967 CUP divided the 435 acres into an east and west campus and permitted 6,000 full-time or equivalent students in one or more self-contained campuses including housing for students and faculty.

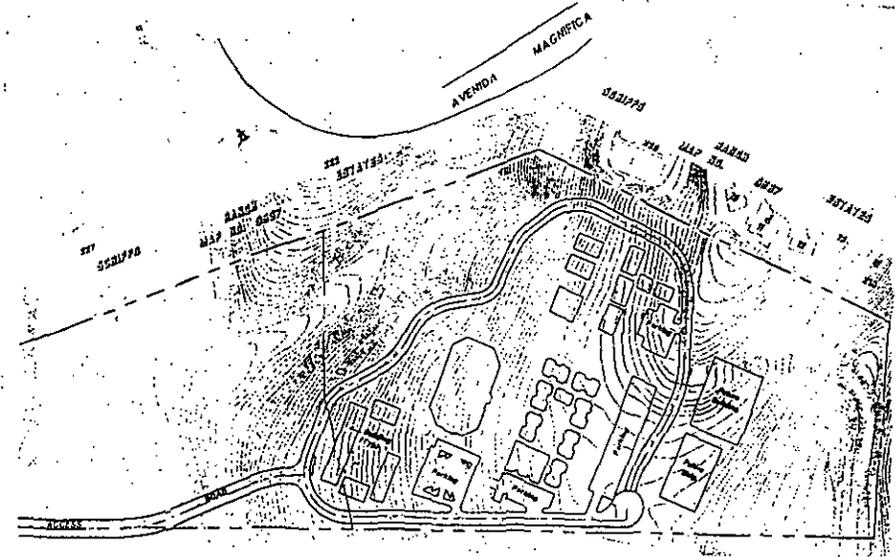
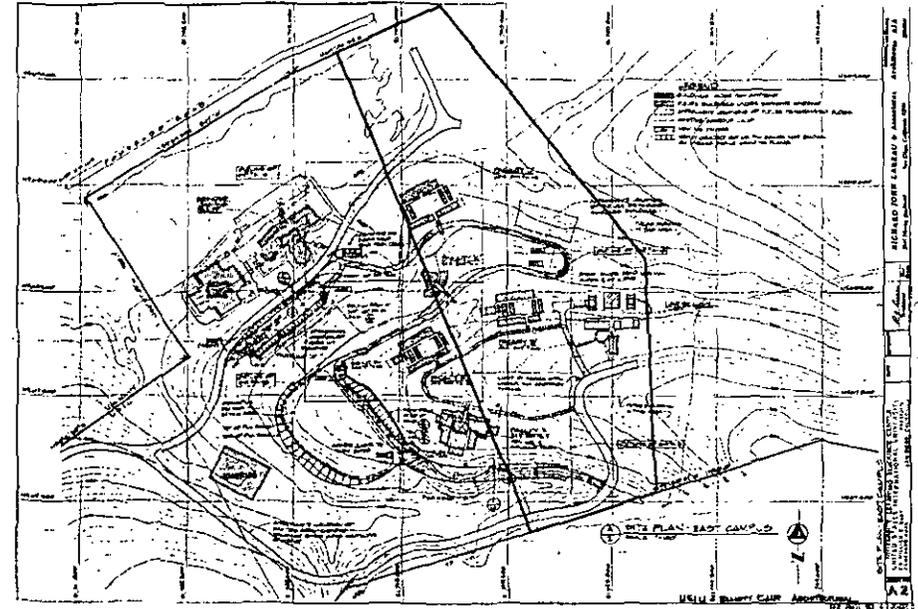
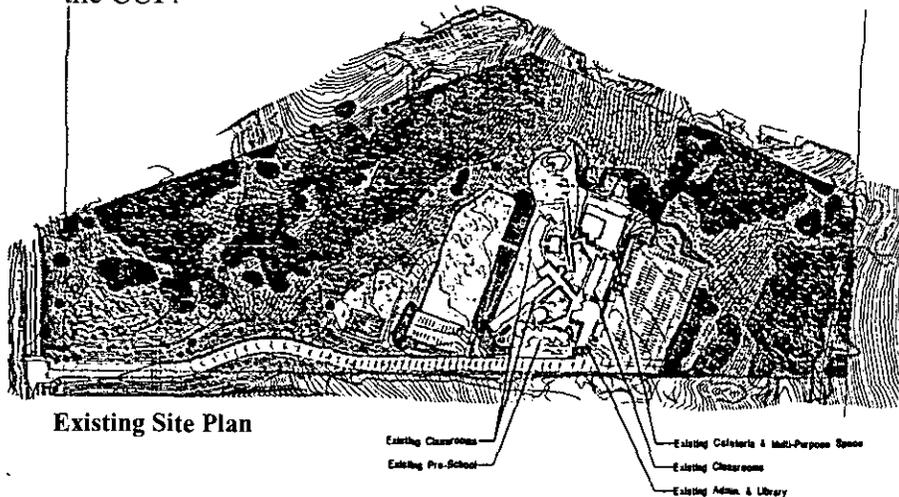


1967 CUP-133 PC
Exhibit 'A' – Master Campus Plan

CHABAD AND CUP 133-PC

A reading of the staff report and its attachments provides a good description and clarification of the process and relationship of Chabad's development with USIU and CUP 133-PC. Because the Chabad property was a part of the USIU campus and the CUP had not been amended to remove the CUP from the property, in August 1994, the City Council determined that Chabad's proposed educational use was "substantively the same as the university use approved by the City and that therefore no new Conditional Use Permit or amended Conditional Use Permit will be required for such proposed development and use."

Pursuant to this, Chabad has built a school based on the 1995 Planning Commission determination that the Plot Plan they reviewed substantially conformed with the 1972 Planning Commission approved Phase Plan for USIU. Chabad has processed and brought before the City Council this revised Plot Plan that completes the build out of the campus to become a self contained campus as called out in the CUP.



CITY COUNCIL CONSIDERATIONS

The City Council is being asked to determine whether or not Chabad's proposed campus development is consistent with what was planned and approved for the site in 1972. The Chabad proposal complies with all the development regulations of the CUP and City Council Resolution No. R-284501. Chabad believes that its' proposal is consistent with the multi-campus approach called for in CUP 133-PC and that it is more sensitively developed than if the property had been developed by USIU.

There are several considerations the City Council must take into account as they review this revised Plot Plan. It is evident that the level of information requested and provided to the City for projects in the late '60's and early '70's was not as detailed, thorough' or comprehensive as that required today; nor were projects subjected to as rigorous or in-depth review as they are today. There was no CEQA, little thought of habitats or sensitive biology, and no problem that grading and engineering solutions could not solve.

Additionally, nobody had any idea how successful the University might be and as the development would obviously occur over many years and the plans and the implementation of proposed phases might need to be changed and/or shifted based on market conditions and the more immediate needs of the University, the Planning Department, the Planning Commission, and the University crafted a process that would not require the University to have to amend its CUP every time some aspect of the proposed university development would change. Conditions 3 and 4 of the original permit and 4 and 5 of the 1972 amendment, require that "prior to issuance of any building permit on any phase of development as shown by number

on approved Exhibit 'A', a plot plan for the entire phase shall be submitted to the Planning Commission for approval" and "prior to the issuance of any building permits, complete building plans, including signs, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit 'A' on file in the office of the Planning Department and the plot plan required in No. 4 above . . . "

The Planning Commission's review of the Plot Plans was to provide an opportunity to address any significant changes in the proposed development of a phase as it evolved from the conceptual phase plan proposal to construction. The original Phase Plans and those subsequently approved in 1972 were wholly conceptual in their layout of facilities (buildings, parking lots, residences, athletic fields, etc.) and the necessary grading. The Planning Commission review of a plot plan provided the University an opportunity to make more detailed refinements and changes in the grading, layout and/or type of facilities as the facility needs and education requirements changed and/or the recognition of better planning and more efficient development alternatives were recognized by the University.

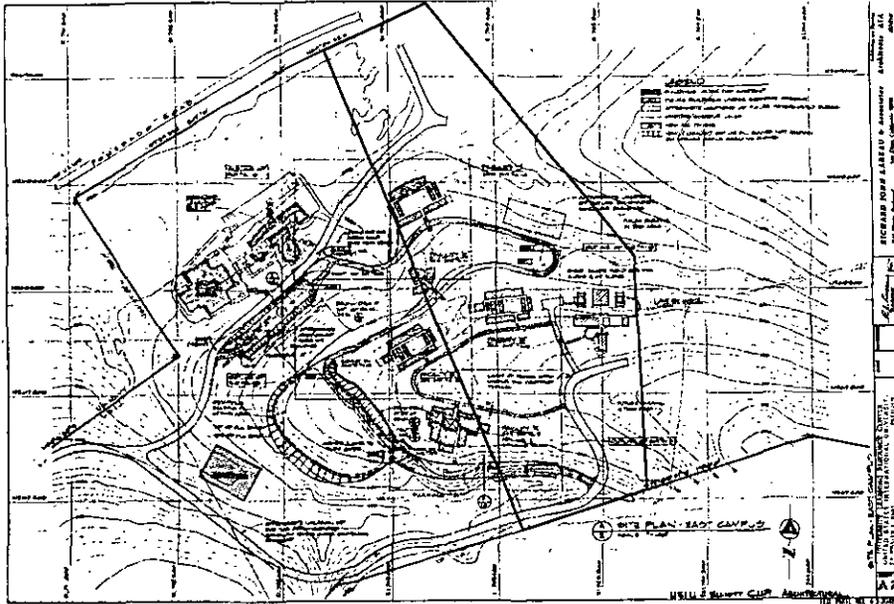
The Planning Commission's review of the Plot Plans was not to ensure that buildings and uses were placed exactly where they were previously shown on the phase plans, but to acknowledge and approve any changes in uses, locations of buildings, grading and landscape treatments for the phase of development. The Commission did this to provide Planning Department staff with guidance for their review of the building plans that would be subsequently submitted.

POWER POINT PRESENTATION
CUP 133-PC EXHIBITS

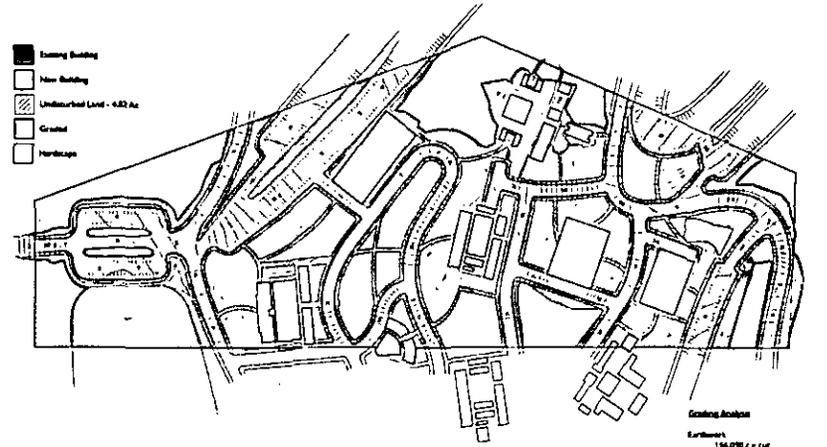
In the copy of the power point presentation we have provided, there are copies of the Exhibit 'A' plans for the '67 CUP and '72 amendment, as well as, the Phase Plan for what is now the Chabad property that was approved in '72. These clearly show the conceptual nature of the plan documents. Also included is a series of plans seen by the City Council and Planning Commission at their 1994 and 1995 hearings.

GRADING STUDIES

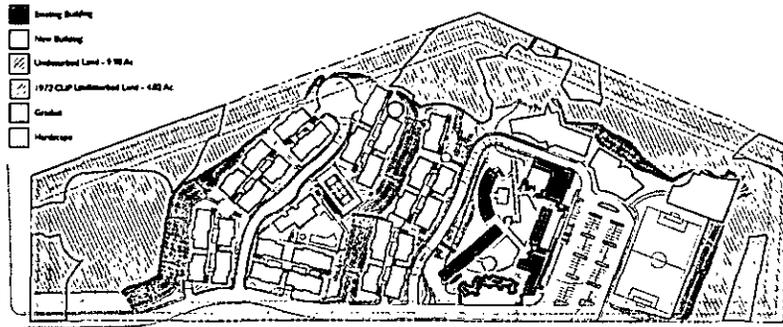
Following the Existing Site Plan and the Proposed Contextual Site Plan are three plans developed with the assistance of Hale Engineering. At the direction of staff, to prove that Chabad's proposed development was more sensitive than what would have been developed under the 1972 Phase Plan over what was to become the Chabad property, Hale Engineering prepared a grading plan showing the extent of grading if USIU had developed the property – only 4.02 acres of the 27 acre site would not have been disturbed (the areas in red). Study #2 shows the grading undertaken for the existing school and parking on the property. Study #3 shows the extent of grading and development proposed with this revised Plot Plan. It leaves 9.98 acres undisturbed versus the 4.02 acres undisturbed under the approved 1972 development.



1972 Amendment to CUP-133 PC
Exhibit 'A' - East Campus Plan

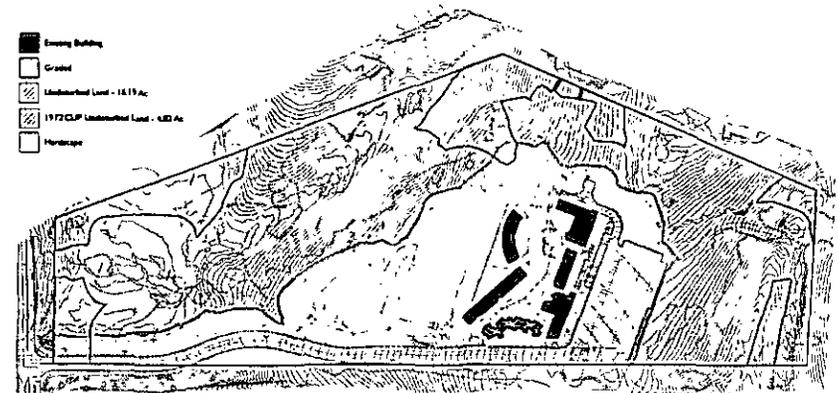


1972 USIU CUP 133-
PC Master Plan Grading Study
4.02 Undisturbed Acres



Proposed Site Plan Grading Study
9.98 Undisturbed Acres

Grading Analysis
Earthwork:
124,600 c.y. cut
81,300 c.y. fill
48,000 c.y. export
Site acreage:
26.98 acres
Portion of site undisturbed by grading:
9.98 acres

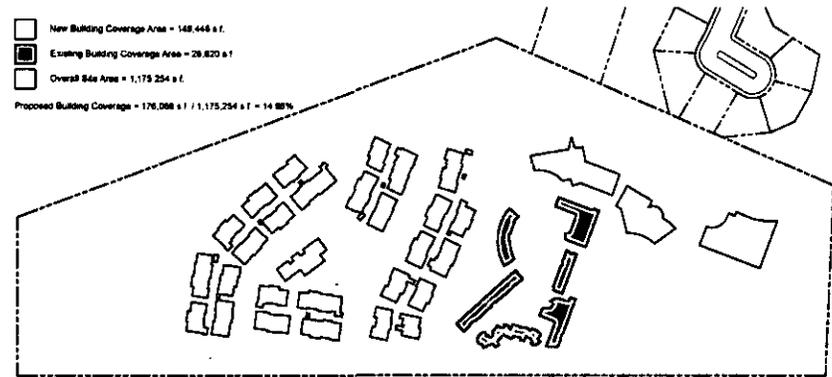


Existing Site Plan Grading Study
16.19 Undisturbed Acres

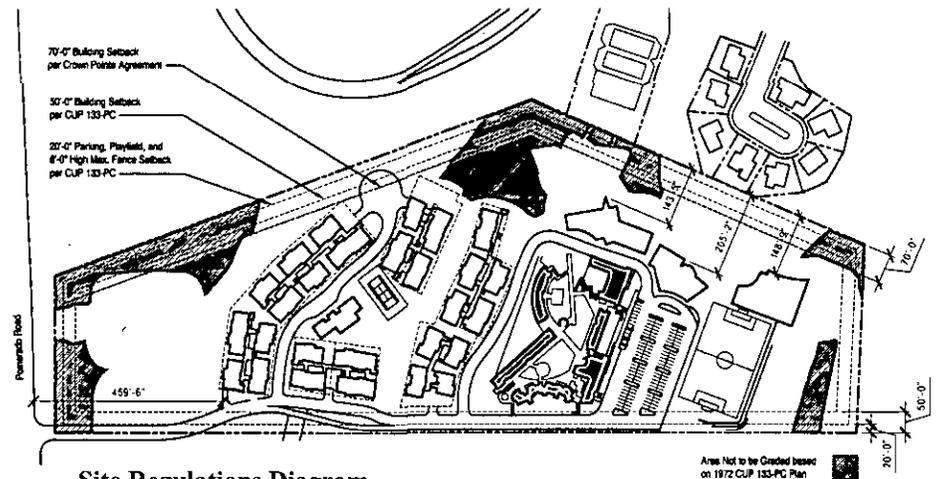
Grading Analysis
Site acreage:
26.98 acres
Portion of site undisturbed by existing
grading:
16.19 acres

PROPOSED SITE PLAN / PROJECT INFORMATION

Following the grading studies are the proposed site plan and some of the pertinent development information. The most significant development restriction of the CUP is a limitation of 15 percent coverage of the property which Chabad meets. Chabad also complies with the various setback requirements as well.



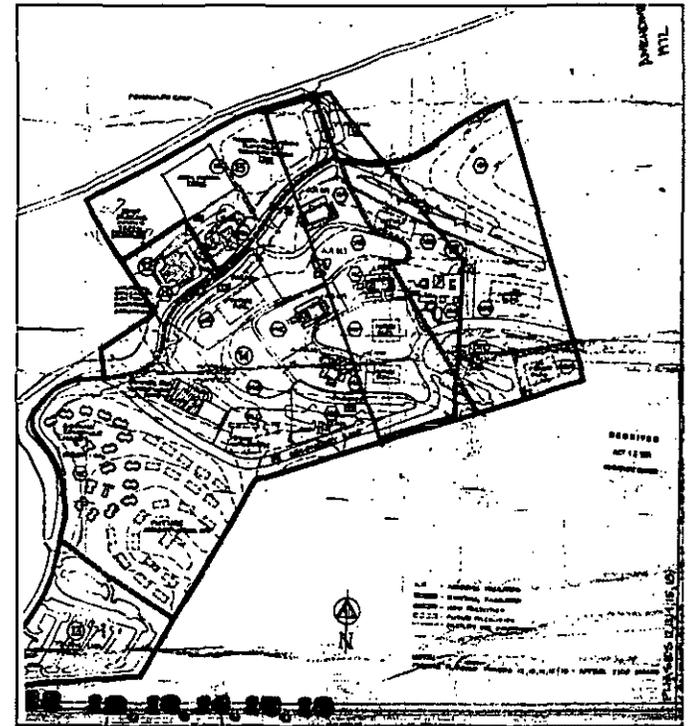
Site Coverage Diagram



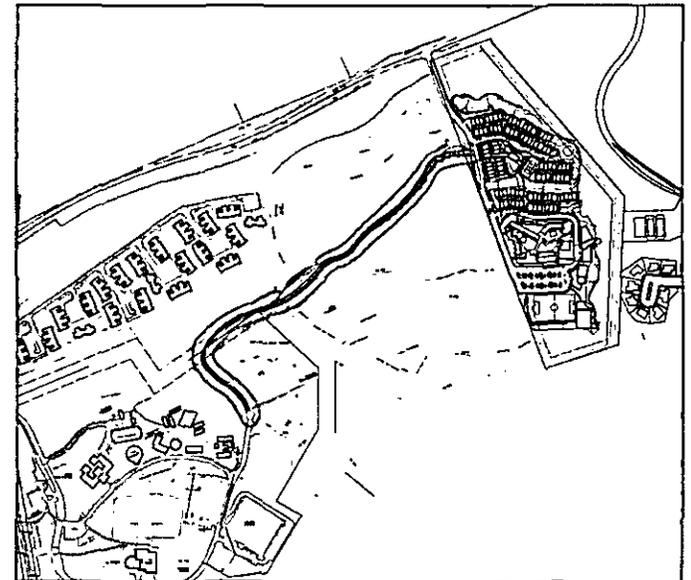
Site Regulations Diagram

EMERGENCY FIRE ACCESS ROAD

One of staff's greatest concerns with the proposed build out of the Chabad property is that there is only one access and egress for the property. Staff has insisted that before any of the proposed development can have plans submitted for building permits, that a secondary fire access road must be permitted, constructed and made available for Fire Department use. Chabad consulted with Alliant University, the successor to USIU, about whether Chabad could construct the roadway shown in the 1972 Phase Plan in order to be able to meet the City's requirement. The roadway was approved as part of the 1972 amendment, the development of the campus is vested and only engineering plans for the design and construction of the road are required in order to be able to build it. Alliant University agreed to allow Chabad to submit the preliminary grading plans for this road and process it's construction as an off-site improvement because it also provides a second means of egress for them as well. A plan showing this follows the landscape plan.



1972 CUP 133-PC Plan



Proposed Emergency Access Plan

VIEW FROM POMERADO RD. – PHOTO SIMULATION

A concern of the Scripps Ranch group was how the proposed project would look from Pomerado Road. The last three pages of the power point are photos showing the existing view of the Chabad property from Pomerado Road, the same view with the project rendered but without the existing landscaping that sits at the front of the property and lastly the view of the project rendered with the existing landscaping. Clearly, the project will not be very visible from Pomerado Road. This analysis does not even take into account the extensive amount of tree planting proposed with this development.



Photo Simulation – Existing View from Pomerado Road

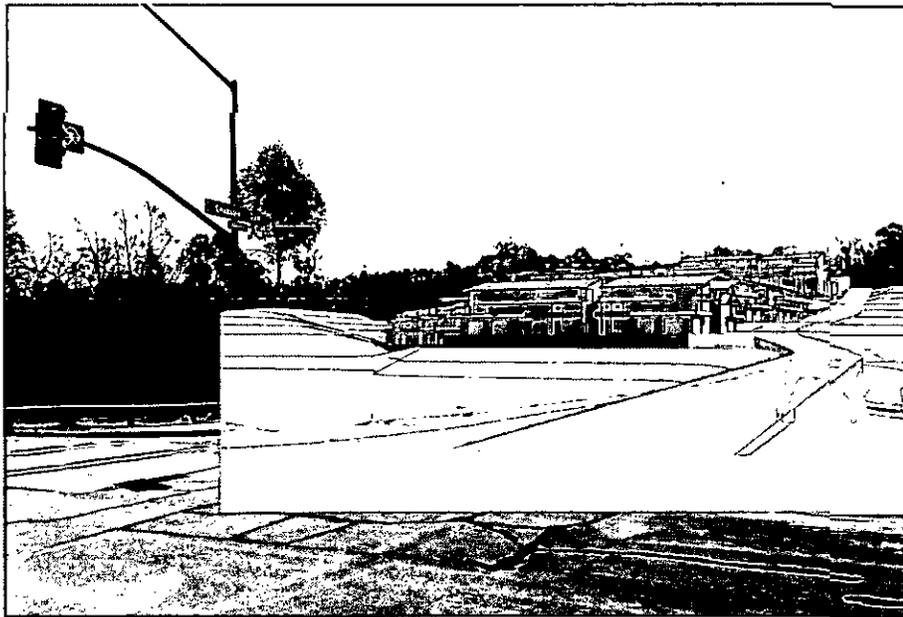


Photo Simulation –View from Pomerado Road with Proposed Project Rendering and without Existing Landscape



Photo Simulation –View from Pomerado Road with Proposed Project Rendering and Existing Landscape to Remain

PLANNING COMMISSION HEARING

On September 18, 2008, the Planning Commission recommended that the City Council approve Chabad's revised Plot Plan for the completion of development of its' campus as the proposal is in substantial conformance with CUP 133-PC. In the matter of Chabad's request for a waiver from the application of the Inclusionary Affordable Housing Regulations to its' proposal to construct 280 units of on-campus housing for students, married students, and faculty, the Planning Commission recommended that the City Council deny the request for a waiver as they did not believe that the findings could be made to support the request for the waiver.

The Planning Commission conceded that they did not fully understand the issue and request for the waiver from the Inclusionary Affordable Housing Regulations. Housing Commission staff was not available for questions by the time the hearing finally commenced. Development Services staff made it clear that they felt the proposed project could qualify for the waiver and that the waiver request was required because there is no specific exemption from the regulations for student housing and several other types of development. They further explained that Housing Commission staff had presented a report on the ordinance that recommended an exemption for student housing to the Land Use and Housing Committee but that the exemption had not been recommended by the Committee and the matter had still not gone before the full City Council.

The Commission indicated that based on limited information and the absence of Housing Commission staff to answer questions that it would be better to take no specific action, but to let the matter be dealt with by the City Council when better and proper information could be made available. However, the Deputy City Attorney advised the Commission that they had to recommend either City Council approval or denial of the waiver request. Based on the Deputy City Attorney's direction, the Commission recommended City Council denial of the requested waiver with an admonition that it should be "worked out at the City Council."

FACILITIES BENEFIT ASSESSMENT / PLANNING GROUP RECOMMENDATION

The issue of the waiver request was further muddled by the reversal of the Scripps Ranch Planning Group's recommendation of approval for the proposed development. The past chair stated that the group was concerned that part of Chabad's argument for why the Inclusionary Affordable Housing Regulations should not apply to its' development would subsequently be used by Chabad to reduce or avoid paying Facilities Benefit Assessment (FBA) fees. Chabad's consultant explained that the argument seeking a waiver from the Inclusionary Affordable Housing Regulations had no bearing whatsoever on Chabad's stated intent to pay whatever FBA fees the City determined would be required.

As a result of this, the Commission instructed staff to clarify for the planning group and the City Council what the FBA fees would be for Chabad's development and how they are determined. The planning group's position is that Chabad should pay the full multi-family residential FBA rate for its' on-campus housing while Facilities Financing staff have determined that only two-thirds of the multi-family FBA rate would be fair and required. This is explained more fully in a data sheet prepared by Facilities Financing staff and included as an attachment to the staff report and at the end of the waiver request material in this binder.

The City's Facilities Financing staff have concluded that having students and faculty living on-site would result in a reduced number of Average Daily Trips (ADT's) and that the impact of this on-campus housing more closely approximates the impact of senior housing. A caveat to the staff's determination is that the modified FBA fee is dependent on Chabad clearly stating on the site plan that the on-campus housing is to only be used by faculty and full-time students. Such a note has been placed on the plans.

In addition, the City will record a deed restriction on the property that will stipulate that any change in the use of the on-campus housing would require Chabad or any successors in interest to pay the remaining one-third of the full multi-family residential FBA fee. Chabad has also recommended that if the City Council approves the requested waiver from the application of the Inclusionary Affordable Housing Regulations to the proposed on-campus housing units, that the same or a similar deed restriction can be placed on the property that would require either compliance with the regulations or payment of the necessary in-lieu fees if the units are converted to any use other than on-campus housing.

CONCLUSION

Chabad requests City Council approval of the revised Plot Plan for the completion of development of the campus as recommended by the Planning Commission. Chabad also asks for City Council approval of the request for a waiver from the application of the Inclusionary Affordable Housing Regulations to its' proposal to construct 280 units of on-campus housing for students, married students, and faculty. Granting such waiver would be consistent with the previous recommendations of the Housing Commission and the Planning Commission that student housing should be exempted from the regulations subject to deed restrictions dictating the units would only be inhabited by students.

Inclusionary Affordable Housing
Waiver Request Information

Section 2

000016

RONALD L. BUCKLEY CONSULTING
PLANNING/DEVELOPMENT/GOVERNMENTAL RELATIONS
4714 Panorama Drive
San Diego, CA 92116
(619) 298-1880
buckleyconsulting@cox.net

October 2, 2008

Honorable Mayor and Members of the City Council
202 C Street
San Diego, CA 92101

RE: Chabad Educational Campus
Request for Waiver from the Inclusionary Affordable Housing Regulations

Pursuant to Municipal Code Section 142.1305(e), Friends of Chabad Lubavitch San Diego, Inc. submits this request for a waiver from the application of the Inclusionary Affordable Housing Regulations to its proposal to construct 280 units of on-campus housing for students, married students and faculty, in support of the build-out and completion of its educational campus consistent with City Council Resolution 284501 and Conditional Use Permit 133-PC. The ordinance states that: "No waiver, adjustment, or reduction shall be issued to an applicant unless there is an absence of any reasonable relationship or nexus between the impact of the development and either the amount of the in-lieu fee charged or the inclusionary requirement." It is our contention that there is no reasonable relationship between the impact of Chabad providing on-campus housing and the inclusionary housing requirement.

On-campus housing is not considered residential development per the Municipal Code and by its very nature, on-campus housing is intended to be more affordable than off-campus housing. In addition, it is not a tenable position for the City to hold that the ordinance applies to on-campus student/faculty housing when there is no guidance provided in the ordinance or the Implementation and Monitoring Procedures Manual on how to meet the provisions of the ordinance and provide or calculate affordable on-campus housing units.

Simply wanting the ordinance to apply to on-campus housing doesn't work if there is nothing relevant about the subject in the ordinance or its' procedure manual and the City has never considered or had procedures developed for how on-campus housing or a range of other residential uses could be made to comply (see pages 6 and 7 of the Housing Commission Report to the Land Use and Housing Committee-Report No: 2UH08-03, attached). This failure conclusively shows that the ordinance does not apply, thus there is no nexus/relationship, to on-campus student/faculty housing and the requested waiver should be granted by the City Council.

Land Development Code Clarification

If it was the City's intent to see that the Inclusionary Affordable Housing Regulations were to apply to on-campus housing of private, non-profit educational institutions then it is not written in a manner or form that reflects this legal intent. Land Development Code Section 142.01302 states that the Inclusionary Affordable Housing Regulations apply "to all residential development except as provided in Section 142.1303 (exemptions from the regulations)."

The exemptions to the ordinance are obviously for residential development of a character that the City decided the ordinance would not apply to. The City believes that Chabad's on-campus housing is residential development and thus subject to the provisions of the ordinance because it is not dormitories but apartment style development.

Unfortunately, the term "residential development" is not defined in the Code or otherwise clarified in the ordinance. However, for purposes of regulating uses and their development, the Code does establish a number of use categories and subcategories. The residential use category includes; group living accommodations; mobile home parks; multiple dwelling units and single dwelling units. Regarding the grouping of use categories, LDC Section 131.0111(c) states that "any use within the residential use category is considered a residential use or residential development." (emphasis added)

However, the use and development regulations for schools, colleges and universities are found under the Institutional Use category of the Code which would reasonably imply that associated on-campus housing is institutional, not residential development. In fact, LDC Section 131.0111(d) states that "Any use within the institutional, retail sales commercial services . . . categories is considered a commercial use or commercial development." (emphasis added)

Not For Rent/Not For Sale

Land Development Code Section 142.1306 General Inclusionary Affordable Housing Requirements – requires that "10 percent of the total dwelling units in the proposed development shall be affordable to targeted rental households or targeted ownership households . . . ", and it stipulates how the requirement can be met for residential development and condominium conversions. Chabad's and most other on-campus student housing is not for rent and not for sale and certainly not subject to condominium conversion. The costs and fees one pays for taking classes and going to school pays for the on-campus housing. Again, colleges and universities provide on-campus housing for their students as a means of making attendance and the associated cost of housing more affordable than what market rate apartments in the community may be.

If the ordinance was intended to apply to on-campus housing, besides clearly stating that it was intended to do so, it should provide clear instruction on how development that is neither intended for rent or for sale is supposed to be able to comply. Courts look at what

the obvious intent of an ordinance is as evidenced by both its' stated intent and whether or not it provides direction/instruction on how the ordinance is to be applied to anomalous examples of what is to be regulated. Based on the Housing Commission Report, it is apparent that the ordinance did not address or clarify whether or how it was supposed to apply to a whole range of residential development which led Commission staff to recommend that twelve types of residential development should be exempt from the ordinance.

Unfortunately, members of the LU&H Committee disagreed with Housing Commission staff regarding student housing. In spite of staff's explanation of the administrative difficulties of applying the ordinance to student housing (incredibly understated in my view), the Committee directed staff not to exempt student housing from the ordinance. However, no direction was given to staff nor did any discussion take place regarding how staff was to grapple with applying the regulations to student housing. To date, there is still no staff clarification on how an affordable on-campus housing scheme should be developed by a campus.

When asked, neither Development Services Department nor Housing Commission staff could produce any legal opinions or reports to City Council from when the ordinance was adopted that make it clear that on-campus housing is to be considered residential development for purposes of applying the ordinance. It certainly appears that none of the City's non-profit, educational institutions were consulted or apprised of the intent to have this ordinance apply to any future student housing they might build.

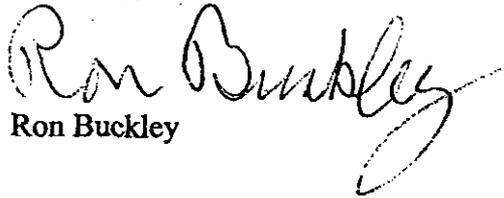
Additionally, in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual which establishes submittal requirements, review procedures and standards and guidelines for the program, there is no information relative to how on-campus housing of an educational institution is to be made to comply. The document indicates that the "Program requirements can be fulfilled through the provision of [affordable] rental or for-sale housing." Again, if on-campus housing is not for rent or for sale, how can it be claimed that the regulations apply?

Chabad does not believe that on-campus housing is subject to the provisions of the Inclusionary Affordable Housing Regulations. Per the City's own categorization of uses in the Code, the institutional development of Chabad or any other non-profit, educational campus is considered "commercial development" and per the ordinance should not then be subject to the provisions of the ordinance which are intended to only apply to residential development. Additionally, neither the ordinance nor the Procedures Manual address how on-campus, student housing is supposed to be made to comply with the regulations. The calculation of which is a proverbial administrative nightmare.

Chabad does agree with the Housing Commission's June 18, 2008 recommendation to the LU&H Committee that student housing should be exempted from the provisions of the Inclusionary Affordable Housing Regulations subject to deed restrictions dictating that the units shall only be inhabited by students (and in Chabad's proposal - also by

faculty). Since the ordinance has not been amended to resolve the issues identified in the Housing Commission's report and no substantive direction was given to City staff by the Committee, granting the requested waiver is both called for and appropriate and Chabad agrees with the concept of the imposition of a deed restriction. City staff have already proposed that a deed restriction be placed on the Chabad property that would require additional facilities benefit fees to be paid to the City if the on-campus housing is ever converted to multi-family housing. Including a similar restriction regarding compliance with the inclusionary housing regulations if the units ever become anything other than student housing seems to be the most appropriate way to deal with the issue.

Sincerely,

A handwritten signature in cursive script that reads "Ron Buckley". The signature is written in black ink and is positioned to the right of the typed name.

Ron Buckley

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Draft City Council Resolution

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(R-INSERT)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WAIVER
FROM THE REQUIREMENTS OF THE INCLUSIONARY AFFORDABLE HOUSING
REGULATIONS ORDINANCE
Chabad Educational Campus – Project No. 123607

WHEREAS, Friends of Chabad Lubavich San Diego, Inc., Owner/Permittee, filed an application with the City of San Diego for a Waiver from the requirements of the Inclusionary Affordable Housing Regulations Ordinance related to the Chabad Educational Campus, Project No. 123607, located at 10785 Pomerado Road, and legally described as Parcel 2 of Parcel Map No. 7724, in the County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, August 18, 1978, in the Scripps Miramar Ranch Community Plan area, in the RS-1-8 Zone; and

WHEREAS, pursuant to Municipal Code Section 142.1305(e), Friends of Chabad Lubavitch San Diego, Inc. requests a Wavier from the application of the Inclusionary Affordable Housing Regulations Ordinance to its proposal to construct 280 units of on-campus housing for students, married students and faculty, in support of the build-out and completion of its educational campus consistent with City Council Resolution Number 284501 and Conditional Use Permit 133-PC; and

WHEREAS, Friends of Chabad Lubavitch San Diego, Inc. contend that there is no reasonable relationship between the impact of Chabad's proposal to build this on-campus

housing and the stated inclusionary requirement of the Inclusionary Affordable Housing Regulations Ordinance; and

WHEREAS, on September 18, 2008, the Planning Commission of the City of San Diego considered Friends of Chabad Lubavitch San Diego, Inc. request for Waiver from the requirements of the Inclusionary Affordable Housing Regulations Ordinance for the Chabad Educational Campus, Project No. 123607, and pursuant to Resolution No. 4415-PC voted to recommend City Council denial of the Waiver; and

WHEREAS, the matter was set for public hearing on (date to be filled), 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 agrees with following conclusions with respect to the Waiver from the requirements of the Inclusionary Affordable Housing Regulations Ordinance and finds that there is no reasonable relationship between the impact of the Chabad development and the inclusionary requirement of the Ordinance:

FINDINGS FOR A WAIVER FROM THE REQUIREMENTS OF THE INCLUSIONARY HOUSING ORDINANCE:

1. The Inclusionary Affordable Housing Regulations Ordinance is intended to apply to residential development, however, the use and the development regulations for schools, colleges and universities are found under the Institutional Use category of the Municipal Code and Section 131.0111(d) of the Code states that any use within the institutional, retail sales, commercial services, offices, vehicle and vehicular equipment sales and services categories is considered a commercial use or commercial development.

2. Section 142.1306 General Inclusionary Affordable Housing Requirements requires that 10 percent of the total dwelling units in the proposed development shall be affordable to targeted rental households or targeted ownership households in accordance with Section 142.1309, and it stipulates how the requirement can be met for residential development and condominium conversions. Chabad's and most other on-campus student housing is not for rent and not for sale and not subject to condominium conversion. The costs and fees one pays for taking classes and going to school pays for the on-campus housing.

3. The General Inclusionary Affordable Housing Regulations Ordinance does not clearly state the applicability to on-campus housing or provide direction on how development that is neither intended for rent or for sale is supposed to be able to comply.

4. The Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual which establishes submittal requirements, review procedures and standards and guidelines for the program does not provide any information relative to how on-campus housing of an educational institution is supposed to comply. The document indicates that the Program requirements can be fulfilled through the provision of [affordable] rental or for-sale housing, however, the Chabad on-campus housing is not for rent or for sale.

5. Housing Commission staff have acknowledged that there is considerable complexity and substantial administrative difficulty in attempting to administer the affordable housing requirements for on-campus student housing and there is not currently any guidance or direction available on how to implement such a program.

6. Friends of Chabad Lubavitch San Diego, Inc. has agreed to the placement of a deed restriction on the Chabad property that would require compliance with the Inclusionary Affordable Housing Regulations Ordinance if the on-campus student housing is ever converted to anything other than student housing by Chabad or any successor in interest.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is not sustained, and the Waiver from the requirements of the Inclusionary Affordable Housing Regulations Ordinance for the Chabad Educational Campus, Project No. 123607, is granted to Friends of Chabad Lubavich San Diego, Inc., Owner/Permittee, under the terms and conditions set forth in the Waiver attached hereto and made a part hereof.

APPROVED: MICHAEL AGUIRRE, City Attorney

By

NAME

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

Form=permitr.frm(61203wct)

Reviewed by Cherlyn Cac

May 28, 2008

San Diego Housing Commission – Land Use & Housing Report LUH08-03
(includes attachments)

000026

LAND USE & HOUSING REPORT

DATE ISSUED: May 28, 2008

REPORT NO: LUH08-03

ATTENTION: Chair and Members of the Land Use and Housing Committee
For the Agenda of June 18, 2008

SUBJECT: Inclusionary Housing

REQUESTED ACTION:

That the Land Use and Housing Committee consider the information contained herein and respond to the affordable housing related issues raised by the Affordable Housing Task Force (AHTF), City Council, and other interested parties by recommending to the City Council adoption of the proposed amendments to the Inclusionary Housing Ordinance as summarized in the following section.

STAFF RECOMMENDATION:

Amend San Diego Municipal Code (SDMC) Chapter 14, Article 2, Division 13 as follows:

1. Exempt from the Inclusionary Housing Ordinance certain residential uses detailed in Staff Recommendation Number 1 on pages 7 of this Report.
2. Raise the income limit qualification criteria and for-sale pricing limit on for-sale affordable units.
3. Add language to Section 142.1302 codifying California's Redevelopment Law's preeminence on projects with for-sale units that are funded by the Redevelopment Agency.

Maintain the following provisions in the Municipal Code:

1. Maintain the three methods of compliance (on site construction, off site construction or in-lieu fee) as set forth in the Inclusionary Housing Ordinance, regardless of project size.
2. Maintain the requirement for off-site building within same Community Planning Zone.
3. Maintain Inclusionary Housing Ordinance exemption for projects of two dwelling units or less.
4. Maintain the Moderately Affordable Housing exemption at 150% AMI.

The following items have already been addressed and need no further action:

1. Extend the application of the self-certification provision for all Moderately Priced Housing projects. The Housing Commission will allow this through its implementation powers granted by SDMC Sections 142.1307 and 142.1311.

The following item cannot be addressed at this time but could be docketed for discussion after September 3, 2008:

1. Abide by the terms of the settlement with the Building Industry Association (BIA) and retain the in-lieu fee as an option of alternative compliance to the Inclusionary Housing Ordinance thus maintaining the three methods of compliance (on site construction, off site construction or in-lieu fee) as set forth in the Inclusionary Housing Ordinance, regardless of project size.

SUMMARY:

In August 2002, the San Diego City Council adopted a framework for an inclusionary housing program for the City of San Diego. The San Diego Housing Commission and City of San Diego formed a team to craft implementation documents in consultation with various interested parties. On May 20, 2003 the City Council adopted the Inclusionary Housing Ordinance which took effect citywide on July 3, 2003.

The basic requirements of the Inclusionary Housing Ordinance are:

- 10 % of the units in a residential development are to be set-aside at 65% AMI for rental units and at 100% AMI for for-sale units.
- At the developer's discretion, inclusionary units could be constructed on the original development site or off the site but within the same community planning area as the original site.
- The obligation applies to any residential development of more than two units.
- Rents are restricted for 55 years. Individual purchasers are allowed to resell, with financial recapture provisions.
- As an alternative to constructing the affordable housing, a developer can choose to pay an in-lieu fee. The fee amount was phased in to provide time for the market to adjust to the new fee structure. Currently, the fee is \$6.31 per sq. ft. and is scheduled to change again in July 2008. This figure is based upon a formula that takes into consideration the median priced home in San Diego and the median income of a family of four. Fees for projects of less than 10 units will be half of the in-lieu fee amounts for projects of 10 or more units.
- Modestly priced units which are sold to and affordable for families earning up to 150% of area median income (\$104,100 for a family of four) are exempt from the inclusionary housing provisions.

In June 2003, the Affordable Housing Task Force issued their housing recommendations to the Land Use & Housing Committee (LU&H) of the City Council. Included in their report were specific recommendations concerning the Inclusionary Housing Ordinance. The recommendations were reviewed at the September and October 2003 LU&H meetings. Although the Committee did take a position on many of the AHTF recommendations, little discussion was specifically devoted to the inclusionary ordinance recommendations.

When the ordinance was adopted by the City Council it was indicated that, rather than immediately acting upon the inclusionary-specific recommendations put forth by the AHTF, the ordinance should be reviewed after at least one year of implementation. Following are some statistics based upon the performance of the Inclusionary Housing Ordinance as of July 2007:

- All residential development projects of two or more units, including condominium conversions, are subject to the Inclusionary Housing Ordinance;
- The Inclusionary Housing Ordinance has been applied to 1,070 projects (25,284 units);

- 326 projects (7,208 units) have been exempted from the ordinance;
- 81 projects (1,609 units) have built or plan to build their affordable housing requirement;
- 982 of the projects (92%) have elected to pay the in-lieu fee that is expected to generate approximately \$40,858,825; of that amount, \$20,374,310 has already been collected with another \$20,484,515 anticipated;
- 6 projects have been built with Inclusionary in-lieu fees which represents 591 affordable units;
- As approved in the Affordable Housing Fund Annual Plan, \$890,000 of Inclusionary Housing Funds was made available in FY05, FY06, and FY07 for a Condominium Conversion Purchase Assistance Program. The Condo Conversion Program was not taken advantage of, thus the funds were re-directed into Housing Commission first-time homebuyer programs to assist families purchase affordability-restricted units. All of the \$890,000 has been expended and the Housing Commission allocated \$1.39M in Inclusionary Funding in FY08 and FY09 toward similar programming.

A number of the proposed amendments to the current Inclusionary Housing Ordinance are the result of suggested amendments put forth by the AHTF as well as the City Council and center around significant policy changes. Other recommendations have arisen from the four years of experience with the implementation of the Ordinance itself.

The Housing Commission considered a version of these recommendations on October 29, 2004 (HCR 04-078). However, as time has passed, several recommendations have either changed or have been rendered moot due to changing circumstances. Therefore, prior to moving forward to LU&H and ultimately City Council, staff felt it appropriate to resubmit these revised recommendations to the Commission Board for consideration.

AHTF Recommended Changes:

1. *Large-Scale Development* – Initial AHTF discussions identified larger scale development projects as having more flexibility in physical attributes and may have greater financial ability to build the required affordable units and it was therefore discussed whether larger scale developments should be precluded from the in-lieu fee option.

The AHTF subsequently took the position that “large-scale developments” should continue to be treated the same as any other development types under the inclusionary housing program, and should be offered all three methods of compliance contained in the Inclusionary Housing Ordinance. These options include: construction of the affordable units on-site; construction of the units off-site; or paying the in-lieu fee.

One of the leading difficulties the AHTF recognized was the current lack of a definition for “large scale” projects. If larger projects are to be treated differently, then a definition should include both a number of dwelling units as well as a minimum acreage in order for a development project to qualify as “large scale.” Any working definition should also take into account downtown high-rise condominium projects

where a requirement to build affordable housing within such developments is not considered to be financially practical.

Discussions amongst representatives from the Housing Commission, Centre City Development Corporation (CCDC), the City's Planning and Development Services Departments resulted in a consensus to not preclude "large scale" projects from the in-lieu fee for a variety of reasons. Primarily, there were not any foreseeable areas within suburban San Diego that were thought to yield the number of housing units contemplated in a large scale project (e.g. in excess of 250 units). However, the onset of a Community Plan Amendment in the Otay Mesa community has changed the landscape on this issue since consensus was reached. The re-zoning and Community Plan Amendment process in Otay Mesa presents the City with another opportunity that the North City Future Urbanizing Area (NCFUA) once presented: an inclusionary requirement higher than the citywide 10% could be placed on any future residential development in that community as it is being developed. The NCFUA has a 20% requirement and Otay Mesa could follow that same model. Otherwise, a lack of vast residentially zoned parcels in other parts of the City would preclude the use of an empty definition.

Secondly, most housing developments which would result in at least 250 units or more will likely occur in downtown high-rise condominium projects. Both the cost of land downtown in addition to the cost of construction materials necessitates the need for alternative forms of inclusionary ordinance compliance. Additionally, Homeowner Association fees in these types of buildings tend to absorb most of the "buying power" of median income homeowners, leaving very little income to pledge towards even a modest mortgage. CCDC officials have argued that a project of 450 or more units is not considered a large scale project by CCDC standards. A requirement of 45+ affordable units would likely place many projects in jeopardy of securing adequate financing to carry the costs associated with downtown construction. Furthermore, if the definition of "large scale" takes into consideration the issue of minimum acreage then many of the downtown residential projects would fail to qualify.

Recommendation: Staff's recommendation reflects the Task Force's original position: continue applying the inclusionary housing ordinance to development projects regardless of size, allowing for all developments to take advantage of the three methods of compliance. However, when a Plan Amendment and rezone of Otay Mesa occurs, future decisions would be needed to insure future development of affordable housing at higher percentages than the rest of the City.

2. Offsite Affordable Housing and Use of In-Lieu Fees – The AHTF voted to recommend modification of the geographic areas for offsite construction of inclusionary housing units to allow offsite units to be constructed within a 4-mile radius of the primary project rather than only in locations within the same community planning area as the primary project as is now required. Although a developer may currently build the offsite units outside of the community planning in which the market rate project is located, it does however require further approval by the decision makers.

Previously, LU&H concluded that this policy might create unintended consequences if a primary project were located on the border between two community plan areas. Under this proposed methodology, differing community planning areas could impact a neighboring planning area over which they have no land use recommendation jurisdiction. Additionally, the primary community planning area could unduly shift their affordable housing requirement and balanced community allotment to other planning areas.

As with any development requirement, Housing Commission staff will remain open to consideration of exceptions to this policy. Where data and circumstances dictate more flexibility, Housing Commission will join with the development team to present reasons why deviation from the policy should be considered by both Planning Commission and City Council. However, as a rule the development community should be required to explore and exhaust all off-site development opportunities within the primary Community Planning Area before looking outside of the planning area.

Recommendation: Based upon the potential shifting of affordable housing requirements between communities, staff does not recommend adoption of the AHTF proposal to expand the area in which off-site units could be constructed.

3. *Shared Equity Provisions* – The AHTF recommended and LU&H previously agreed that the structure of the shared-equity provision for the for-sale inclusionary housing units should be changed from a 15-year buy-in period to a 30-year, straight-line amortization of the share in equity. Attachment 1 illustrates the original 15-year shared equity timetable and the previously recommended 30-year timetable.

In addition to extending the shared equity timeframe, the Task Force voted to recommend three percent simple interest be applied to the “price differential” between the initial purchase price and the appraised value at the time of purchase. Housing Commission General Counsel recommends against adding an interest payment to the shared equity provision due to State of California prohibitions. To require an additional interest payment in conjunction with taking a shared interest in the equity of the property could be viewed by the courts as being usurious to the homeowner.

Additionally, many land use programs on the state level utilize a shared appreciation provision rather than a shared equity provision when entering into agreements for affordability terms. Shared appreciation would give the administering jurisdiction a return of the original investment (subsidy) and a proportional share of the appreciation realized on any affordable unit for 30 years or whenever the first sale of the unit occurs. For example, if the administering jurisdiction were to provide 25% of the funding used to acquire the unit, then the jurisdiction would realize the original investment and 25% of the overall appreciation that accrues over time upon the sale of the unit.

It was thought by making this change and extending the affordability requirements it would enable the jurisdiction to take advantage of changing market forces and to in turn leverage the realized appreciation into more affordable housing opportunities. Additionally, it would provide consistency among the various programs that utilize shared appreciation and enable builders of inclusionary housing to use other programs such as density bonuses, and eases the burden of calculating competing program requirements.

Upon further consideration of this issue, staff has revised its original recommendation. After lengthy discussions with representative from the development industry and Housing Commission staff alike, extension of the 15-year shared equity provision to a 30-year timeframe may create a disincentive for homeowners to maintain their property and/or make allowable upgrades. By realizing a lesser equity percentage each year the home is occupied, a family would have to wait much longer than the typical homeowner to realize any significant return on their investment. Additionally, a longer 30-year period is not widely thought to dissuade homeowners from selling property on the open market. Other factors are often at work in such a decision (e.g. loss of job, need to move nearer to employment or family, etc.).

Recommendation: Staff recommends to maintain the shared equity 15-year provision.

4. *Threshold Project Size for Application of Ordinance* – The AHTF recommended that the threshold of exempted projects be set at four units or less. Currently, the ordinance exemption applies to projects of two units or less. In September 2003 LU&H agreed that the threshold should be raised to four units, but little discussion was devoted to this proposed amendment.

Upon further analysis, it was discovered that since the inception of the Inclusionary Housing Ordinance, approximately 477 projects have been submitted that are of 4 units or less. Approximately 225 of those 477 are projects of two units or less. Approximately \$1,342,000 has been collected as in-lieu fees for those non-exempt projects with another \$944,000 still anticipated. Additionally, roughly 56% of the projects consisting of two to four units are located in high cost areas in town (e.g. La Jolla, Uptown, the beachside communities area).

It should be noted that the in-lieu fees for smaller projects (fewer than ten units) are half of the amount of the established fee for projects of ten units or more. Staff does not find that the discounted fee is detrimental to development. Finally, in December 2004, LU&H voted to maintain the exemption at two or fewer units.

Recommendation: Staff recommends that the number of units exempted from the ordinance remain at two units or less.

5. *Self-Certification* – The final AHTF recommendation was to allow for developers who build units qualifying for the exemption under the modestly priced home provision of the ordinance (units in a project that are offered to families earning 150% AMI or less) to self-certify prospective buyers. Self-certification was included in the inclusionary provisions applicable to condominium conversion projects. Currently, the Housing Commission requires buyers, not developers, to self-certify their income. This methodology places the burden on the party with access to the best information and the most to gain from qualifying. Due to the difficulty inherent in allowing for self-certification of income (fraud, accurate data gathering, etc.) the Housing Commission is not in favor of self-certification in general, but defers to the forces of the marketplace to make the transaction more fluid in an ever changing housing market.

Recommendation: Through its implementation powers granted by SDMC 142.1307 and 142.1311, the Housing Commission will allow purchasers of moderately priced housing units to self-certify their income.

Staff Recommended Changes:

1. *Exemptions from the Ordinance* – Currently, the Inclusionary Housing Ordinance applies to all residential uses. One of the goals of the inclusionary housing policy is to create a balance in the neighborhoods of San Diego between multi-family and single family homes as well as a balance of affordability. Many existing residential land uses appear inappropriate for application of the ordinance, for example: requiring affordable units to be built as part of a fraternity or sorority house does not comport with the original intent of the ordinance.

The City of San Diego's Redevelopment Agency (Agency) submitted a memo dated May 13, 2008 (Attachment 4) detailing concerns over the exemption of Student Housing in particular. The Agency's concern is in Redevelopment Project Areas, such as the San Diego State University project area, the exemption of student housing from the Inclusionary Housing Ordinance would "place the Agency behind in meeting its California Community Redevelopment Law (CRL) inclusionary production requirements." In short, the Agency is under a state mandate to provide a total percentage of affordable housing within their Redevelopment Project Areas. By exempting student housing the requirement to produce the affordable units shifts from the developer to the Agency itself.

Housing Commission staff has discussed this topic with the Agency's staff and still maintains the exemption is reasonable. Given the difficulties in both tracking the tenancies typical of an ever-moving student body as well as trying to determine what constitutes a "family" per HUD guidelines, the administrative difficulties of administering the program to this type of construction are substantial. Student populations move either every semester (every four months) or every eight to nine months as the academic year dictates. Additionally, HUD guidelines do not recognize unrelated students who choose to co-habitate with one another as a "family" for purposes of determining a family's income and eligibility for low income units. If Commission staff is not to look to the current inhabitants of a restricted unit as a family unit, then it is imperative to look to the parents of the students which also complicates the administration of the ordinance.

The Agency's memo offers an option to limit the affordable units to graduate students and/or university staff and to market them as "family units." This option may limit the number of unrelated persons co-habiting with one another and may provide more stability in the tenant turnover on a yearly basis. However, if this option is chosen the Commission would want to place similar deed restrictions on those affordable "family" units that would limit the types of tenants allowed to reside in the units to actual families who are related to one another.

Recommendation: Staff suggests that the following residential uses be exempted:

- Boarder and Lodging Accommodations
- Companion Units
- Fraternity/Sorority Housing subject to deed restrictions dictating the units shall only be inhabited by students
- Student Dormitories
- Student Housing subject to deed restrictions dictating the units shall only be inhabited by students
- Group Living Accommodations
- Guest Quarters
- Residential Care Facilities
- Transitional Housing Facilities
- Time Shares
- Developments subject to a Vesting Tentative Map deemed complete prior to June 3, 2003
- Development Agreements approved prior to June 3, 2003

2. *Moderately Priced Housing Exemption* – The adopted Inclusionary Housing Ordinance includes a provision to exempt housing units from the inclusionary requirement if the units are offered for-sale at prices affordable to families earning 150% AMI or less. This exemption was intended as an incentive for developers. Under this provision, developers would agree to sell units in a development at the 150% AMI affordability level, thus assisting a segment of the population that has few programs designed to assist in the procurement of affordable housing. Additionally, each purchaser would agree under penalty of perjury to certify that they meets all requirements under the inclusionary housing program.

This item was discussed at Council in August of 2004. Testimony was presented suggesting that few, if any, homes are being built for the 150% AMI affordability range, thus making this exemption an empty one. Council requested staff to look at other levels and the ramifications of raising the AMI level of the moderately priced housing exemption. The table below as well as Attachment 2 both illustrate a comparison of the options available to a family of four at the 150% and 200% AMI level. Within these two income levels exist a range of choices from which decision makers can choose the appropriate level of housing debt the median family could bear:

150% AMI: \$104,100/year
Monthly Income: \$8,675

Housing Debt (as % of Income)	30%	35%	40%	45%	50%
Amt. Avail. For Housing per Month	\$2,603	\$3,036	\$3,470	\$3,904	\$4,338
Max. Sales Price	\$319,671	\$381,228	\$442,785	\$504,342	\$565,899

200% AMI: \$138,800/year
Monthly Income: \$11,567

Housing Debt (as % of Income)	30%	35%	40%	45%	50%
Amt. Avail. For Housing per Month	\$3,470	\$4,048	\$4,627	\$5,205	\$5,784
Max. Sales Price	\$442,785	\$524,861	\$606,937	\$689,013	\$771,089

With the median priced home costing approximately \$395,000, there are still many homes for sale that are not within reach of a family falling in the 150% AMI level. A family of four at the 150% AMI level would need to spend between 35% and 40% of their monthly income to afford the median priced home. Alternatively, a family of four at the 200% AMI level can be served by the housing market and comfortably afford the median priced home, spending less than 30% of their monthly income. Therefore, the exemption provided to developers to sell their units at the 150% AMI income bracket creates an incentive for the development of modestly priced housing that the market might not otherwise provide. It creates the additional benefit of empowering families in 150% AMI income bracket to devote a lower percentage of their monthly income to the purchase of their home.

Recommendation: Staff recommends keeping the exemption at the 150% AMI level.

3. *Raise the income qualification limits for affordable for-sale units* – After four years of experience with the Inclusionary Housing program, staff has encountered difficulty with finding qualified buyers for the for-sale affordable units. The reason for the difficulty is in the way the ordinance was written and adopted. All for-sale units are sold at prices that a family at 100% AMI can afford. The problem with this measure is that developers will sell the units at the uppermost limit of the 100% AMI level range and the family that can qualify cannot make more than 100% AMI. If the family should have a car loan, credit card debt or some lingering unpaid medical bills, their purchasing power is adversely affected such that they are routinely unable to qualify for the home. This presents the situation where the developer is forced in taking only the “perfect” buyer who has no bad credit history, and no other monthly debt service.

By contrast, State Community Redevelopment Law (CRL) allows jurisdictions to allow buyers at higher AMI levels to qualify for the lower purchase price. For example under state redevelopment law, a family that would fall in the 120% AMI level can qualify for a unit that is sold at 110% AMI. This creates a wider array of qualified buyers and opens the window of eligibility to create affordable housing opportunities for families that would have normally been excluded from the prospect of home ownership because their income is too high for the program. This practice also provides the developer with a pool of candidates that cannot only afford the units, but will not be one catastrophe away from being forced out of the unit.

Recommendation: Staff recommends raising the income limit qualification criteria for for-sale affordable units to 120% AMI and raising the for-sale pricing limit to 110% AMI. This change should create more qualified buyers able to afford units at the 110% AMI sales level and to bring the local ordinance into compliance with other state laws (CRL and Density Bonus).

4. *Insert language into Section 142.1302 and 142.1303 specifying California’s Redevelopment Law’s preeminence on projects with for-sale units that are funded by the Redevelopment Agency* – The Housing Commission has recently worked on a number of projects with for-sale affordable housing units that have been partially funded by the Redevelopment Agency (Agency). Currently, these affordable for-sale units are subject to both the Inclusionary Ordinance and CRL. The Inclusionary Ordinance allows the affordable for-sale units to be resold at market rates with a recapture of the initial subsidy and equity sharing, while CRL calls for affordable units to be resold at restricted prices to eligible households for a minimum of 45 years.

Section 142.1302 of the Ordinance states that the Inclusionary requirements shall not be cumulative to other state and local affordable housing requirements and further, to the extent that restrictions overlap, the more restrictive of the two shall apply. Based upon guidance from the City Attorney’s Office, it has been determined that the resale restrictions of CRL are more restrictive than those of the Inclusionary Ordinance. As a result, the Housing Commission has previously agreed to use CRL’s resale restrictions for affordable for-sale units that are funded by the Agency. Staff recommends codifying this practice by adding language to the Inclusionary Ordinance documenting this practice in order to avoid confusion in the future. Finally, the Agency’s memo (Attachment 4) details an addition to Section 142.1303 that would exempt these types of developments from the Inclusionary Housing Ordinance’s requirements entirely. Commission staff agrees with the Agency with respect to this addition.

Recommendation: Add language to Section 142.1302 and 142.1303 codifying CRL's preeminence on projects with for-sale units that are funded by the Redevelopment Agency and exempting developments in the Redevelopment Project Areas from the recordation requirements of Inclusionary Housing.

Other Inclusionary Housing Topics:

1. *Elimination of the In-Lieu Fee* – Members of the City Council have noted that most developers opt to pay the in-lieu fee rather than build the affordable housing, and have asked whether policy changes could alter that trend. The fee amount was phased in to allow for the market to adjust to the new fee structure and to avoid undue burden on pipeline projects. Therefore, it was to be expected that payment of the fee would be chosen over building the affordable units because it is better business sense to do so.

LU&H asked for a legal analysis on eliminating the in-lieu fee. In the City Attorney's analysis (Attachment 4) it is clear that it is not illegal on its face to eliminate the fee. However, in September of 2006 the City Council entered into a settlement with the BIA which stipulated the City would not alter or attempt to eliminate the in-lieu fee option for two years from the date of the settlement (September 3, 2008).

Recommendation: Abide by the terms of the settlement with the Building Industry Association (BIA) and retain the in-lieu fee as an option of alternative compliance to the Inclusionary Housing Ordinance thus maintaining the three methods of compliance (on site construction, off site construction or in-lieu fee) as set forth in the Inclusionary Housing Ordinance, regardless of project size.

2. *Relationship of Inclusionary Housing Ordinance to Density Bonus Programs* – At the August 2, 2004 Affordable Housing Day, it was suggested that Council consider a ten percent on-site building bonus to the Inclusionary Housing Ordinance. In the fall of 2004 SB 1818 was signed into law. Subsequent discussions with City Staff and the City Attorney's office indicate that significant changes to the City's Density Bonus program are needed to comply with state law. These efforts were addressed during the City Council hearing on Density Bonus on November 6, 2007 and need no further action at this time.

FISCAL CONSIDERATIONS:

In the event that the recommended actions are approved, there will be nominal financial costs associated with the administration of future actions which would be absorbed by the Housing Commission as well as the City's City Planning and Community Investment and Development Services Departments.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Land Use and Housing Committee considered this Report on December 1, 2004. The Committee's actions regarding the proposed recommendations are included as Attachment 3.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The San Diego Housing Commission considered the first iteration of this Report on October 29, 2004 (HCR 04-078). The Planning Commission considered the first iteration of this Report on April 7, 2005. These two bodies' recommendations are also included in Attachment 4 to this report. The San Diego Housing Commission will consider this iteration of the Report on May 16, 2008. Furthermore, many of the recommendations put forth in this report are the result of a widely inclusive stakeholder group known as the Affordable Housing Task Force (AHTF).

The development community, as represented by the BIA, opposes inclusionary housing in concept, but through numerous discussions with staff they have indicated no opposition to the proposed recommendations set forth in this report. Affordable housing advocates have indicated their opposition to staff's recommendation to keep the in-lieu fee option available to developers and have expressed their desire to eliminate the in-lieu fee altogether thus requiring developers to build the affordable units.

ENVIRONMENTAL REVIEW:

This activity is not a "project" and is therefore not subject to the California Environmental Qualities Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3).

KEY STAKEHOLDERS & PROJECTED IMPACTS:

The development community, a host of affordable housing advocates and the low income individuals and families of San Diego are all key stakeholders in this item. The numerous recommendations listed in this report would have minimal impact on the current program.

These recommendations seek to balance financial hardship on the development community with the potential of exacerbating the affordable housing crisis in San Diego by perpetuating unbalanced communities.

Respectfully submitted,

Approved by,

D. Todd Philips
Director, Policy and Public Affairs

Carrol M. Vaughan
Interim President & Chief Executive Officer

1. Shared Equity Tables
2. AMI Level Affordability Index
3. San Diego Housing Commission, LU&H and Planning Commission Recommendations
4. City of San Diego Redevelopment Agency Memo dated May 13, 2008

Distribution of these attachments may be limited. Copies available for review during business hours at the Housing Commission offices at 1122 Broadway, Ste. 300.

Current Table 142-13B

Length of Ownership at the Time of Resale, Refinance, or Transfer	Share of Equity to Household
Months 0-12	15%
Year 2	21
Year 3	27
Year 4	33
Year 5	39
Year 6	45
Year 7	51
Year 8	57
Year 9	63
Year 10	69
Year 11	75
Year 12	81
Year 13	87
Year 14	93
Year 15 or after	100%

Proposed Table 142-13B

Length of Ownership at the Time of Resale, Refinance, or Transfer	Share of Equity to Household
Months 0-12	15%
Year 2	18
Year 3	21
Year 4	24
Year 5	27
Year 6	30
Year 7	33
Year 8	36
Year 9	39
Year 10	42
Year 11	45
Year 12	48
Year 13	51
Year 14	54
Year 15	57
Year 16	60
Year 17	63
Year 18	66
Year 19	69
Year 20	72
Year 21	75
Year 22	78
Year 23	81
Year 24	84
Year 25	87
Year 26	90
Year 27	93
Year 28	96
Year 29	99
Year 30 or after	100%

ATTACHMENT 2

Family Size	4	4	4	4	4
150% AMI - Annual	\$ 104,100	\$ 104,100	\$ 104,100	\$ 104,100	\$ 104,100
Monthly	\$ 8,675	\$ 8,675	\$ 8,675	\$ 8,675	\$ 8,675
Housing Debt	30%	35%	40%	45%	50%
Amount Available for Housing	\$ 2,603	\$ 3,036	\$ 3,470	\$ 3,904	\$ 4,338
Less HOA	\$ (350)	\$ (350)	\$ (350)	\$ (350)	\$ (350)
Less Taxes@ 1.25%	\$ (333)	\$ (397)	\$ (461)	\$ (525)	\$ 589
	\$ (683)	\$ (747)	\$ (811)	\$ (875)	\$ (939)
Amount Available for 1st Trust Deed	\$ 1,920	\$ 2,289	\$ 2,659	\$ 3,029	\$ 3,399
1st TD*	\$ 303,687	\$ 362,167	\$ 420,646	\$ 479,125	\$ 537,604
5% Down	\$ 15,984	\$ 19,061	22,139	25,217	28,295
Maximum Sales Price	\$ 319,671	\$ 381,228	442,785	504,342	565,899

Family Size	4	4	4	4	4
200% AMI - Annual	\$ 138,800	\$ 138,800	\$ 138,800	\$ 138,800	\$ 138,800
Monthly	\$ 11,567	\$ 11,567	\$ 11,567	\$ 11,567	\$ 11,567
Housing Debt	30%	35%	40%	45%	50%
Amount Available for Housing	\$ 3,470	\$ 4,048	\$ 4,627	\$ 5,205	\$ 5,783
Less Hoa	\$ (350)	\$ (350)	\$ (350)	\$ (350)	\$ (350)
Less Taxes@ 1.25%	\$ (461)	\$ (547)	\$ (632)	\$ (718)	\$ (803)
	\$ (811)	\$ (897)	\$ (982)	\$ (1,068)	\$ (1,153)
Amount Available for 1st Trust Deed	\$ 2,659	\$ 3,151	\$ 3,645	\$ 4,137	\$ 4,630
1st TD*	\$ 420,646	\$ 498,618	\$ 576,590	\$ 654,562	\$ 732,534
5% Down	\$ 22,139	\$ 26,243	\$ 30,347	\$ 34,451	\$ 38,555
Maximum Sales Price	\$ 442,785	\$ 524,861	\$ 606,937	\$ 689,013	\$ 771,089

* Assumes an interest rate of 6.50% based on 30-year fixed

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OTHER RECOMMENDATIONS

On October 29, 2004 this Report was presented to the San Diego Housing Commission. On December 1, 2004 this Report was presented to the Land Use and Housing Committee. And on April 7, 2005 this Report was presented to the Planning Commission. Each of those reviewing bodies voted on each of Staff's recommendations as follows:

1. Maintain in-lieu fee payment option for Large-Scale Developments.
SDHC: Approved.
LU&H: Forwarded to City Staff to develop a definition for "Large-Scale Development."
PC: Voted 6-0 to phase out In-Lieu fees altogether.
2. Maintain off-site building to within same Community Planning Zone.
SDHC: Approved.
LU&H: Approved.
PC: Approved.
3. Extend the shared equity provisions for for-sale affordable units from 15-years to 30-years.
SDHC: Approved.
LU&H: Approved.
PC: Approved.
4. Maintain Inclusionary Housing Ordinance exemption for projects of 2 dwelling units or less.
SDHC: Failed on a vote of 3-3. Offered no other recommendation.
LU&H: Approved.
PC: Approved.
5. Extend the application of the self-certification provision for Moderately Priced Housing projects.
SDHC: Approved.
LU&H: Approved.
PC: Approved.
6. Exempt from the Inclusionary Housing Ordinance certain above-referenced residential uses detailed in Number 1 on pages 5-6 of this Report.
SDHC: Approved.
LU&H: Approved.
PC: Approved.

Attachment 3

7. Maintain the Moderately Affordable Housing exemption at 150% AMI.
SDHC: Approved.
LU&H: Approved.
PC: Approved.

8. Maintain the in-lieu fee payment phase-in schedule.
SDHC: Approved.
LU&H: Forwarded to City Attorney to conduct a legal analysis on the elimination
of the in-lieu fee (see Attachment 5).
PC: Approved.



THE CITY OF SAN DIEGO

MEMORANDUM

DATE: May 13, 2008

TO: San Diego Housing Commission, Chair and Members of the Board

FROM: Janice Weinrick, Deputy Executive Director, Redevelopment Agency
 Nancy Graham, President, Centre City Development Corporation
 Carolyn Smith, President, Southeastern Economic Development Corporation

SUBJECT: Proposed Revisions to the Inclusionary Housing Ordinance
 San Diego Municipal Code Chapter 14, Article 2, Division 13
 May 16, 2008 Agenda - Item #105 / HCR08-036

As you may be aware, the Housing Commission participates in the Affordable Housing Collaborative with the City of San Diego's Redevelopment Agency (Centre City Development Corporation, Southeastern Economic Development Corporation and the Redevelopment Division of the City Planning & Community Investment Department). Our Collaborative members have participated in several constructive discussions regarding proposed revisions to the Inclusionary Affordable Housing Regulations.

As part of this ongoing discussion, we have been made aware of the changes to the Inclusionary Affordable Housing Regulations proposed in HCR 08-036 to be considered by your board at its meeting on May 16, 2008. This memorandum is provided to offer counter-suggestions to two (2) of the proposals contained in the referenced report.

Student Housing Exemptions

HCR 08-036 includes a recommended list of residential uses to be exempted from the Inclusionary Affordable Housing Regulations. We are in support of those recommended exemptions, except for "student housing subject to deed restrictions dictating the units shall only be inhabited by students." We do not support an exemption from the Municipal Code requirements for this residential use.

A deed restriction requiring habitation by students does not guarantee housing affordability and, in some cases, can result in a "unit" rent (leased by bedroom) in excess of a similarly-sized market rate unit.

Student housing is a lucrative development option in this economic environment. The demand for private student housing is expected to remain strong for several years. College enrollments have

Redevelopment Agency

1200 Third Avenue, Suite 1400, MS 560 • San Diego, CA 92101-4110
 Tel (619) 236-6700 Fax (619) 533-3219

City Planning & Community Investment



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San Diego Housing Commission, Chair and Members of the Board
May 13, 2008

been on the rise as the baby boomer's children come of age. Investors can anticipate steady rent increases regardless of economic conditions or the interest rate climate. The success of these investments is tied to college enrollment, not to external economic factors like job creation.¹ For example, there have been two recent projects proposed in the College Community Redevelopment Project Area which would not require Agency financial assistance. An exemption to the Inclusionary Affordable Housing Regulations for these projects would place the Agency behind in meeting its California Community Redevelopment Law (CRL) inclusionary production requirements.

We acknowledge Housing Commission staff's concern that monitoring the long-term affordability restrictions on a "student unit" would be complex. However, wouldn't monitoring to ensure compliance with the "habitation by student deed restriction" be equally burdensome? How would the term "student" be defined – full-time, part-time, a particular course load? When a student graduates, would he/she be evicted within 30 days?

As one option, we would suggest the "affordable units" in a student development be designed as "family" units – marketed to graduate students, university staff, etc. This may also help ease the management-intensive nature of student housing projects, which can experience turnover approaching 100 percent, with lease-up periods of a short window of time.

Offering an across-the-board exemption to the Municipal Code, also eliminates the opportunity for the Housing Commission to collect an in lieu fee for such projects. In general, an exemption to the Inclusionary Affordable Housing Regulations for "student housing subject to deed restrictions dictating the units shall only be inhabited by students" is a missed opportunity to create affordable housing units for the City of San Diego.

Redevelopment Project Exemptions

With regard to Housing Commission staff's third recommendation in HCR08-036, we appreciate the effort to accommodate comments made at your board meeting on March 14, 2008 by Agency staff. The recommendation to add language to section 142.1302 codifying the preeminence of CRL on projects with for-sale units that are funded by the Redevelopment Agency would address only the units' resale restrictions and does not seem to address the other requirements of the ordinance, such as the recordation of Declaration of Covenants, Conditions and Restrictions described in Section 142.1311. The preeminence of the CRL would apply to not only the resale restrictions on for-sale units, but the duplicative process of recording affordability restrictions for both "Inclusionary" and "CRL" requirements on for-sale and rental developments.

The Redevelopment Agency, with input from the Housing Commission, and after receiving feedback from the development community, has been taking steps to streamline our approval and regulatory procedures and eliminate redundancies. For example, the Agency has established clear underwriting guidelines for development proposals that will reduce predevelopment costs

¹ Source: "College-Town Real Estate: The Next Big Niche?" The New York Times. August 20, 2006

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San Diego Housing Commission, Chair and Members of the Board
May 13, 2008

and decrease redundancy among the three branches of the Agency. These guidelines will be presented to the Agency board with our budget on May 20, 2008.

Please see the enclosed copy of a notated version of the existing Inclusionary Affordable Housing Regulations – demonstrating that the regulations seemed to anticipate a duplicative process in the CRL requirements and attempted to reduce this redundancy.

To further clarify, it is our recommendation that either:

- (1) The recommendation of Housing Commission staff for new language to Section 142.1302 be expanded so that it is clear the inclusionary ordinance is not cumulative, or in other words, is not “in addition to” state housing requirements *and affordability restrictions that would be recorded against the property by the state agency*. Redevelopment Agency assisted projects are subject to California Community Redevelopment Law (H&SC Sections 33000 *et seq.*) and, therefore, the Inclusionary Affordable Housing Regulations would not apply, OR
- (2) Add the following language to the Inclusionary Affordable Housing Regulations:

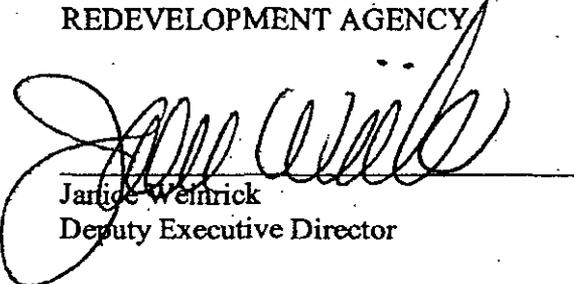
§142.1303 Exemptions From the Affordable Housing Inclusionary Regulations

- (e) A development located within an adopted redevelopment project area and subject to a San Diego Redevelopment Agency Agreement, upon an express finding that the development is fulfilling a stated significant objective(s) of the Redevelopment Agency’s approved Five Year Redevelopment Plan for the Redevelopment Project Area and the purpose of the Inclusionary Affordable Housing Regulations.

In either case, the standard language used by the Development Services Department on site development/building permits would need to be revised to allow for Redevelopment Agency agreements to satisfy the housing affordability line items.

We appreciate your consideration. If you have any questions, please do not hesitate to contact Michele St. Bernard, Affordable Housing Project Manager directly at (619) 236-6531 or via email at MStBernard@sandiego.gov.

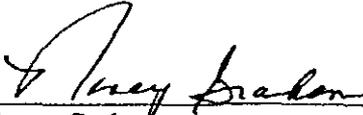
REDEVELOPMENT AGENCY


Janice Weinrick
Deputy Executive Director

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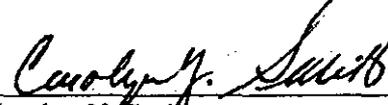
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San Diego Housing Commission, Chair and Members of the Board
May 13, 2008

CENTRE CITY DEVELOPMENT
CORPORATION



Nancy Graham
President

SOUTHEASTERN ECONOMIC
DEVELOPMENT CORPORATION



Carolyn Y. Smith
President

Enclosure: Notated Inclusionary Ordinance

cc: Carrol M. Vaughn, Interim President & Chief Executive Officer, Housing Commission
D. Todd Phillips, Director, Policy and Public Affairs, Housing Commission
Sherry Brooks, Project Manager, Southeastern Economic Development Corporation
Eri Kameyama, Associate Project Manager, Centre City Development Corporation
James Davies, Community Development Coordinator, Redevelopment Agency
Michele St. Bernard, Affordable Housing Project Manager, Redevelopment Agency
Kelly Broughton, Director, Development Services Department, City of San Diego

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Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual

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EXHIBIT "A"

**INCLUSIONARY AFFORDABLE HOUSING
IMPLEMENTATION AND MONITORING
PROCEDURES MANUAL**

Regulations pertaining to the City of San Diego's Inclusionary Housing Program ("Program") are incorporated in San Diego Municipal Code Chapter 14, Article 2, Division 13. The purpose of the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual ("Procedures Manual") is to provide additional detail in the implementation and administration of the Program.

Development Review Procedures

Specific development procedures are summarized in the Development Services Department Information Bulletin 532. Applicants constructing affordable units pursuant to the requirements of the Program will be eligible for expedited permit processing through the Affordable/Infill Housing and Sustainable Buildings Expedite Program as implemented by Council Policy 600-27 (See Information Bulletin 538).

Targeted Rental Households and Targeted Ownership Households

Program requirements can be fulfilled through the provision of rental or for-sale housing. Rental units meeting program requirements shall be affordable at rents affordable to households earning 65% or less of the Area Median Income ("AMI"). For-sale units meeting program requirements shall be affordable to households earning 100% AMI or less. Income restrictions shall be adjusted annually based upon the revisions to Area Median Income limits as promulgated from time to time by HCD.

Targeted Rental Household

Targeted Rental Household rent calculations shall be based on the updated AMI limits as adjusted for household size by the U.S. Department of Housing and Urban Development (HUD) for San Diego County at 65% AMI. Current rent levels as of 2008 as adjusted by household size and utility allowance are as follows:

2008 65% Area Median Income and Rent Restrictions			
Household Size	Unit Size	Income	Gross Rent*
One	Studio	\$35,950	\$899
Two	1 bedroom	\$41,100	\$1,028
Three	2 bedroom	\$46,200	\$1,155
Four	3 bedroom	\$51,350	\$1,284

*Gross rent is equal to cash rent plus all tenant-paid utilities. See the "San Diego Housing Commission Utility Allocation Schedule" to calculate the tenant-paid utilities based on the project's actual utilities mix.

The eligibility of each prospective tenant and/or household under the restrictions set forth above shall be certified by the San Diego Housing Commission. Applicants shall submit documentation for certification to the San Diego Housing Commission for a determination of tenant eligibility, prior to tenant occupancy. No Affordable Unit may be rented to a prospective tenant or occupied by any person unless and until the San Diego Housing Commission has determined that the prospective tenant or occupant has satisfied the eligibility requirements.

Targeted Ownership Household

Targeted Ownership Household price restrictions shall be based on the updated AMI limits adjusted for household size by HUD for San Diego MSA at 100% AMI. Program sales price restrictions as of 2008 are as follows:

**2008 MAXIMUM INCOME
100% AREA MEDIAN INCOME**

Household Size	Income
One	\$50,450
Two	\$57,700
Three	\$64,900
Four	\$72,100
Five	\$77,850

The sales price restrictions shall be established based on housing costs that do not exceed 35% of the annual median household income, including mortgage principal and interests, taxes, insurance, HOA and assessments. Purchase price assumes 5% down payment and the prevailing fixed-rate interest rates. Upon request, the San Diego Housing Commission shall prepare and make available to Applicant any general information that the San Diego Housing Commission possesses regarding income limitations, sales prices, occupancy policies and restrictions which are applicable to the affected units. Actual sales prices for units restricted at 100% AMI will be calculated on a project-by-project basis.

The eligibility of each prospective buyer and the sales price under the restrictions set forth above shall be certified by the San Diego Housing Commission. Applicants shall submit documentation for certification to the San Diego Housing Commission for a determination of buyer eligibility prior to close of Escrow on each restricted unit. Affordable Units must be owner occupied unless the San Diego Housing Commission has determined a hardship on a case-by-case basis. Except where authorized by the San Diego Housing Commission for a specific unit, renting a restricted unit would trigger a recapture in equity pursuant to San Diego Municipal Code Section 142.1309 (e).

Exemption of Naturally Affordable For-Sale Units

Pursuant to Section 143.1303 of the Municipal Code, any portion of a residential development project that meets all of the following criteria shall be exempted from the requirements of the Program, including payment of the in-lieu fee:

- The units contained within the residential development project are for-sale to private household(s), who owns no other real property, for use as the buyer's primary residence;
- The units are specifically targeted for, sold to, and occupied by households earning less than 150% AMI; and
- Each qualifying unit must have two (2) or more bedrooms (not required for condo conversions).

The unit(s) subject to this exemption has recorded against it an agreement between the *Applicant* and the Chief Executive Officer of the San Diego Housing Commission assuring that the provisions above have been met. The San Diego Housing Commission will certify the eligibility of the prospective buyers.

In the event that the Applicant is unable to fulfill the requirements of this provision, the Program requirements will be applied to the units that would have been exempted. The Applicant may choose to pay the then-current, applicable in-lieu fee or provide the affordable units as provided for in the *Inclusionary Housing Ordinance*.

Qualifying 150% units shall be sold at prices at or below the "Maximum Sales Price". The Maximum Sales Price shall be the sales price determined and published by the San Diego Housing Commission on an annual basis to be the Maximum Sales Price for a unit affordable to a household with income at 150% AMI, adjusted for unit size, based upon the number of bedrooms located within the 150% Unit(s). The Maximum Sales Price shall be determined by the San Diego Housing Commission in its reasonable discretion as the amount which will result in an annual housing cost to the purchaser of the 150% Unit, which does not exceed the thirty-five percent (35%) of one hundred fifty percent (150%) of Area Median Income adjusted for household size, determined as of the date of the execution of a binding purchase and sale agreement for the 150% Unit and shall include, without limitation, mortgage principal and interest, taxes, insurance, HOA and assessments.

Maximum eligible incomes and Maximum Sales Price restrictions shall be adjusted based upon the revisions to Area Median Income limits as promulgated from time to time by HUD.

All units qualifying for this exemption for the year 2008 shall be affordable at or below the maximum sales prices shown in the chart below.

**2008 SALES PRICE RESTRICTIONS
150% AREA MEDIAN INCOME**

Unit Size (bedrooms)	Maximum Sales Price
Studio	\$269,822
One	\$305,568
Two	\$341,623
Three	\$381,228
Four	\$412,140

The maximum eligible incomes for 2008 are as follows:

**2008 MAXIMUM INCOME
150% AREA MEDIAN INCOME**

Household Size	Income
One	\$75,675
Two	\$86,550
Three	\$97,350
Four	\$108,150
Five	\$116,775

Condominium Conversions

Pursuant to Section 143.1306 of the Municipal Code, condominium conversion units affordable to and sold to households earning less than 150% AMI shall be exempted from the requirements of the Program, including payment of the in-lieu fee. Qualifying units shall be sold to private household(s), who owns no other real property, for use as a primary residence.

Applicants with qualifying condominium conversion units ("150% units") as described above shall be allowed to self-certify that units meet the required affordability level and eligibility of buyers.

Compliance with the exemption from the provisions of the Inclusionary Housing Ordinance shall be determined at the time of the execution of the purchase and sale agreement, when the purchase price is fixed. Applicants shall enter into an agreement with the San Diego Housing Commission to ensure compliance.

The San Diego Housing Commission may, but shall not be obligated to, perform the following monitoring functions and services, on a periodic basis: (A) reviewing the applications of prospective or actual occupants and/or purchasers of the affected units, to spot check the eligibility of such persons and/or households as eligible occupants and/or households; (B) reviewing the documentation submitted by Applicants in connection with the certification process for eligible households and/or occupants. Notwithstanding the foregoing description of the San Diego Housing Commission's functions, no person or entity, including the Applicant shall have any claim or right of action against the San Diego Housing Commission based on any alleged failure to perform such function; except that Applicant may reasonably rely upon the San Diego Housing Commission's tenant eligibility determination and the Applicant shall not be liable to the San Diego Housing Commission for any damages, attributable to the San Diego Housing Commission's sole negligence or willful misconduct in conducting any eligibility determinations and/or monitoring.)

Off-Site Housing

If the Applicant elects, pursuant to Section 142.1306.(b)(2) of the San Diego Municipal Code, to construct Off-Site Units to satisfy the requirements of this Program, the Applicant shall construct the Units within the same Community Planning Area, as delineated in the General Plan of the City of San Diego, as the Principal Project. An alternate site for the construction of the Affordable Units shall be subject to the advance written approval of the Planning Director of the City of San Diego and the Chief Executive Officer of the San Diego Housing Commission or the Redevelopment Agency and the Chief Executive Officer of the San Diego Housing Commission, in the event the Affordable Development Project is located in a Redevelopment Project Area.

An Applicant may satisfy the requirements of this Program by the use of Affordable Units constructed by other developers, in addition to any to be built to meet their respective affordable housing requirements as set forth in the Ordinance, by transfer of credits between developers, if and when approved by the Planning Director of the City of San Diego and the CEO of the San Diego Housing Commission. The Receiver Applicant would be precluded from utilizing any local public funds to meet the Program's affordability requirements. The approval of the Receiver Site would be subject to all applicable approvals set forth in this Procedures Manual and the Ordinance.

If the Applicant elects, pursuant to Section 142.1306 (b)(3) of the San Diego Municipal Code, to construct the affordable units on a site different from the primary development site and outside the community planning area, the applicant must obtain a variance in accordance with Section 142.1304 in accordance with Process Four. An alternate site for the construction of the Affordable Units shall be subject to the advance written approval of the Planning Director of the City of San Diego and the Chief Executive Officer of the San Diego Housing Commission or the Redevelopment Agency and the Chief Executive Officer of the San Diego Housing Commission, in the event the Affordable Residential Development Project is located in a Redevelopment Project Area. The use of an alternate site for the construction of the Affordable Units outside of the Community Planning Area of the Principal Project must be found to support the community and economic balance and/or transit orientation goals.

Alternative Development Schedule and Phasing of Units

Pursuant to San Diego Municipal Code Section 142.1309(a)(1), an Applicant may seek approval for an alternative development schedule subject to a Process Two approval. An Applicant approved for an alternative development schedule may provide Affordable Units in accordance with the following:

Affordable Units built subject to this Program shall be constructed, completed, and ready for occupancy no later than the date that the Market Rate Housing is constructed, completed and ready for occupancy unless there is an otherwise acceptable agreement for an alternative development schedule which is satisfactory to the CEO of the Housing Commission or the CEO of the San Diego Housing Commission and the Redevelopment Agency in the event that the Principal Project is located within a Redevelopment Project Area.

The timely construction of the affordable housing shall be assured by the posting of a bond and the execution of agreements satisfactory to the CEO of the San Diego Housing Commission on or before the issuance of the first building permit for any unit in the Residential Development Project.

In the event that the development is proposed to be constructed in phases or the affordable housing is proposed to be constructed off-site, an alternative development schedule may be approved, subject to a written agreement between the Applicant and the CEO of the San Diego Housing Commission, such as the following:

The issuance of building permit for the Affordable Housing Project shall occur on or before the earlier of: (i) the issuance of building permits for construction of the number which represents 50% of the Market Rate Units within the Project; or (ii) the date which is eighteen (18) months after the filing of final map for the Market Rate Project, or (iii) a date which is eighteen months after the receipt of the building permit for the first Market Rate Unit if no final map is filed;

Completion of construction of the Affordable Housing Project shall occur upon the earlier of twelve (12) months after the issuance of building permits for the Affordable Housing Project as described above; or the date which is two and one-half years after the earliest date determined above.

The issuance of building permits for the construction of the number which represents 75% of market rate units for the Project shall not occur until the completion of all of the Affordable Units is authorized by the City.

Occupancy of the Affordable Housing Project by persons meeting the Program Eligibility requirements shall occur not later than 180 days after the completion of construction as determined above.

In-Lieu Fees

Pursuant to Section 143.1310, an Applicant may pay a fee in lieu of constructing affordable units.

Where no building permit application is filed in connection with a condominium conversion project, the in-lieu fees shall be paid in full no later than the close of escrow of the first unit sold within the project, subject to an agreement with the San Diego Housing Commission. The Applicant shall pay the then current, applicable in-lieu fee amount

The amount of the in lieu fees to be charged and collected for each Residential Development Project shall be the product of the applicable per square foot charge multiplied by the aggregate gross floor area, as defined in the San Diego Municipal Code, of all of the units within the Residential Development Project (excluding garages and carports).

The following In Lieu Fees shall be collected during the first three (3) years after the Program is effective:

PROJECTS OF 10 OR MORE UNITS	
YEAR ONE	\$1.00/ SQ. FOOT
YEAR TWO	\$1.75/SQ. FOOT
YEAR THREE	\$2.50/SQ FOOT

PROJECTS OF LESS THAN 10 UNITS	
YEAR ONE	\$0.50/SQ FOOT
YEAR TWO	\$0.875/SQ FOOT
YEAR THREE	\$1.25/SQ FOOT

The level of the in-lieu fee shall be revised annually commencing on the fourth year based on the following formula:

- Fifty percent of the difference between the median sales price of all homes sales in the City of San Diego for the last quarter of the year prior to the time of adjustment (as established by an independent and reputable real estate data firm that publishes data on no less than a quarterly basis) and the amount of money a median-income family of four is able to afford to purchase a home.
- The product of the above calculation shall then be divided by 10, in order to represent the level of obligation under the Program.
- The product of the above calculation shall then be divided by 2,000 Square Feet which represents the average size (Square Feet) of a unit constructed within the City of San Diego, in order to determine the level of the in-lieu fee for projects of ten or more units. Average size of a unit may be adjusted from time to time.
- The level of the in-lieu fee for projects of less than 10 units shall be 50% of the amount set for projects of 10 or more units.

Example:

Assume that the median income household can afford to purchase a home priced at \$174,000. The median home price within the City of San Diego is \$274,000. Fifty percent of the difference between the median home price and that which the median income household can afford is \$50,000. Ten percent of this number is \$5,000. This number is divided by 2,000 SF to produce an in-lieu fee level of \$2.50 per square foot for projects of 10 or more. The level of the in-lieu fee for projects of less than 10 units would be 50% of this or \$1.25 per square foot.

Pursuant to the above formula, the in-lieu fee from July 3, 2008 to July 2, 2008 is \$6.31/square foot for projects with 10 or more units and \$3.16 for projects with 9 or fewer units.

Determining Amount of In Lieu Fee(s)

The San Diego Municipal Code Section 142.1310(a), provides "the rate of the in lieu fee shall be determined at the time the building permit application is filed". Therefore, at the time the building permit application is filed, Development Services shall determine the amount of the in lieu fee and will advise the applicant of the amount of the applicable in lieu fee, in accordance with the following:

- (1) For building permits that are obtained within three (3) years of the date that the subject application for the first tentative map or development permit was deemed complete, the rate of the in lieu fee shall be the rate in effect at the time the application for that first tentative map or development permit was deemed completed.
- (2) For building permits that are not obtained within three (3) years of the date that the subject application for the first tentative map or development permit was deemed complete, but are issued within three (3) years of the date of approval of the first tentative map or development permit, the rate of the in lieu fee shall be the rate in effect at the time that first tentative map or development permit was approved.
- (3) For building permits that are not obtained within three (3) years of the date that the subject application for the first tentative map or development permit was deemed complete, and that are not issued within three (3) years of the date of the approval of the first tentative map or development permit, the rate of the in lieu fee shall be the rate in effect at the time the application for the building permit is deemed complete.
- (4) For any tentative map or development permit approved on or before July 3, 2006, that contains a condition to pay the inclusionary housing in lieu fees, the rate of the in lieu fee at building permit issuance shall be fixed at not more than \$1.25 per square foot for projects of nine (9) or less residential units or \$2.50 per square foot for projects of ten (10) or more residential units for a period of three (3) years from the date the tentative map or development permit was approved, or until July 3, 2006, whichever occurs later. The rate of the in lieu fee thereafter shall be the rate in effect at the time the application for the building permit is deemed complete.

Conversion of Tenure Type for Affordable Units

Any Affordable Units constructed pursuant to the Program, proposed to change the type of tenure from rental to for-sale or for-sale to rental must satisfy the requirements of this Procedures Manual.

Any Affordable Rental Units to be converted to ownership units must satisfy the requirements of this Procedures Manual. Any Rental Units to be converted to For-Sale Units shall be sold at or below the Maximum Purchase Price to Targeted Ownership Households meeting the income qualifications specified in the Notice of Affordable Restrictions or conditions of approval, with a right of first refusal for the occupant(s) of such Units at the time of conversion. All provisions of the Program at the time of said conversion shall apply to the conversion of the Unit, including sales price and length and method of restriction.

Any Affordable Ownership Units to be converted to rental units must satisfy the requirements of this Procedures Manual. Any Affordable Ownership Units to be converted to Rental Units shall be rented at or below the Maximum Rental Rate to Targeted Rental Households meeting the income qualifications specified in the Notice of Affordable Restrictions or conditions of approval. All provisions of the Program at the time of said conversion shall apply to the conversion of the Unit, including rental rate and length and method of restriction.

Affirmative Marketing Requirements

The conditions of approval shall specify that Applicant shall adhere to the marketing, monitoring, and enforcement procedures outlined in this section. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, religion, familial status or disability. Applicants shall comply with the terms of their approved affirmative marketing plan, as may be amended from time to time, consistent with City Council Policy 600-20 and Fair Housing Law. The requirements of the affirmative marketing program shall be binding on the original Applicant's successors in interest to the extent that the first sales to the general public are covered.

Ongoing Monitoring

An initial monitoring fee of \$500 will be assessed as a one-time charge to cover costs for developing the compliance monitoring plan, computer database program and reporting system for the project, and training sessions for owner/manager. This fee is only applicable to rental properties.

Annual Monitoring will be required for all rental affordable units developed under the Program. The base monitoring fee per unit is \$65 for the first 40 units. The base fee charged decreases \$10 for each unit more than 40 units, and decreases \$20 for each unit more than 80 units.

1 to 40 Units \$65 per unit

41 to 80 Units \$55 per unit

81+ Units \$45 per unit

The Annual Monitoring fee shall be adjusted upward annually for increased costs due to inflation. The adjustment shall reflect the change in the Consumer Price Index for all Urban Consumers (CPI-U) for the County of San Diego.

For projects that contain affordable for-sale units, a \$1,000 per unit fee will be required for monitoring and determining eligibility for price restricted units. The fee is due upon execution of a cooperation agreement between the Applicant and the Housing Commission.

Waivers, Adjustments and/or Reductions

The City Council of the City of San Diego desires to clarify the procedures that allow potential lack of nexus challenges to the constitutionality of the Inclusionary Ordinance under the provisions of San Diego Municipal Code Section 142.1305. The Council declares that this amendment to the Procedures Manual is declaratory of its existing intent and policy and remedies that exist under the current ordinance and under state law. This Procedures Manual was adopted by Resolution Number R-298003, adopted on May 20, 2003, and may be updated, revised and/or clarified by resolution.

An applicant for or developer of any development, project or property subject to the requirements of the Inclusionary Ordinance may appeal for a reduction, adjustment or waiver of the requirements of the Inclusionary Ordinance by following the procedures outlined in Section 142.1304 and/or 142.1305, based upon the absence of any reasonable relationship or nexus between the impact of the development and either the amount of the in lieu fee or the inclusionary housing requirement. If such lack of nexus is established under either Section 142.1304(d)(1) (variance) and/or 142.1305(d)(1) (waiver), then the findings required under 142.1304(d)(2), (3) and (4) for a variance and/or Section 142.1305(d)(2), (3) and (4) for a waiver, shall automatically be deemed established by the decision makers.

It is the intent of this policy to be applicable until the City Council amends the Inclusionary Ordinance to reflect this policy concerning reduction, adjustment and waivers.

City of San Diego Development Services Department
'Inclusionary Housing' Information Bulletin - 532

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THE CITY OF SAN DIEGO

INFORMATION REGARDING

Inclusionary Housing

CITY OF SAN DIEGO DEVELOPMENT SERVICES
1222 FIRST AVENUE, MS 302 SAN DIEGO, CA 92101

CALL (619) 446-5300 FOR APPOINTMENTS AND (619) 446-5000 FOR INFORMATION

INFORMATION
BULLETIN

532

JUNE 2008

This bulletin provides highlights of the City of San Diego's Inclusionary Housing Ordinance which was adopted by the City Council on May 20, 2003, and became effective City-wide as of July 3, 2003. Reference should be made to the entire ordinance (Chapter 14, Article 2, Division 13) for all projects. The Inclusionary Housing Ordinance requires all new residential development of two units or more to provide affordable housing, and allows for a variety of methods to ensure the requirements are met.

I. INCLUSIONARY HOUSING ORDINANCE APPLICABILITY

The Inclusionary Housing Ordinance applies to all new residential development (including condominium conversions) of 2 units or more, and requires all home builders to set aside at least 10 percent of the total number of dwelling units in the project for households with an income at or below 65 percent area median income (AMI) for rental units, or at or below 100 percent AMI for for-sale units. Rents are restricted for 55 years. Tables A and B at the back of this bulletin list examples of affordable rental rates (65% AMI) and affordable for-sale housing costs (100% AMI).

II. EXEMPTIONS FROM THE INCLUSIONARY HOUSING REQUIREMENTS

The Inclusionary Housing Ordinance applies to all new residential development of two units or more, with the following exceptions:

- A. Projects that have a building permit application deemed complete prior to July 3, 2003.
- B. Projects that were vested (i.e. have an approved Vesting Tentative Map or Development Agreement) prior to July 3, 2003;
- C. Projects subject to the North City Future Urbanizing Area inclusionary housing requirements (20 percent of the units must be affordable);
- D. Projects that have obtained a variance or waiver in accordance with Municipal Code Section 142.1304 and 142.1305 (see Section V below);
- E. Units that are being sold to and affordable to households earning less than 150 percent of AMI (see Table C). Each unit must contain at least 2 bedrooms, must be sold to persons who own no other real property and will reside in

Documents referenced in this Information Bulletin

- Inclusionary Housing Ordinance (SDMC Chapter 14, Article 2, Division 13)
- Affordable Housing Density Bonus Regulations (SDMC Chapter 14, Article 3, Division 7)
- Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual
- Information Bulletin 538, "Affordable/In-fill Housing and Sustainable Buildings Expedite Program"
- Affordable Housing Requirements Checklist (DS-530)
- Project Submittal Manual (Land Development Manual, Volume I, Chapter 1)

the unit, and the project must have a recorded agreement with the San Diego Housing Commission.

- F. Rehabilitation of an existing building that does not result in a net increase of dwelling units on the premises;
- G. Density bonus units constructed in accordance with the provisions of Chapter 14, Article 3, Division 7 of the Municipal Code.

III. METHODS AVAILABLE TO SATISFY THE INCLUSIONARY HOUSING REQUIREMENTS

The Inclusionary Housing requirements can be satisfied in the following manner:

- A. The required affordable housing units can be provided on the same site as the market-rate development project; or
- B. The required affordable housing units can be provided off-site within the same Community Planning Area; or
- C. The required affordable housing units can be provided off-site outside the Community Planning Area; however, this option requires a Variance approval from the Planning Commission (see Section V); or
- D. A fee can be paid in-lieu of providing the affordable housing units (see Section IV below); or
- E. A combination of any of the above.

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IV. IN-LIEU FEES

The Ordinance allows a fee to be paid in-lieu of providing affordable housing units. The amount of the in-lieu is the sum of the applicable per square foot charge (see Table 1 below) multiplied by the aggregate gross floor area of all of the units within the development, minus that square footage devoted to garages and carports. Payment of the in-lieu fees are due at the time of building permit issuance.

In-Lieu Fee Rates:

For building permit applications without an associated Tentative Map or Development Permit, the rate of the in-lieu fee shall be the rate in effect at the time the application for the building permit is deemed complete (See Table 1 below).

For *Condominium Conversions*, the rate of the in-lieu fee shall be the rate in effect at the time the Tentative Map or Map Waiver application was deemed complete. Please note that Condominium Conversions of 20 or more units must set aside at least 10 percent of the units for households with an income at or below 100 percent AMI, and are not eligible to pay in-lieu fees.

TABLE 1 - IN-LIEU FEE RATES*

Deemed Complete Date of Building Permit	Project with 10 Units or More	Project with 9 Units or Less
July 3, 2003 - July 02, 2004	\$1.00 per sq. ft.	\$0.50 per sq. ft.
July 3, 2004 - July 02, 2005	\$1.75 per sq. ft.	\$0.875 per sq. ft.
July 3, 2005 - July 02, 2006	\$2.50 per sq. ft.	\$1.25 per sq. ft.
July 3, 2006 - July 02, 2007	\$7.31 per sq. ft.	\$3.66 per sq. ft.
July 3, 2007 - July 02, 2008	\$6.31 per sq. ft.	\$3.16 per sq. ft.
July 3, 2008 - July 02, 2009	\$5.01 per sq. ft.	\$2.51 per sq. ft.

* Commencing July 3, 2007, the San Diego Housing Commission will adjust this fee base upon 50 percent of the difference between the median cost of housing and the housing price affordable to the median household.

For building permit applications with an associated Tentative Map and/or Development Permit that was deemed complete *after September 14, 2006*, the rate of the in-lieu fee shall be as follows:

- A. For building permit applications applied for within 3 years of the date the first Tentative Map and/or first Development Permit was deemed complete, the rate of the in-lieu fee shall be the rate in effect at the time the first Tentative Map and/or first Development Permit was deemed complete.
- B. For building permit applications not applied for within 3 years of the date the first Tenta-

tive Map and/or first Development Permit was deemed complete, but within 3 years of the date the first Tentative Map and/or first Development Permit was approved, the rate of the in-lieu fee shall be the rate in effect at the time the first Tentative Map and/or first Development Permit was approved. The rate of the in-lieu fee for building permit applications thereafter (that don't meet A or B), shall be the rate in effect at the time the application for the building permit is deemed complete.

Grandfather Clause:

This clause applies only to building permit applications with a Tentative Map or Development Permit approved *prior to July 3, 2006*. The following grandfathered rate shall apply to these projects for a period of 3 years from the date the Tentative Map or Development Permit was approved, or until July 3, 2006, whichever occurs later. The rate of the in-lieu fee shall be \$2.50 per square foot for projects of 10 units or more, or \$1.25 per square foot for projects of 9 units or less. The rate of the in-lieu fee thereafter shall be the rate in effect at the time the application for the building permit is deemed complete.

V. VARIANCES AND WAIVERS

The Inclusionary Housing Ordinance allows applicants to request a Variance or Waiver from the affordable housing requirements.

A Variance request, which would allow an applicant to deviate from portions of the Ordinance, is processed and decided in accordance with Process Four (Planning Commission decision with appeal to the City Council).

A Waiver from the Ordinance, which would allow an applicant to be exempted entirely from the affordable housing requirements, can only be approved by the City Council (Process Five) if specified findings can be made.

VI. ELIGIBILITY OF PROSPECTIVE TENANTS/HOMEOWNERS OF AFFORDABLE HOUSING

The eligibility of each prospective tenant and/or household under the affordable rent and/or price restrictions shall be certified by the San Diego Housing Commission. Applicants shall submit documentation for certification to the San Diego Housing Commission for a determination of tenant eligibility, prior to tenant occupancy. No Affordable Unit may be rented to a prospective tenant or occupied by any person unless and until the San Diego Housing Commission has deter-

mined that the prospective tenant or occupant has satisfied the eligibility requirements.

VII. WHEN AFFORDABLE HOUSING UNITS MUST BE CONSTRUCTED

Affordable units built subject to the Inclusionary Housing Ordinance shall be constructed, completed, and ready for occupancy no later than the date that the Market Rate Housing is constructed, completed, and ready for occupancy unless there is an otherwise acceptable agreement for an alternative development schedule satisfactory to the Housing Commission.

VIII. PROCEDURES MANUAL

Regulations pertaining to the City of San Diego's Inclusionary Housing Program are adopted in San Diego Municipal Code, Chapter 14, Article 2, Division 13. The Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual provides additional detail in the implementation and administration of the Program. This Procedures Manual is available on either the San Diego Housing Commission's website at <http://www.sdhc.net/>, or the Development Services Department website at <http://www.sandiego.gov/development-services>.

IX. THE AFFORDABLE/IN-FILL HOUSING AND SUSTAINABLE BUILDINGS EXPEDITE PROGRAM

Processing timeline commitments and expediting mechanisms are in place (see the Affordable/In-fill Housing and Sustainable Buildings Expedite Program, Information Bulletin 538). This Program is an optional service available for a fee, and provides reduced project-processing times in the development review process for both discretionary and ministerial projects that provide affordable housing.

X. PROGRAM ADMINISTRATION

The Development Services Department and the San Diego Housing Commission administer the Inclusionary Housing requirements. Additional information regarding the affordable housing requirements can be obtained on either of the websites mentioned above.

TABLE A / AFFORDABLE HOUSING RENTAL RATES

Rent calculations are based upon the updated Area Median Income (AMI) limits, adjusted for household size, as determined by the California Department of Housing and Community Development (HCD) for San Diego County. Please see the table below which provides rental rates at the 65% AMI level for the year 2006 as adjusted by household size. Please note that these rates are for 2008, and that they are revised annually. For the most current rates, visit the San Diego Housing Commission's website at <http://www.sdhc.net/>, or the Development Services Department website at <http://www.sandiego.gov/development-services>.

65 Percent Area Median Income (2008)			
Household Size	Unit Size	Income	Gross Rent*
One	Studio	\$35,950	\$899
Two	1 Bedroom	\$41,100	\$1,028
Three	2 Bedroom	\$46,200	\$1,155
Four	3 Bedroom	\$51,350	\$1,284

*Gross rent is equal to cash rent plus all tenant-paid utilities. See the "San Diego Housing Commission Utility Allocation Schedule" to calculate the tenant-paid utilities based on the project's actual utilities mix.

TABLE B / AFFORDABLE FOR SALE HOUSING COSTS

Affordable for-sale housing price restrictions are based on the updated AMI limits as adjusted for household size as determined by HCD at 100% AMI for the year 2008. These price restrictions shall be adjusted annually based upon the revisions to Area Median Income limits as promulgated from time to time by HCD. For the most current price restrictions, visit the San Diego Housing Commission's website at <http://www.sdhc.net/>, or the Development Services Department website at <http://www.sandiego.gov/development-services>.

100 Percent Area Median Income (2008)			
Household Size	Unit Size	Income	Restricted Price
One	Studio	\$50,450	\$180,900
Two	1 Bedroom	\$57,700	\$204,300
Three	2 Bedroom	\$54,900	\$227,500
Four	3 Bedroom	\$72,100	\$254,400

TABLE C / FOR SALE HOUSING AFFORDABLE TO HOUSEHOLDS EARNING LESS THAN 150% AMI

The following table indicates the sales price restrictions at 150% AMI for the year 2008. These price restrictions shall be adjusted annually based upon the revisions to area median income limits as promulgated from time to time by HCD. Please verify by checking the websites mentioned above.

150 Percent Area Median Income (2008)			
Household Size	Unit Size	Income	Restricted Price
One	Studio	\$75,675	\$287,700
Two	1 Bedroom	\$86,550	\$326,400
Three	2 Bedroom	\$97,350	\$364,900
Four	3 Bedroom	\$108,150	\$407,000

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Land Development Code – Section 142.1300
Inclusionary Affordable Housing Regulations

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Article 2: General Development Regulations

Division 13: Inclusionary Affordable Housing Regulations

*(Added 6-3-2003 by O-19189 N.S.)
(Amended 4-8-2008 by O-19734 N.S.)*

§ 142.1301 Purpose of Inclusionary Affordable Housing Regulations

The purpose of this Division is to encourage diverse and balanced neighborhoods with housing available for households of all income levels. The intent is to ensure that when developing the limited supply of developable land, housing opportunities for persons of all income levels are provided.

(Added 6-3-2003 by O-19189 N.S.)

§ 142.1302 When Inclusionary Affordable Housing Regulations Apply

This Division applies to all residential *development* except as provided in Section 142.1303. The requirements of this Division shall not be cumulative to state or other local affordable housing requirements where those units are subject to an affordability restriction recorded against the property by the state or local agency. To the extent that state or local regulations are inconsistent with the requirements of this Division for the length of the restriction or the level of affordability, the more restrictive of the two shall apply.

(Added 6-3-2003 by O-19189 N.S.)

§ 142.1303 Exemptions From the Affordable Housing Inclusionary Regulations

This Division is not applicable to the following:

- (a) Residential *development* located in the North City Future Urbanizing Area that is within *Proposition A Lands* of the City of San Diego or any project located in an area of the City that was previously located in the North City Future Urbanizing Area and has been phase shifted into the *Planned Urbanized Communities*, and is subject to the inclusionary zoning requirements contained in the North City Future Urbanizing Area Framework Plan, San Diego Municipal Code section 143.0450(d), the Subarea Plans, Development Agreements, Affordable Housing Agreements, or conditions of approval of a *development permit*, as applicable.

- (b) Residential *development* or portion of the *development* that meets the following criteria:
 - (1) The unit is being sold to persons who own no other real property and will reside in the unit;
 - (2) The unit is affordable to and sold to households earning less than one hundred fifty percent (150%) of the *area median income*;
 - (3) The unit has two (2) or more bedrooms; and
 - (4) The unit(s) has recorded against it an agreement between the *applicant* and the San Diego Housing Commission assuring that the provisions of Section 142.1303(c) have been met.
- (c) Rehabilitation of an existing building that does not result in a net increase of *dwelling units* on the *premises*.
- (d) *Density* bonus units constructed in accordance with the provisions of Chapter 14, Article 3, Division 7.

(Amended 3-8-2004 by O-19267 N.S.)

(Amended 4-8-2008 by O-19734 N.S; effective 5-8-2008.)

[**Editors Note.** Amendments as adopted by O-19734 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission unconditionally certifies it as a Local Coastal Program Amendment.]

§ 142.1304 Variance Rules for Inclusionary Affordable Housing Regulations

- (a) Except as provided in Section 142.1304(c), a variance, adjustment, or reduction from the provisions of Section 142.1306 may be requested and decided in accordance with Process Four and shall require either that the findings in Section 142.1304(d) or in Section 142.1304(e) be made.
- (b) An application for a variance, adjustment, or reduction shall be filed in accordance with Section 112.0102 and shall include financial and other information that the City Manager determines is necessary to perform an independent evaluation of the *applicant's* basis for the variance, adjustment, or reduction, and shall be a matter of public record.

- (c) A *development* located within an adopted redevelopment project area and subject to a San Diego Redevelopment Agency agreement may seek a variance, adjustment, or reduction from the requirements of this Division, upon an express finding that the *development* is fulfilling a stated significant objective of the Redevelopment Agency's approved Five Year Redevelopment Plan for the Redevelopment Project Area. The variance, adjustment, or reduction request shall be reviewed in accordance with Process Four.
- (d) No variance, adjustment, or reduction shall be issued unless:
 - (1) Special circumstances unique to that *development* justify the granting of the variance, adjustment, or reduction;
 - (2) The *development* would not be feasible without the modification;
 - (3) A specific and substantial financial hardship would occur if the variance, adjustment, or reduction were not granted; and
 - (4) No alternative means of compliance are available which would be more effective in attaining the purposes of this Division than the relief requested.
- (e) No variance, adjustment, or reduction shall be issued to an applicant unless there is an absence of any reasonable relationship or nexus between the impact of the *development* and either the amount of the in lieu fee charged or the inclusionary requirement.
- (f) A project that proposes to provide affordable housing on a site different from the proposed project site and outside the community planning area may be approved or conditionally approved only if the decision maker makes the following supplemental findings in addition to the findings in Section 142.1304(d):
 - (1) The portion of the proposed *development* outside of the community planning area will assist in meeting the goal of providing economically balanced communities; and
 - (2) The portion of the proposed *development* outside of the community planning area will assist in meeting the goal of providing transit oriented development.

(Added 6-3-2003 by O-19189 N.S.)

(Amended 8-15-2006 by O-19530 N.S.; effective 9-14-2006.)

§ 142.1306 General Inclusionary Affordable Housing Requirements

- (a) At least ten percent (10%) of the total *dwelling units* in the proposed *development* shall be affordable to *targeted rental households* or *targeted ownership households* in accordance with Section 142.1309. For any partial unit calculated, the applicant shall pay a prorated amount of the in lieu fee in accordance with Section 142.1310 or provide an additional affordable unit. *Condominium conversion* units affordable to and sold to households earning less than 150 percent (150%) of the *area median income* pursuant to an agreement entered into with the San Diego Housing Commission shall not be included in the *dwelling units* total for purposes of applying the ten percent inclusionary housing requirement.
- (b) With the exception of condominium conversions of twenty or more dwelling units the requirement to provide *dwelling units* affordable to and occupied by *targeted rental households* or *targeted ownership households*, can be met in any of the following ways:
- (1) On the same site as the proposed project site;
 - (2) On a site different from the proposed project site, but within the same community planning area. Nothing in this Division shall preclude an *applicant* from utilizing affordable units constructed by another in accordance with this Division upon approval by the Housing Commission in accordance with the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual;
 - (3) On a site different from the proposed project site and outside the community planning area if the *applicant* has obtained a variance in accordance with Section 142.1304. Nothing in this Division shall preclude an *applicant* from utilizing affordable units, constructed by another *applicant* in accordance with this Division, upon approval by the Housing Commission pursuant to the standards set forth in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual;
 - (4) Payment of an in lieu fee in accordance with the provisions of Section 142.1310; or
 - (5) Any combination of the requirements of this Section.

- (c) *Condominium conversions* of twenty or more *dwelling units* shall satisfy the requirement to provide *dwelling units* affordable to and occupied by *targeted rental households* or *targeted ownership households* on the same site as the condominium conversion project.
(Amended 9-8-2004 by O-19267 N.S.)
(Amended 7-5-2006 by O-19505 N.S.; effective 8-5-2006.)

§ 142.1307 General Rules for Inclusionary Affordable Housing Regulations

- (a) The Chief Executive Officer of the San Diego Housing Commission shall be responsible for determining *targeted rental household* and *targeted ownership household* affordability standards and resident qualifications and for monitoring conformance with Declarations of Covenants, Conditions and Restrictions.
- (b) The City shall establish and adopt submittal requirements, review procedures, and standards and guidelines for affordable housing to be referred to as the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual which shall be included in the Land Development Manual.
- (c) The San Diego Housing Commission shall determine the reasonable fee to be paid by the *applicant* for the costs incurred by the San Diego Housing Commission in connection with implementation of this Division.
(Added 6-3-2003 by O-19189 N.S.)

§ 142.1308 Development Review Procedures for Inclusionary Affordable Housing

- (a) The City Manager will review applications for *development* and determine whether the proposed *development* is subject to Process One decisions or requires decisions in accordance with Process Two, Three, Four or Five.
- (b) If the proposed *development* is subject to Process One decisions only, the *applicant* shall be so advised and informed of the in lieu fee rate in accordance with Section 142.1310 or referred to the San Diego Housing Commission to obtain a Declaration of Covenants, Conditions and Restrictions in accordance with Section 142.1311.

- (c) If proposed *development* is subject to Process Two, Three, Four or Five decisions, and the *applicant* intends to provide affordable housing in accordance with Section 142.1306(b)(1) through (3), the *applicant* shall be referred to the San Diego Housing Commission to obtain a Declaration of Covenants, Conditions and Restrictions in accordance with Section 142.1311. If the *applicant* intends to provide affordable housing in accordance with Section 142.1306(b)(4), the provisions of Section 142.1310 shall apply.
(Added 6-3-2003 by O-19189 N.S.)

§ 142.1309 Requirements for Inclusionary Affordable Housing

Development of affordable units is subject to the following requirements and the provisions of the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual:

- (a) The affordable units shall be constructed and receive final inspection approval from the Building Official no later than the date that the market-rate units receive final inspection approval from the Building Official.
- (1) The *applicant* may seek an alternative development schedule in accordance with the provisions of Sections 142.1304 and 142.1305 and decided in accordance with Process Two.
- (b) The affordable units shall be comparable in bedroom mix, design and overall quality of construction to the market-rate units in the *development*, except that the affordable units shall not be required to exceed three bedrooms per unit. The square footage and interior features of the affordable units shall not be required to be the same as or equivalent to the market-rate units, so long as they are of good quality and are consistent with current building standards for new housing in the City of San Diego.
- (c) Sale or lease of the affordable units shall follow the marketing requirements and procedures contained within the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.
- (d) Affordability Levels and Restrictions—Rental Units:
- (1) The units shall be occupied by *targeted rental households*.
- (2) The monthly rent for each unit shall not exceed 1/12 of 30% of 65% average median income, as adjusted for household size, less reasonable allowances for utilities.

- (3) The units shall remain affordable for a period of not less than fifty-five (55) years from the date of issuance of Certificate of Occupancy for the *development* or applicable phase of the *development* through the imposition of a declaration of covenants, conditions and restrictions in first lien position as required in Section 142.1311.
- (e) Affordability Levels and Restrictions--For Sale Units
- (1) The units shall be occupied by *targeted ownership households*, subject to Section 142.1308(e)(3).
 - (2) The sales price for each unit shall not exceed an amount that is affordable to *targeted ownership households*. The amount affordable to *targeted ownership households* shall be no greater than 35% of the AMI, adjusted for household size, determined as of the date of the close of escrow and shall not exceed an annual payment for all housing costs, including mortgage principal and interests, taxes, insurance, assessments, and five percent (5%) down payment, subject to Section 142.1308(e)(3).
 - (3) The equity in the affordable unit shall be shared as follows:
 - (A) Equity for purposes of this Division is measured by the difference in the original unrestricted fair market value of the affordable unit at the time of the acquisition of the affordable unit and the unrestricted fair market value of the affordable unit on the date of the first resale, and each and every transfer, lease or refinancing as determined by an appraisal approved by the City.
 - (B) Upon the first resale of the affordable unit during the first 15 years from the date of issuance of the certificate of occupancy, the City and owner of the affordable unit shall share the equity in accordance with the provisions of Table 142-13B.
 - (C) Upon each transfer, lease and or refinancing during the first 15 years from the date of issuance of the certificate of occupancy, the City and the Owner shall share the equity in the affordable unit based upon an appraisal of the affordable unit in accordance with the provisions of Table 142-13B.
 - (D) Upon any sale or any transfer, whenever it occurs the City shall also receive that sum which is calculated as the difference between the original fair market value of the affordable unit and the restricted value of the affordable unit at the time of the original sale, as determined by an appraisal as approved by the City.

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- (4) All funds collected shall be deposited in the Inclusionary Housing Fund.
- (5) The unit shall be sold at no less than fair market value.
- (6) The City of San Diego shall be entitled to the first right of refusal on any "for sale" unit upon its sale.

Table 142-13B

Length of Ownership at the Time of Resale, Refinance, or Transfer	Share of Equity to Household
Months 0-12	15%
Year 2	21
Year 3	27
Year 4	33
Year 5	39
Year 6	45
Year 7	51
Year 8	57
Year 9	63
Year 10	69
Year 11	75
Year 12	81
Year 13	87
Year 14	93
Year 15 or after	100%

- (f) In accordance with Section 142.1311, each affordable unit shall have recorded against it a Declaration of Covenants, Conditions and Restrictions in favor of the City of San Diego.

(Added 6-3-2003 by O-19189 N.S.)

§ 142.1310 In Lieu Fee Regulations

In accordance with Section 142.1306(b)(4), an *applicant* may pay an in lieu fee subject to the following regulations and the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual:

- (a) The rate of the in lieu fee shall be determined as follows:
- (1) For building permits that are obtained within three (3) years of the date that the subject application for the first *tentative map* or *development permit* was *deemed complete*, the rate of the in lieu fee shall be the rate in effect at the time the application for that first *tentative map* or *development permit* was *deemed complete*.
 - (2) For building permits that are not obtained within three (3) years of the date that the subject application for the first *tentative map* or *development permit* was *deemed complete*, but are issued within three (3) years of the date of approval of the first *tentative map* or *development permit*, the rate of the in lieu fee shall be the rate in effect at the time that first *tentative map* or *development permit* was approved.
 - (3) For building permits that are not obtained within three (3) years of the date that the subject application for the first *tentative map* or *development permit* was *deemed complete*, and that are not issued within three (3) years of the date of the approval of the first *tentative map* or *development permit*, the rate of the in lieu fee shall be the rate in effect at the time the application for the building permit is *deemed complete*.
 - (4) For any *tentative map* or *development permit* approved on or before July 3, 2006, that contains a condition to pay the inclusionary housing in lieu fees, the rate of the in lieu fee at building permit issuance shall be fixed at not more than \$1.25 per square foot for projects of nine (9) or less residential units or \$2.50 per square foot for projects of ten (10) or more residential units for a period of three (3) years from the date the *tentative map* or *development permit* was approved, or until July 3, 2006, whichever occurs later. The rate of the in lieu fee thereafter shall be the rate in effect at the time the application or the building permit is *deemed complete*.
- (b) The amount of the in lieu fee shall be the sum of the applicable per square foot charge multiplied by the aggregate *gross floor area* of all of the units within the *development*.

- (c) No building permit may be issued without payment of the in lieu fee.
- (d) Collection of in lieu fees during the first three (3) years after the initial adoption of this Division shall be in accordance with Table 142-13C or 142-13D, as applicable.

Table 142-13C

PROJECTS OF 10 OR MORE UNITS	
YEAR ONE	\$1.00/SQ. FOOT
YEAR TWO	\$1.75/SQ. FOOT
YEAR THREE	\$2.50/SQ. FOOT

Table 142-13D

PROJECTS OF LESS THAN 10 UNITS	
YEAR ONE	\$0.50/SQ. FOOT
YEAR TWO	\$0.875/SQ. FOOT
YEAR THREE	\$1.25/SQ. FOOT

- (e) The amount of the in lieu fees shall be adjusted by San Diego Housing Commission, annually, commencing with the fourth year after the initial adoption of this Division, based upon 50% of the difference between the median cost of housing and housing price affordable to the median household.

(Added 6-3-2003 by O-19189 N.S.)

(Amended 8-15-2006 by O-19530 N.S.; effective 9-14-2006.)

§ 142.1311 Declaration of Covenants, Conditions and Restrictions

All *development* in accordance with Section 142.1309, except Section 142.1309(b)(4), shall be subject to the following regulations and the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.

- (a) The applicable portion of the *development* shall have recorded against it a Declaration of Covenants, Conditions and Restrictions approved by the San Diego Housing Commission, in favor of the City of San Diego.

- (b) The Declaration of Covenants, Conditions and Restrictions shall enjoy first lien position and shall be secured by a deed of trust that may be recorded against the project or unit, as applicable, prior to construction or permanent financing.
- (c) The Declaration of Covenants, Conditions and Restrictions shall include the following provisions:
 - (1) Compliance with the City of San Diego marketing and monitoring procedures.
 - (2) The affordable units for *targeted rental households* shall remain affordable for fifty-five (55) years from the date of issuance of the first certificate of occupancy.
 - (3) All affordable units for *targeted ownership households* shall remain affordable as follows:
 - (A) If the affordable unit is not resold to a *targeted ownership household* at a price described in Section 142.1309(e)(2), provision shall be made in the for-sale affordability restrictions for the recapture of a share of the profits on resale of the affordable unit, if the unit is not resold to a *targeted ownership household* at the sales price described in Section 142.1309(e)(2).
 - (B) The Declaration of Covenants, Conditions and Restrictions or conditions of approval will include provisions restricting resale prices and purchaser income levels according to the formula specified in the Inclusionary Affordable Housing Implementation and Monitoring Procedures Manual.
 - (C) In the event a subordination of the deed of trust securing the affordability conditions contained in a Declaration of Covenants, Conditions and Restrictions may be necessary to ensure the *applicant's* receipt of adequate construction or permanent financing for the project, or to enable first time home buyers to qualify for mortgages, the *applicant* shall enter into a separate agreement with the City of San Diego for subordination of the deed of trust securing the affordability restrictions.

- (4) The timely performance of the Declaration of Covenants, Conditions and Restrictions shall be secured by a deed of trust in favor of the San Diego Housing Commission assuring performance recorded against the restricted unit or units, and such other instruments as may be required by the Chief Executive Officer of the San Diego Housing Commission to effectuate the viability of the affordability restrictions for the entire term of required affordability.
- (5) Any other terms necessary to implement the provisions of this Division.

(Added 6-3-2003 by O-19189 N.S.)

§ 142.1312 Reporting Requirements

- (a) The San Diego Housing Commission shall annually report to the City Council and the Housing Authority of the City of San Diego on the results of implementing this Division including, but not limited to, the following:
 - (1) The number of *applicants* and location of *developments* that came before the City for ministerial or discretionary approval and the number of *applicants* and location of *developments* that were subject to the requirements of this Division;
 - (2) The number of *applicants* and location of *developments* that applied for a waiver/variance or exemption in accordance with Sections 142.1304 and 142.1305 or Section 142.1303, respectively, and the number of *applicants* and location of *developments* that were granted such an exemption or waiver/variance and the terms of each variance or waiver; and
 - (3) The number of market rate units and the number of affordable units, including the location of all affordable units.
- (b) In conjunction with the comprehensive update of the City of San Diego Progress Guide and General Plan, Housing Element, the San Diego Housing Commission and the Planning Department shall direct a study to determine the relationship in nature and amount between the production of market-rate residential housing and the availability and demand for affordable housing in San Diego.

(Added 6-3-2003 by O-19189 N.S.)

Facilities Finance – Chabad Data Sheet
Facilities Benefit Assessment Fees

000076

CHABAD INFO SHEET

Scripps Ranch FBA/DIF Fees: SF - \$29,911/unit
 MF - \$20,937/unit
 Commercial - \$117,069/acre
 Institutional - \$40,387/acre

RTCIP - \$1,865/unit

HTF - \$0.80/s.f.

Project Details

- 280 apartment units (1-3 bedrooms) - 99,580 s.f.
- 49,866 s.f. of classroom, gym, commons
- Total housing and institutional - 149,446 s.f.

Potential Fees

	Full MF FBA	Discounted FBA (4/6 x MF rate)	RTCIP	HTF
Housing - 280 units	\$5,862,360	\$3,927,781	\$522,200	\$0
Classrooms/Commons - 49,866 s.f.	\$46,445	\$46,445	\$0	\$39,893
Totals	\$5,908,805	\$3,974,226	\$522,200	\$39,893

Notes

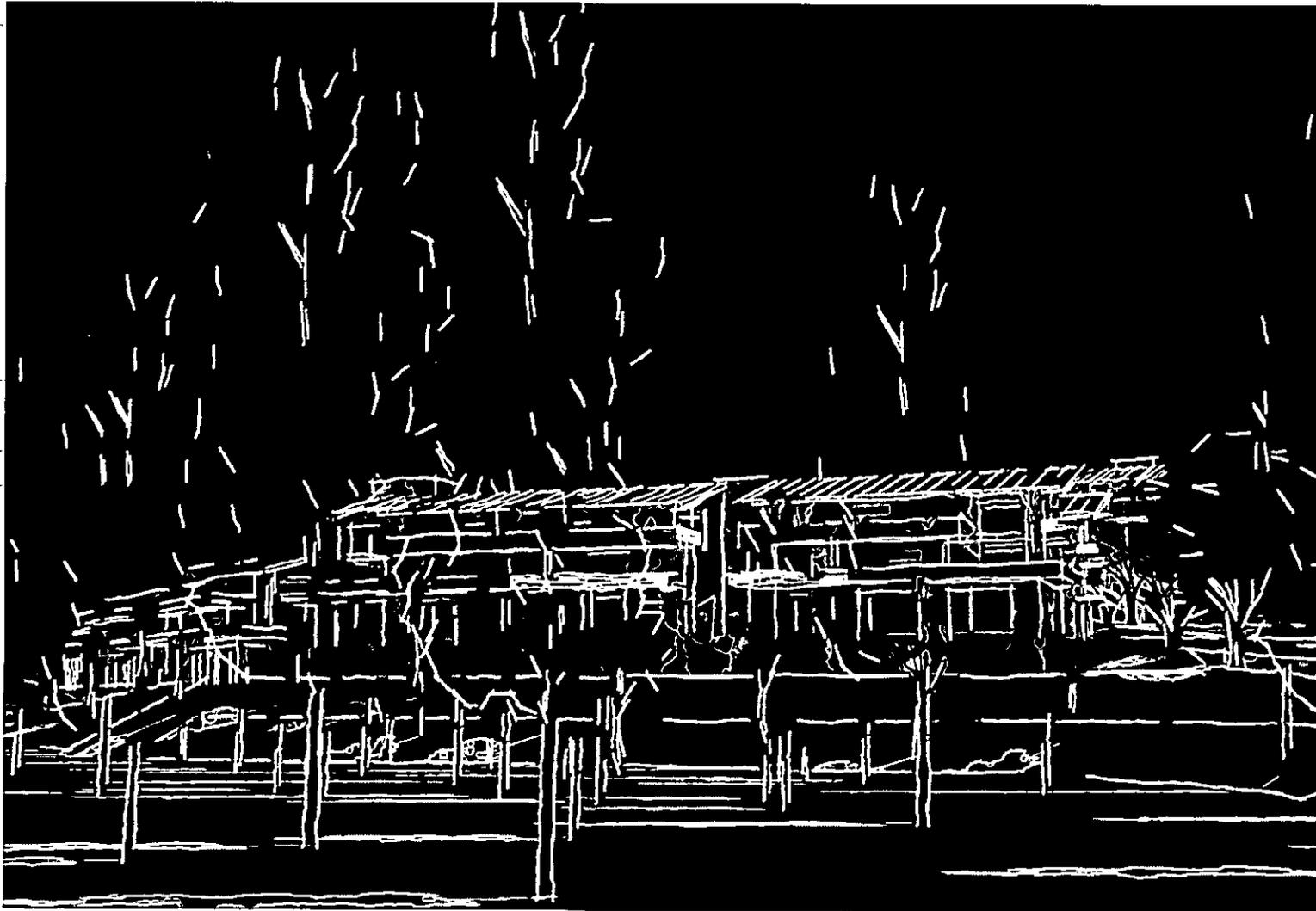
The housing component of this project is not the typical dorm-style student housing. The housing will be fully equipped apartments to be used as primary residences by college students and faculty. We did not consider the housing to be institutional development as far as impact fee assessment. However, we did consider that having students and faculty living on-site would result in a reduced number of ADTs, and after consulting with the City traffic engineer, we concluded that the impact of this housing approximates the impact of senior housing. Senior housing generates 4 trips per unit according to the City's Trip Generation Manual. Therefore, as long as we are sure that the housing will be used strictly for college students and faculty, we intend to assess an FBA fee equal to 4/6 of the multi-family FBA rate. This modified fee is based on the 6 trips per unit generated by multi-family residential. This modified fee is dependent on the applicant clearly stating on the site plan that the housing is to be used only by college faculty and students taking a minimum of 8 college-level units per semester. In addition, the City will be recording a deed restriction on the property to insure that, if there is a change of use in the future, the balance of the multi-family FBA fee (2/6) will be captured. Should the use change without paying the 2/6 fee, this development will be in violation of the permit and code compliance will take the necessary actions.

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Powerpoint Presentation

Section 3

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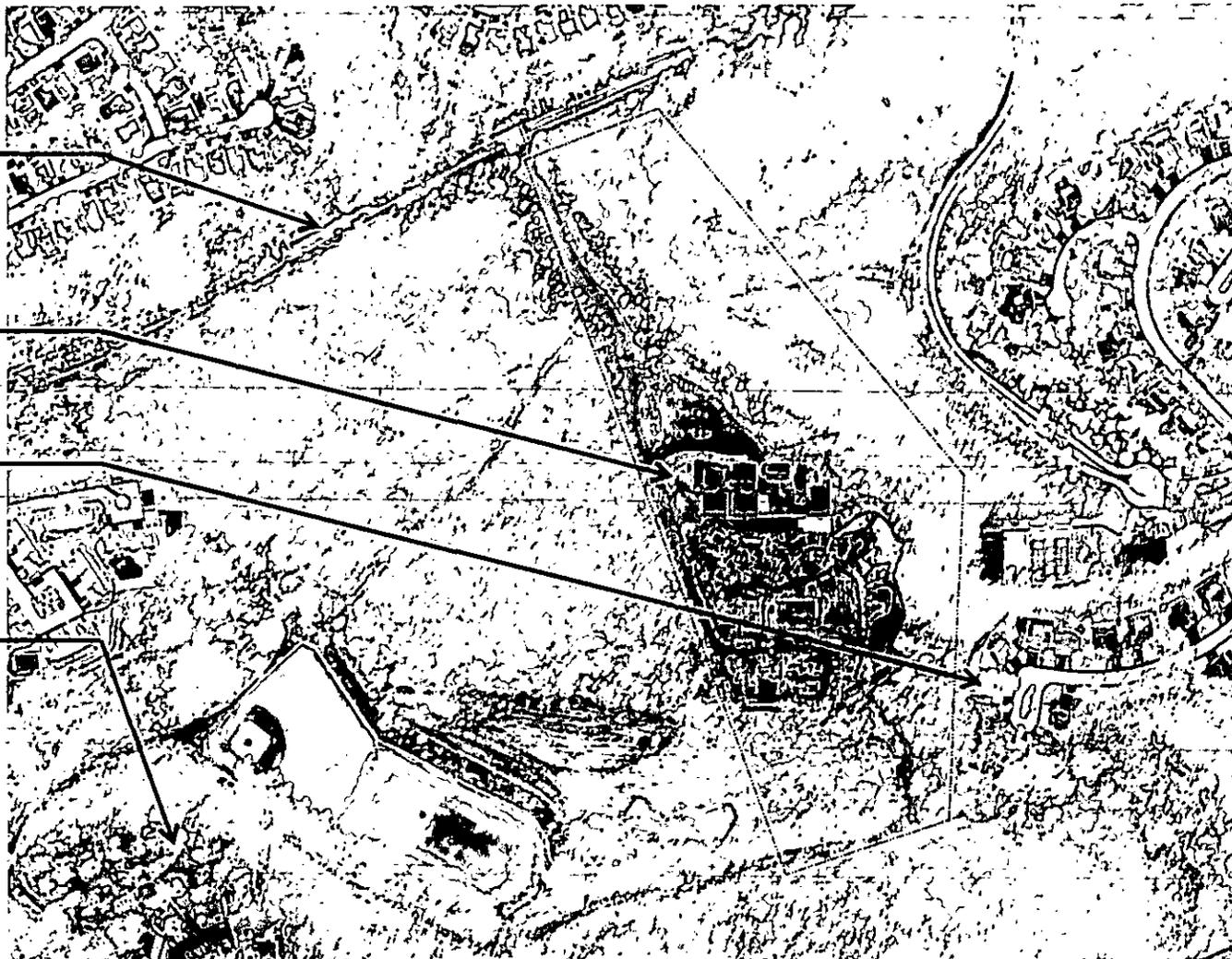
Chabad Educational Campus
Substantial Conformance Review – CUP 133-PC

Pomerado Road

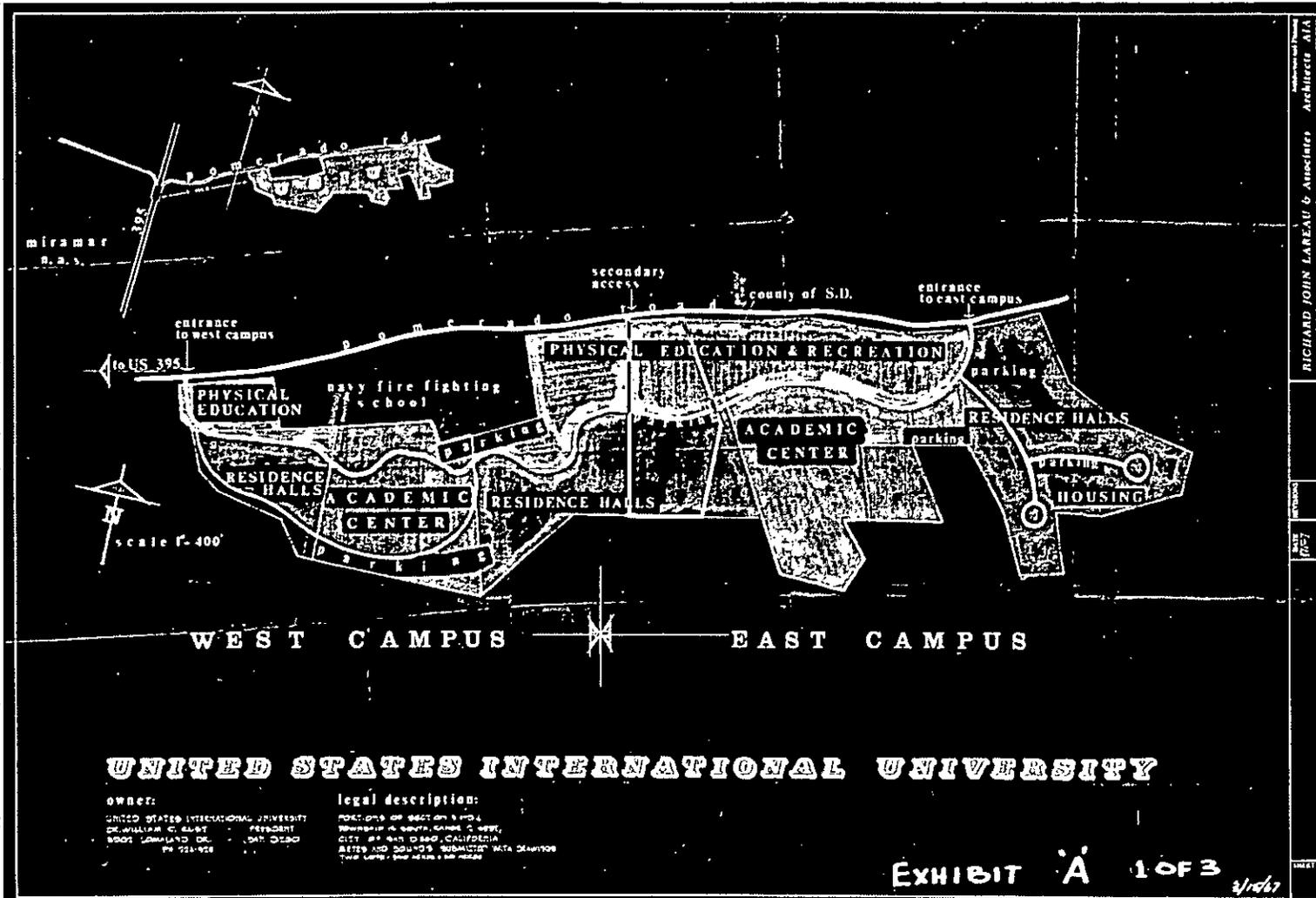
Existing Site

Crown Point
Residential

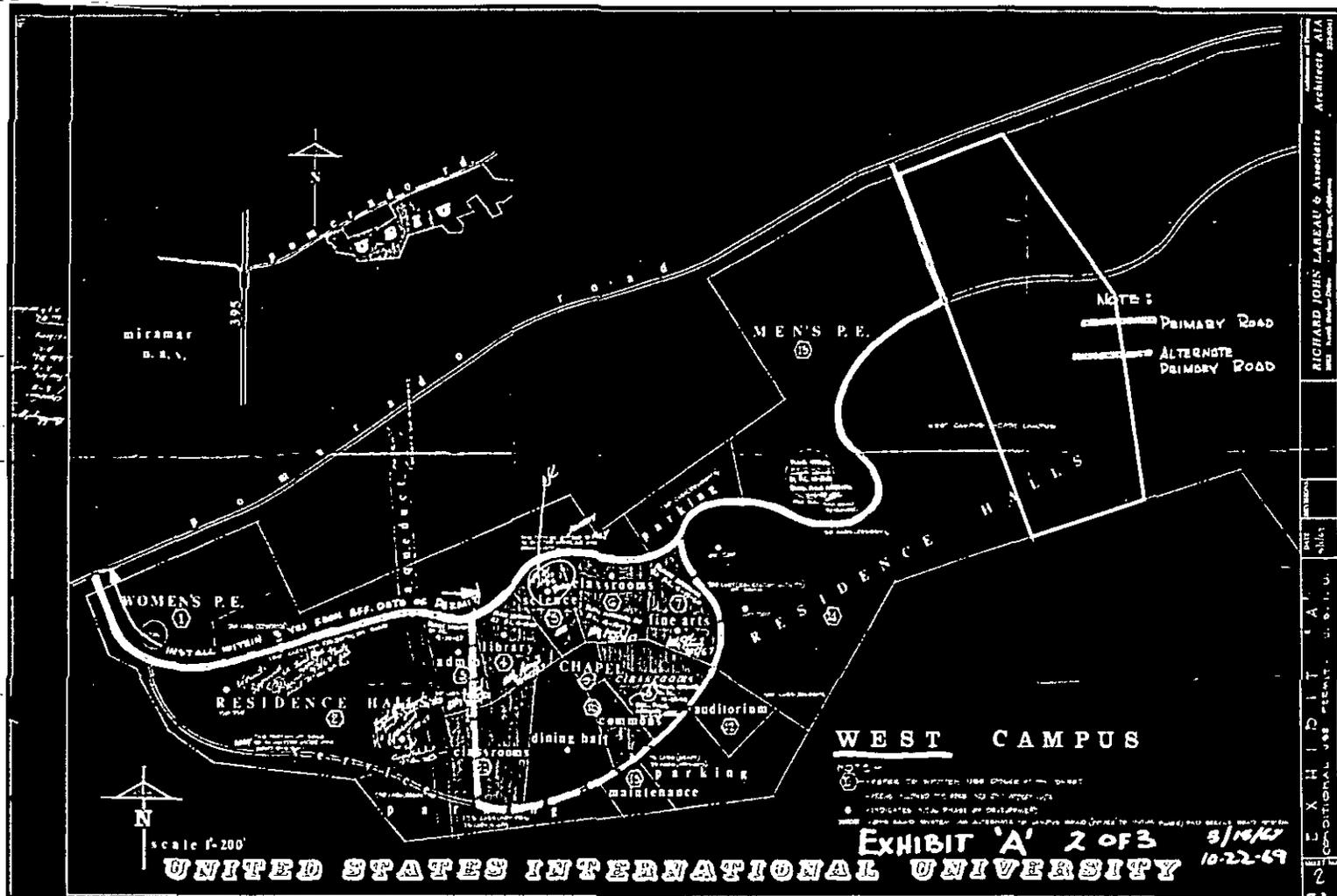
Alliant International
University Campus



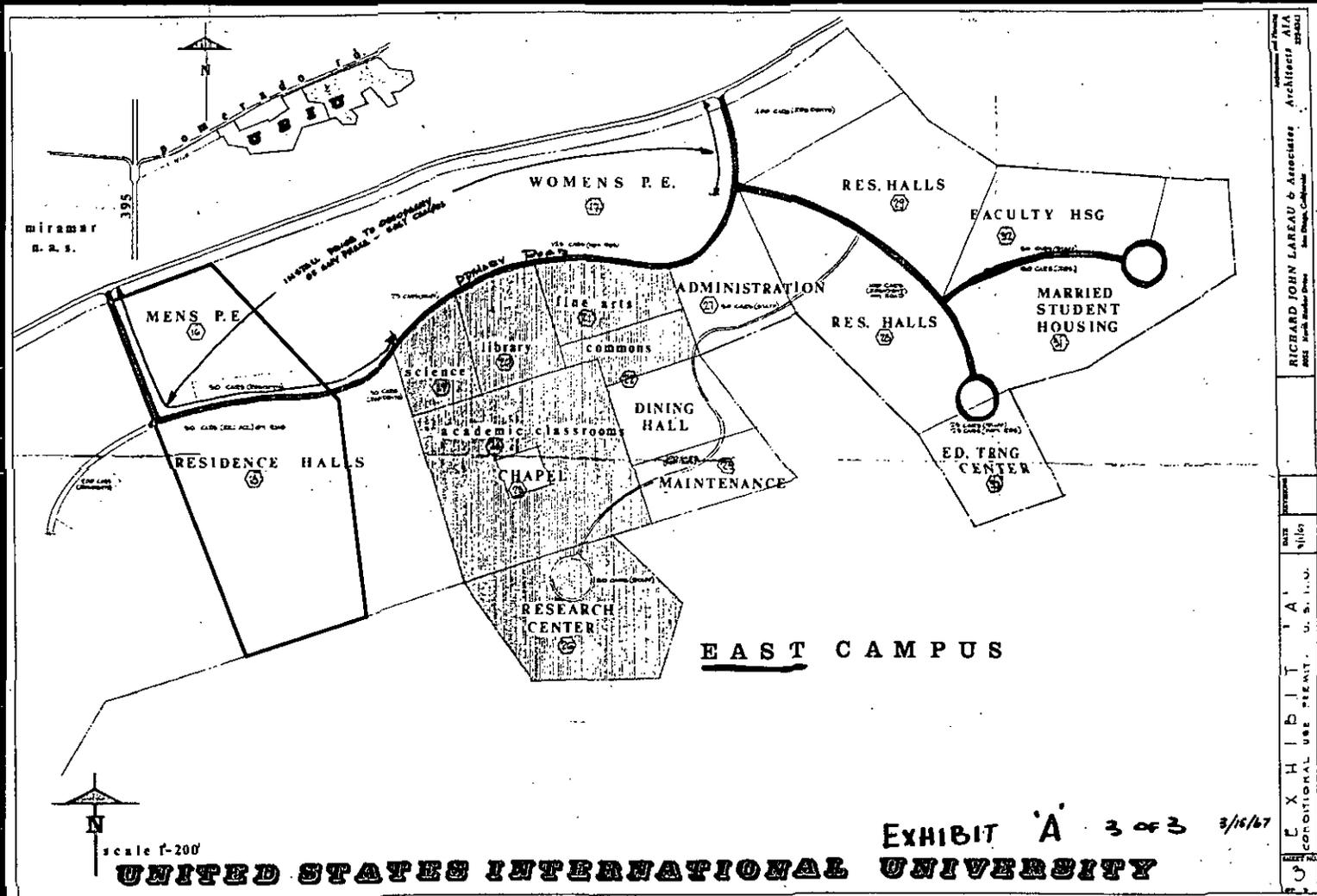
Existing Site Aerial Map



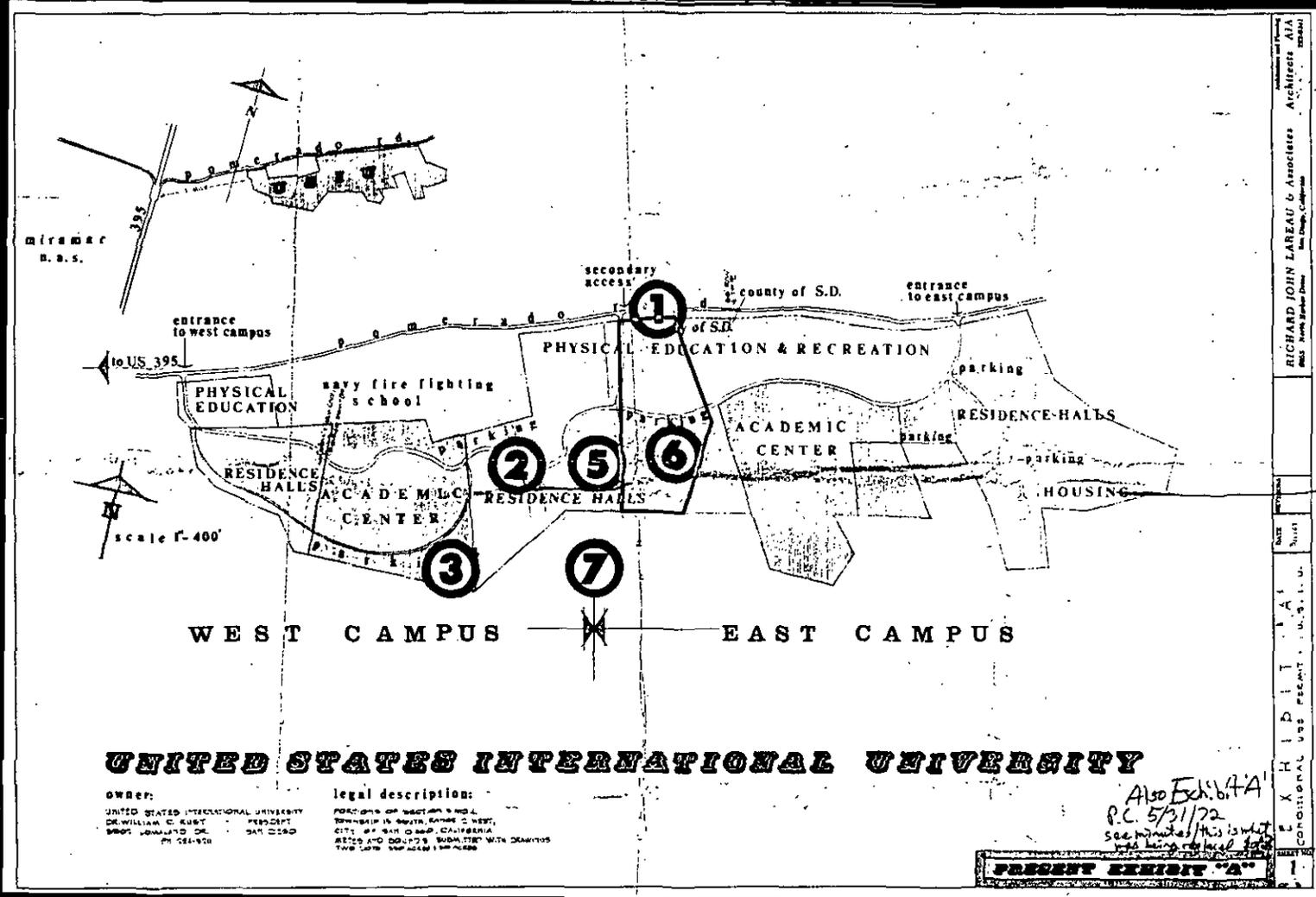
1967 CUP-133 PC
 Exhibit 'A' - Master Campus Plan



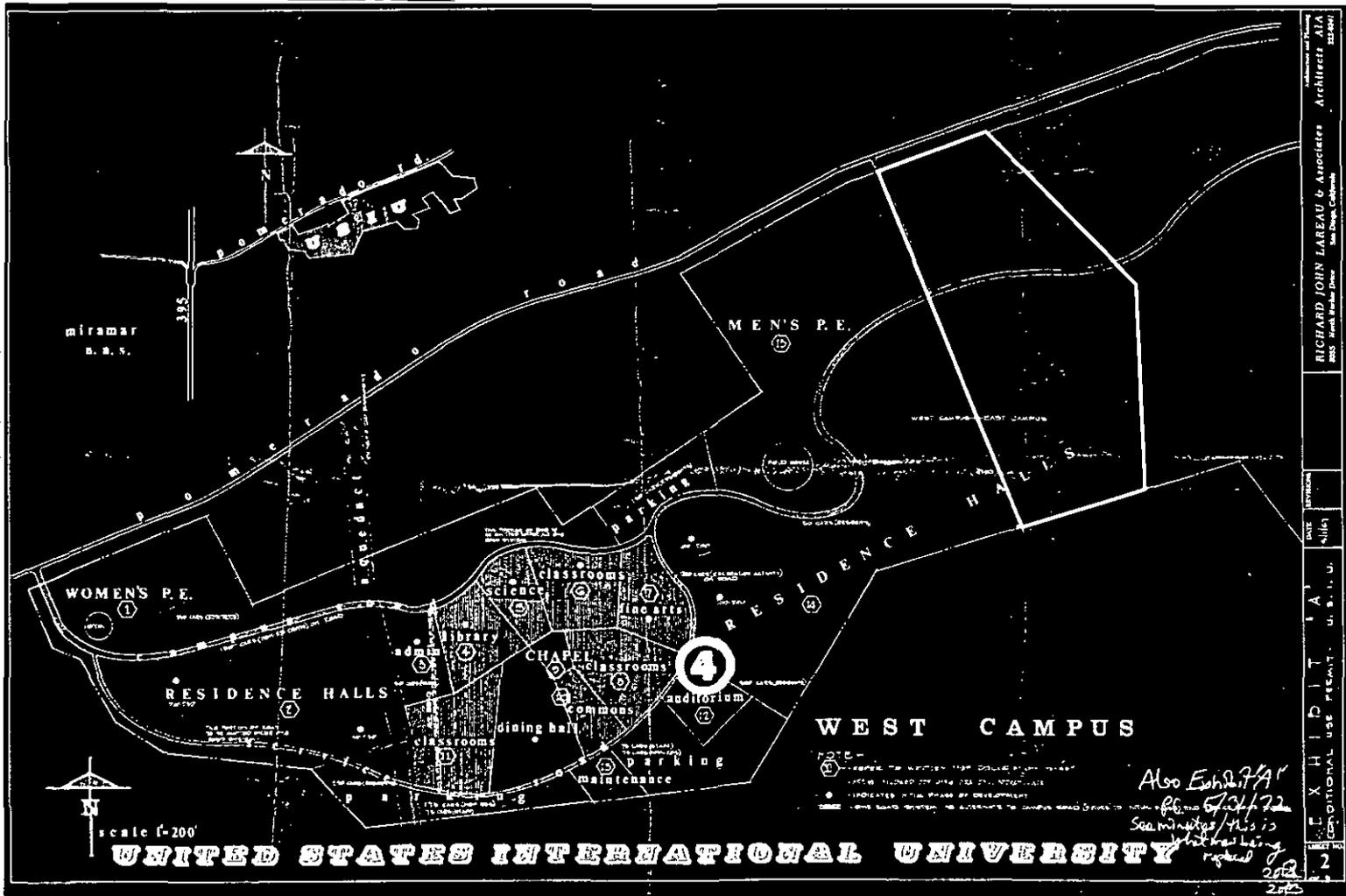
1967 CUP-133 PC
 Exhibit 'A' – West Campus Plan



1967 CUP-133 PC
Exhibit 'A' – East Campus Plan



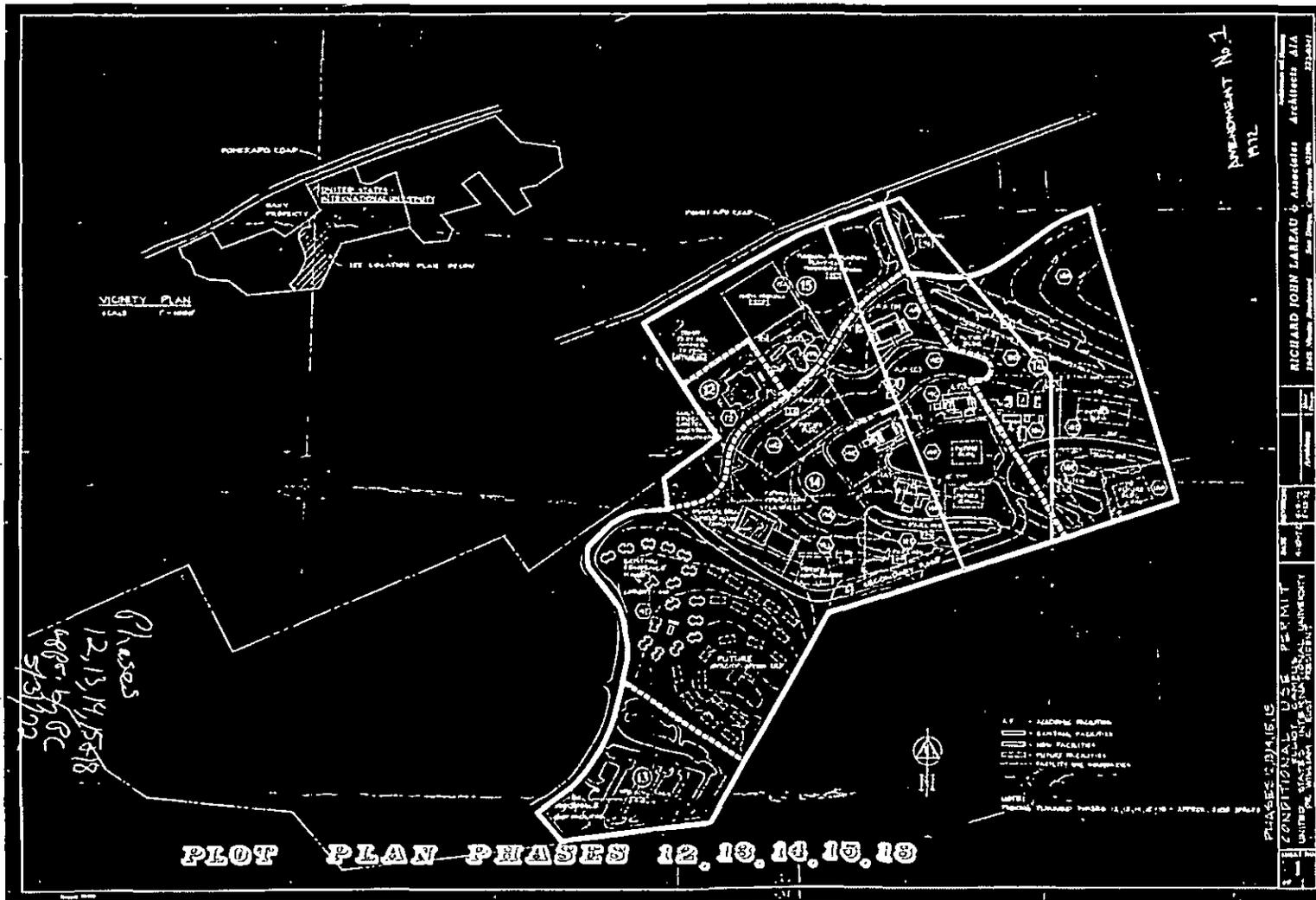
1972 Amendment to CUP-133 PC
 Exhibit 'A' – Master Campus Plan



1972 Amendment to CUP-133 PC
Exhibit 'A' – West Campus Plan

Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC

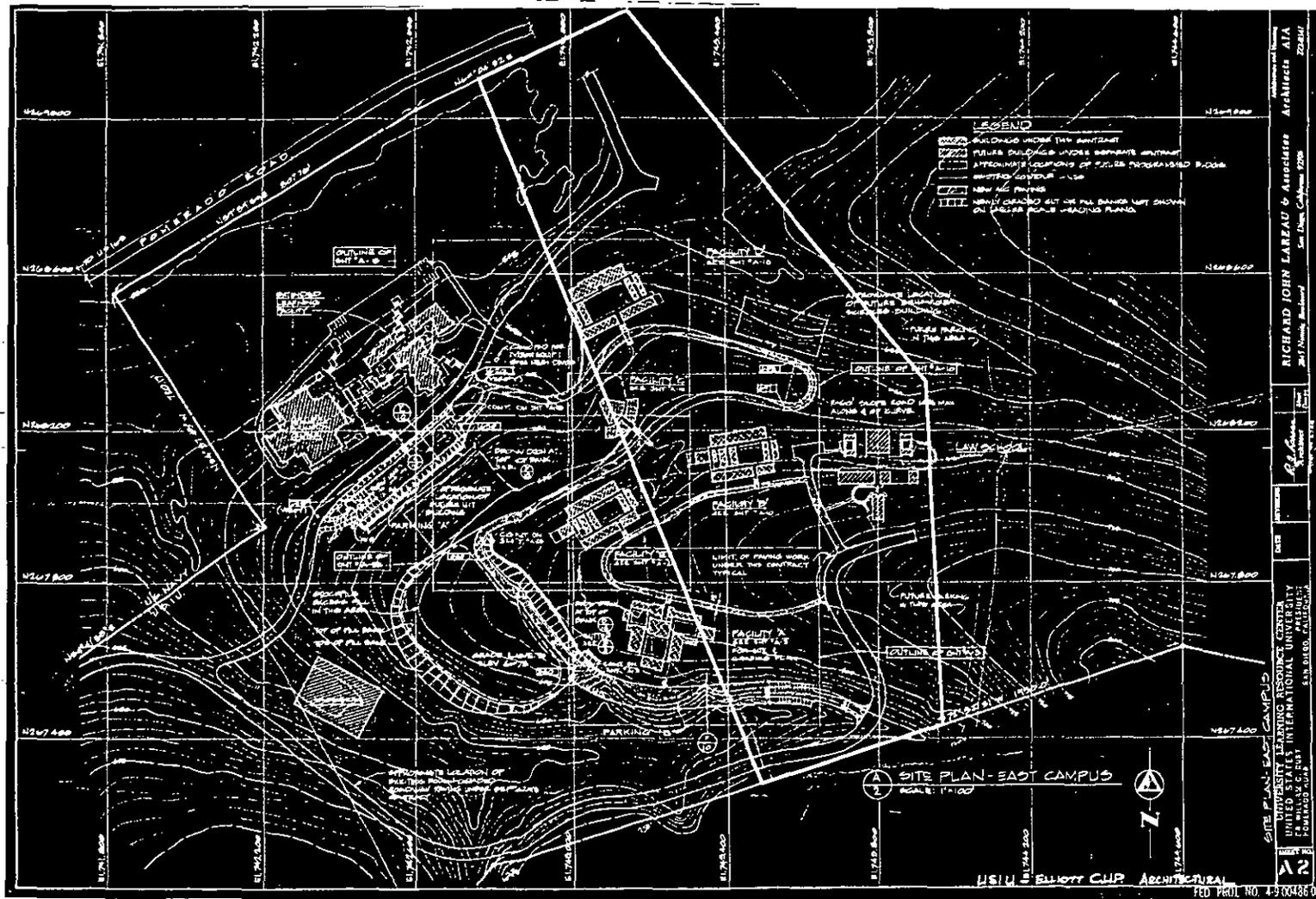
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1972 Amendment to CUP-133 PC
 Exhibit 'A' – West Campus Phase Plan – Phases 12-15 & 18

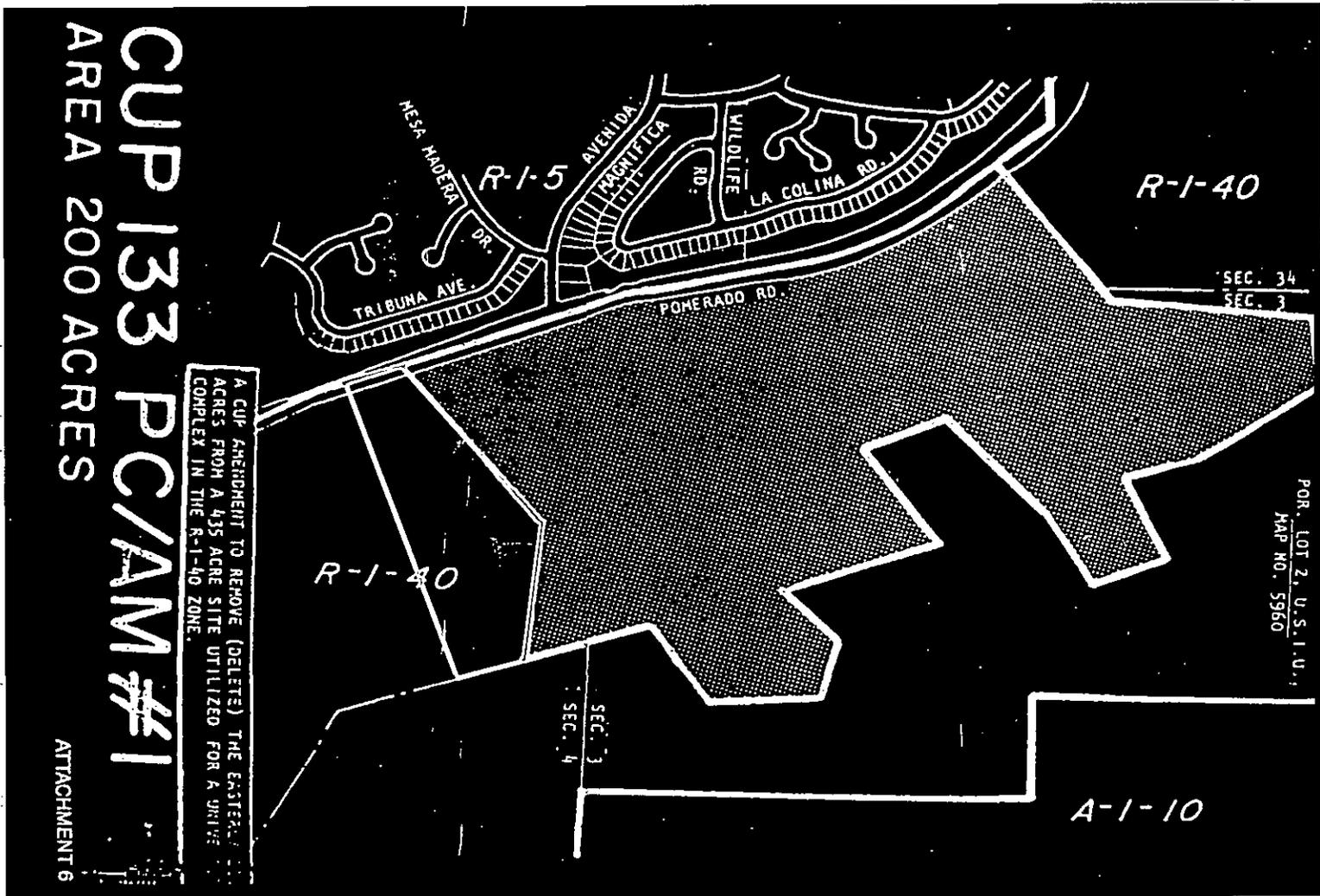
Chabad Educational Campus
 Substantial Conformance Review – CUP 133 PC

000087



1972 Amendment to CUP-133 PC
 Exhibit 'A' – East Campus Site Plan

Chabad Educational Campus
 Substantial Conformance Review – CUP 133 PC



CUP 133 PC/AM #1
 AREA 200 ACRES

ATTACHMENT 6

1978 Amendment to CUP-133 PC
 Exhibit 'A' – Removal of East Campus Acreage

United States International University – CUP 133-PC Historical Timeline

- 1967: Planning Commission Grants USIU Conditional Use Permit 133-PC

•“The University shall be used for one or more self-contained campuses, including housing for students and faculty. The number of full-time or equivalent students on the property shall not exceed approximately 6,000 in addition to faculty and staff.”

•“Prior to the issuance of any building permit on any phase of development as shown by number on Exhibit ‘A’, a plot plan for the entire phase shall be submitted to the Planning Commission for approval.”

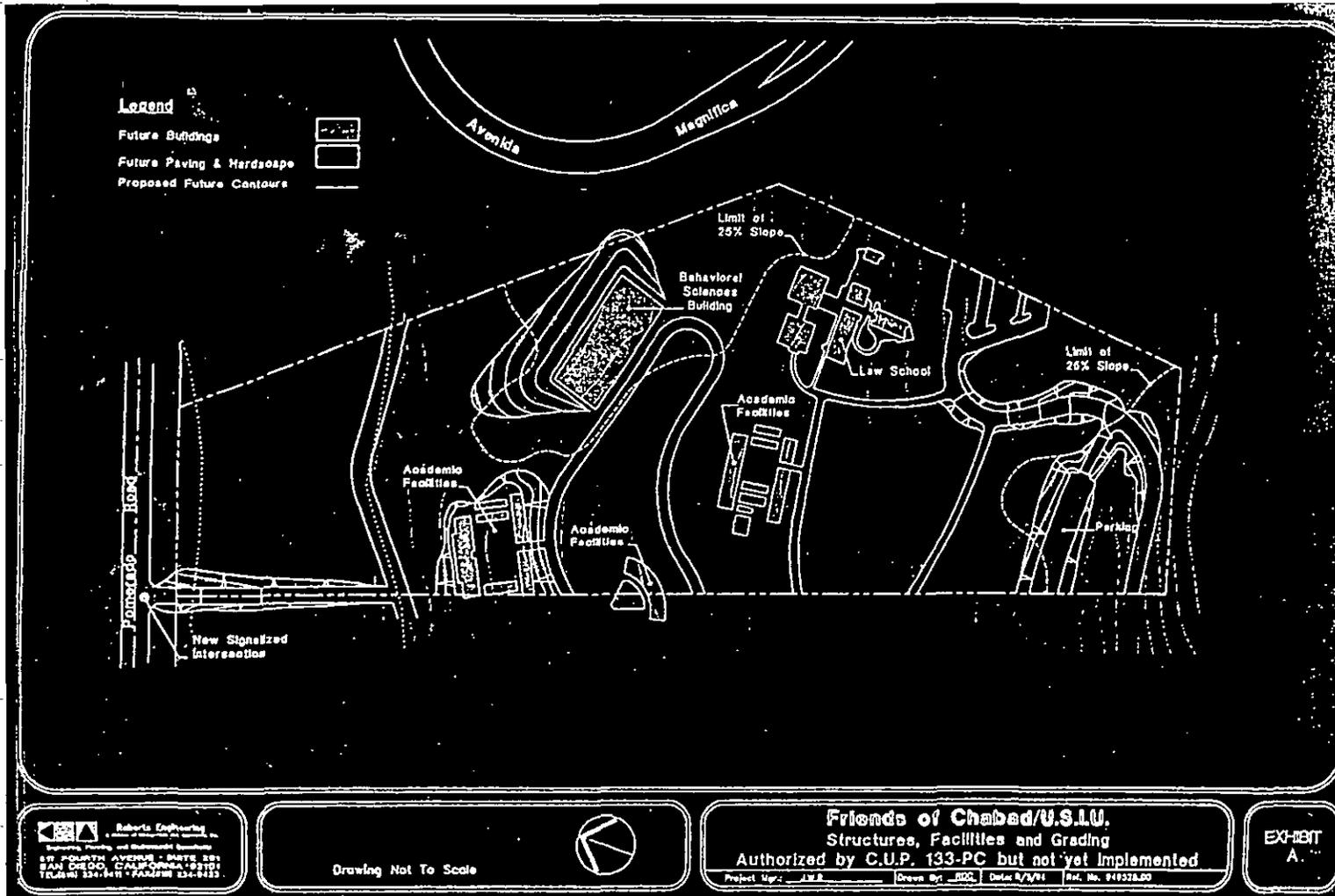
- 1972: Planning Commission Grants USIU Amendment to CUP 133-PC to include campus phasing master plans.

•1978: Planning Commission Grants USIU Amendment to CUP 133-PC to delete the easterly 200 acre portion of the campus. (Without reducing allowable use and quantities)

•1994: City Council determines that Chabad’s proposed K-12 private school use does not require a new or amended conditional use permit.

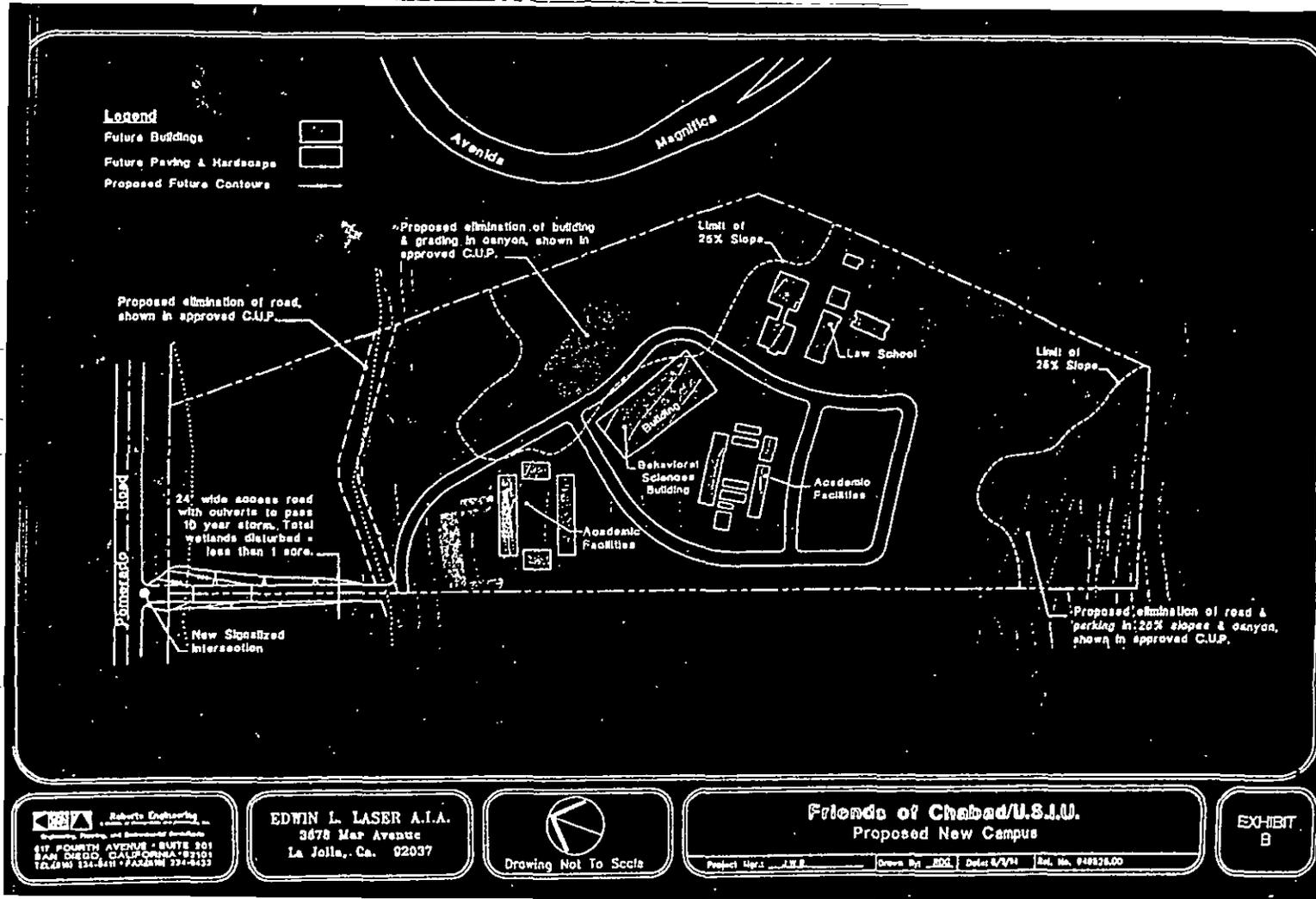
•1995: Planning Commission determines that Chabad’s proposed K-12 private school is in substantial conformance with CUP 133-PC and allocates 800 of 6,000 students to Chabad.

•2003: Conditional Use Permit No. 11245 granted to Chabad for preschool and daycare use.



1994 Substantial Conformance Review for CUP-133 PC
 Report to City Council – Exhibit ‘A’ – CUP-133 PC Site Plan

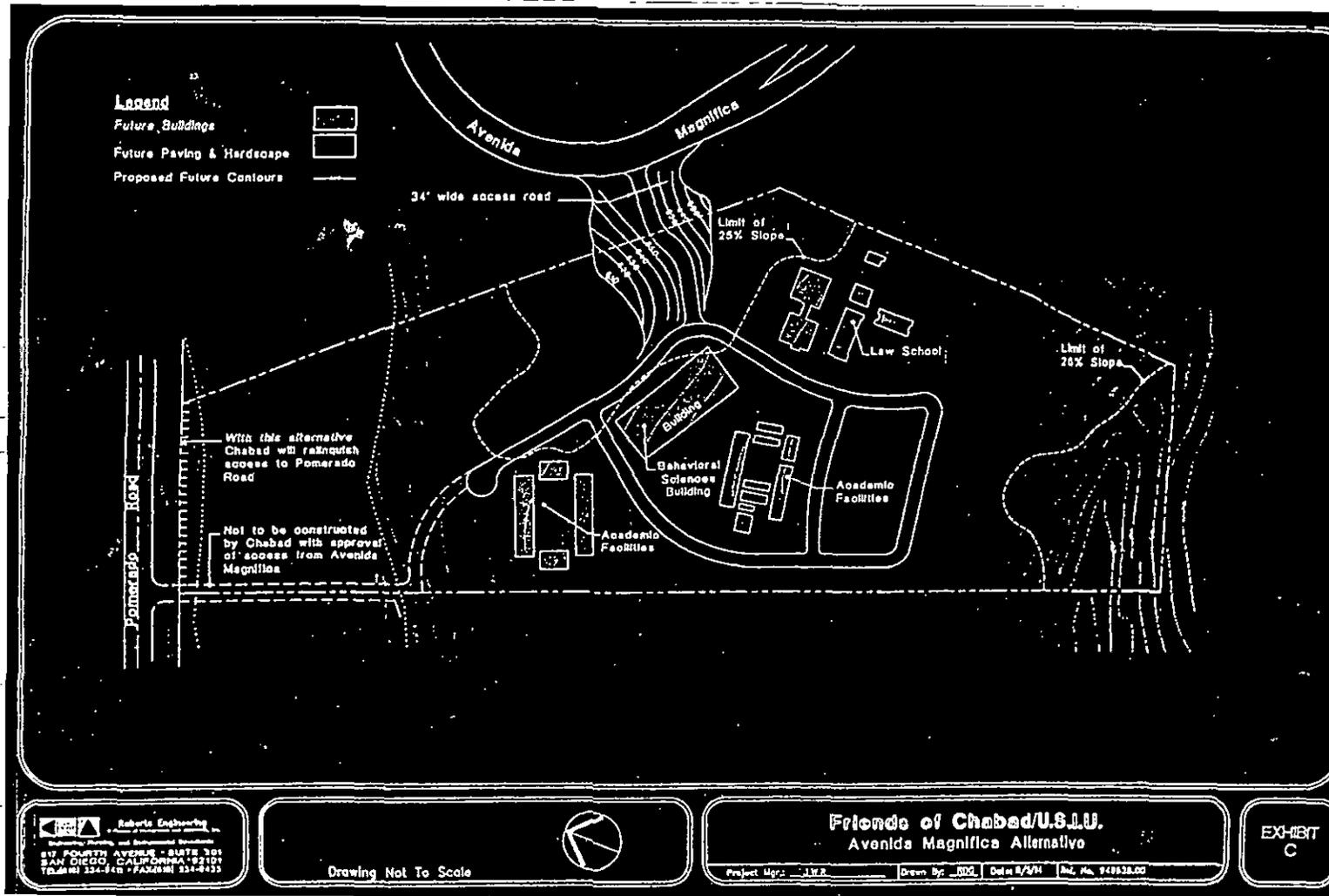
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1994 Substantial Conformance Review for CUP-133 PC
 Report to City Council – Exhibit 'B' – Proposed Site Plan

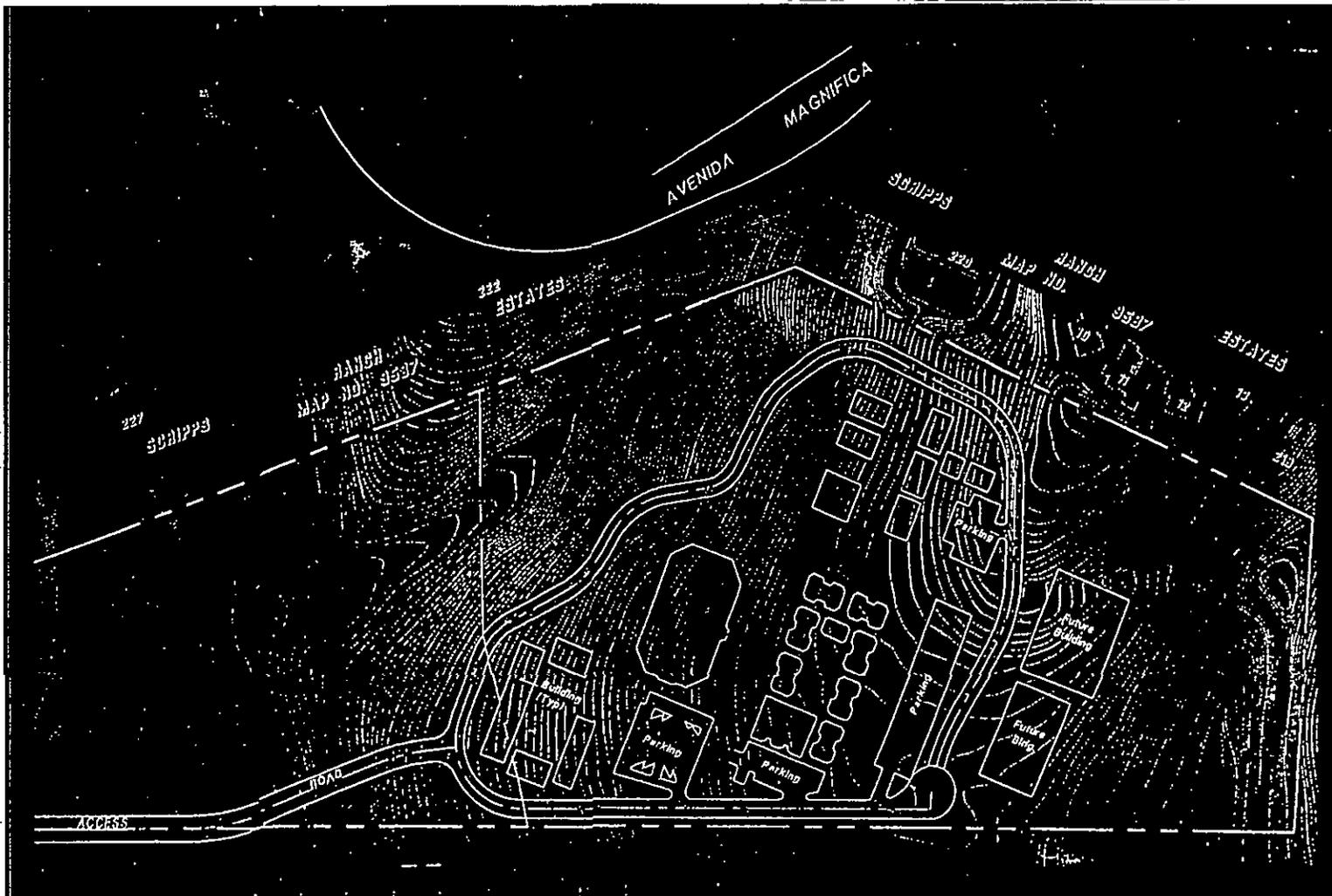
Chabad Educational Campus
 Substantial Conformance Review – CUP 133 PC

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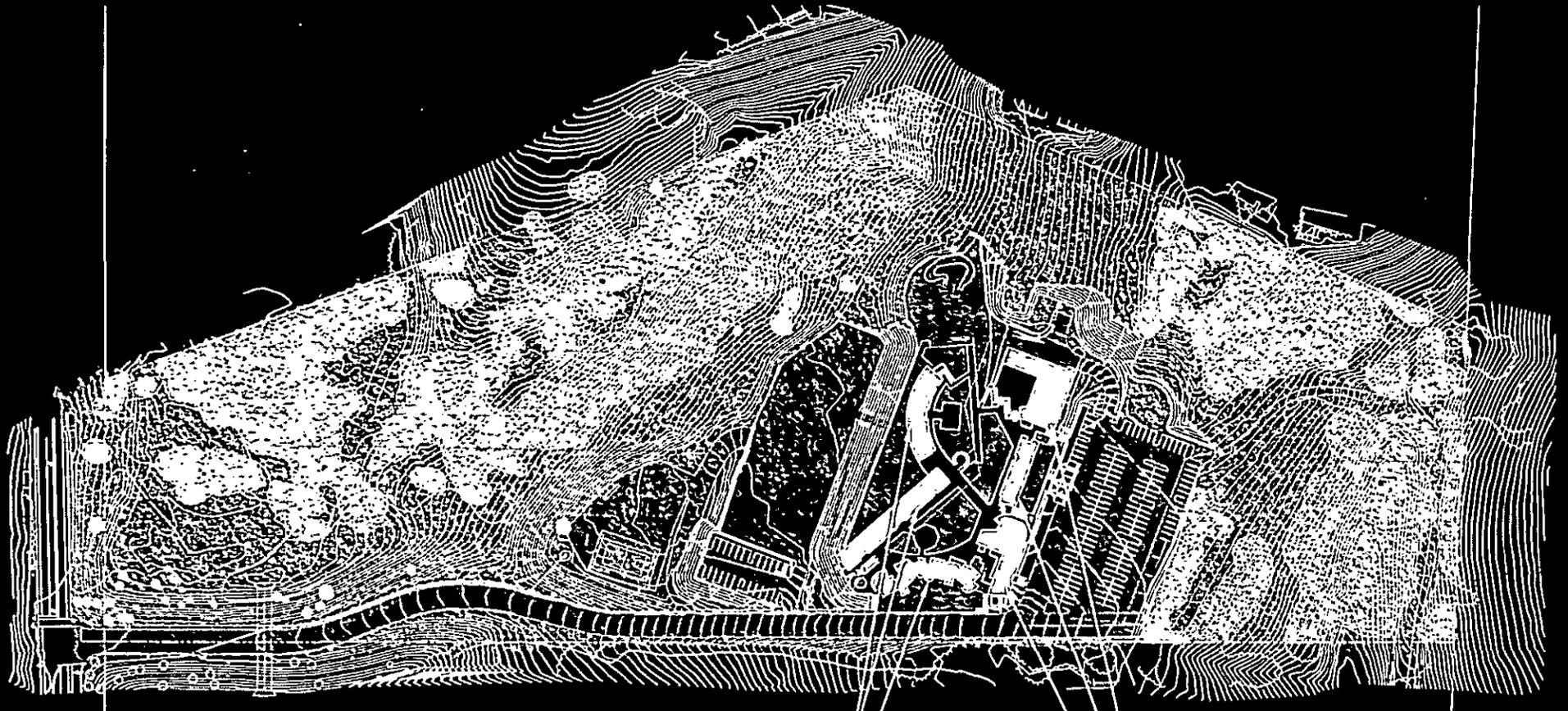
1994 Substantial Conformance Review for CUP-133 PC
 Report to City Council – Exhibit 'C' – Proposed Site Plan
 Alternate Site Entry From Avenida Magnifica

Chabad Educational Campus
 Substantial Conformance Review – CUP 133 PC



1995 Substantial Conformance Review for CUP-133 PC
Report to Planning Commission
Exhibit 'A' – Proposed Site Plan

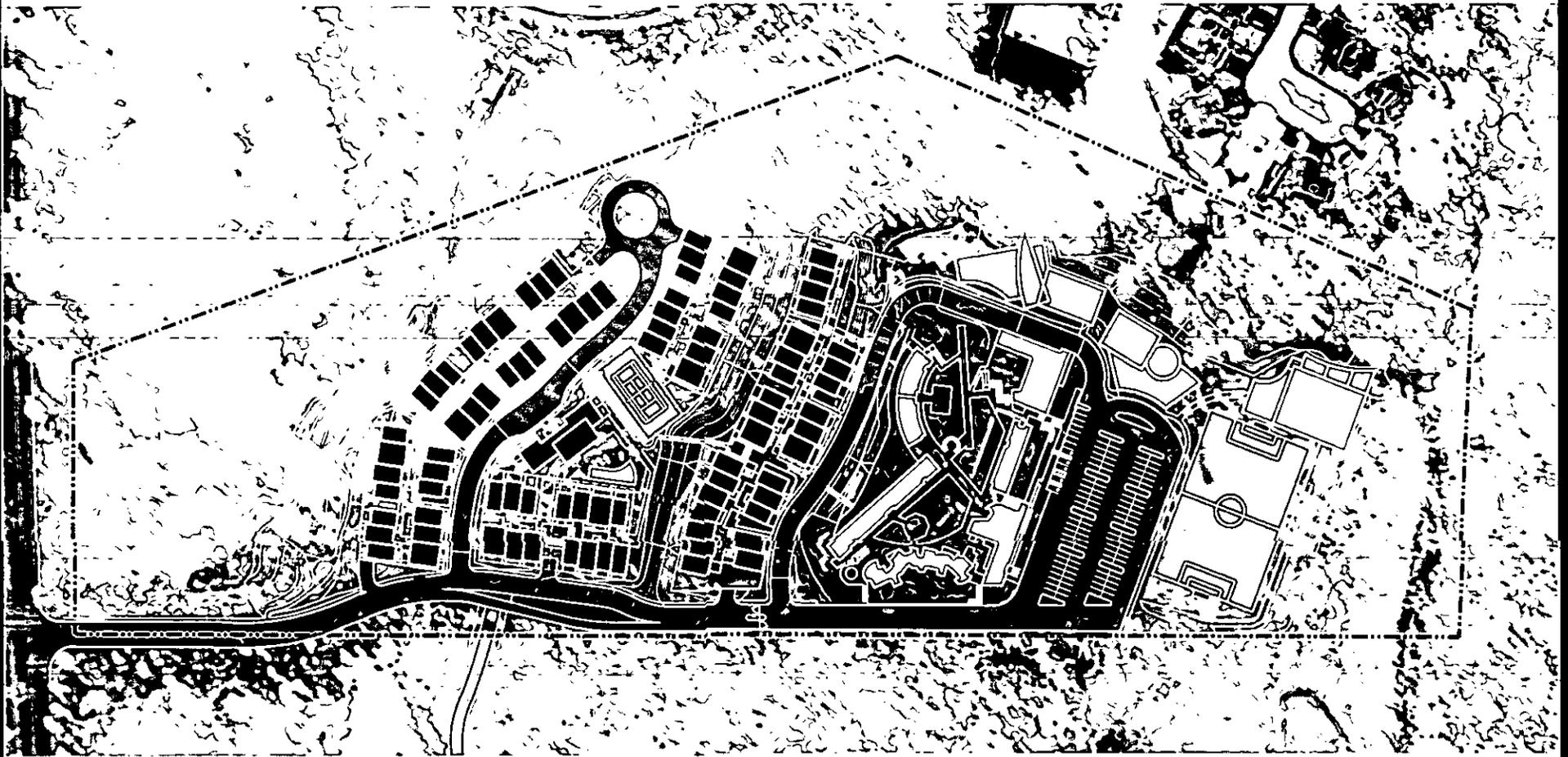
Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC



- Existing Classrooms
- Existing Pre-School
- Existing Cafeteria & Multi-Purpose Space
- Existing Classrooms
- Existing Admin. & Library

Existing Site Plan

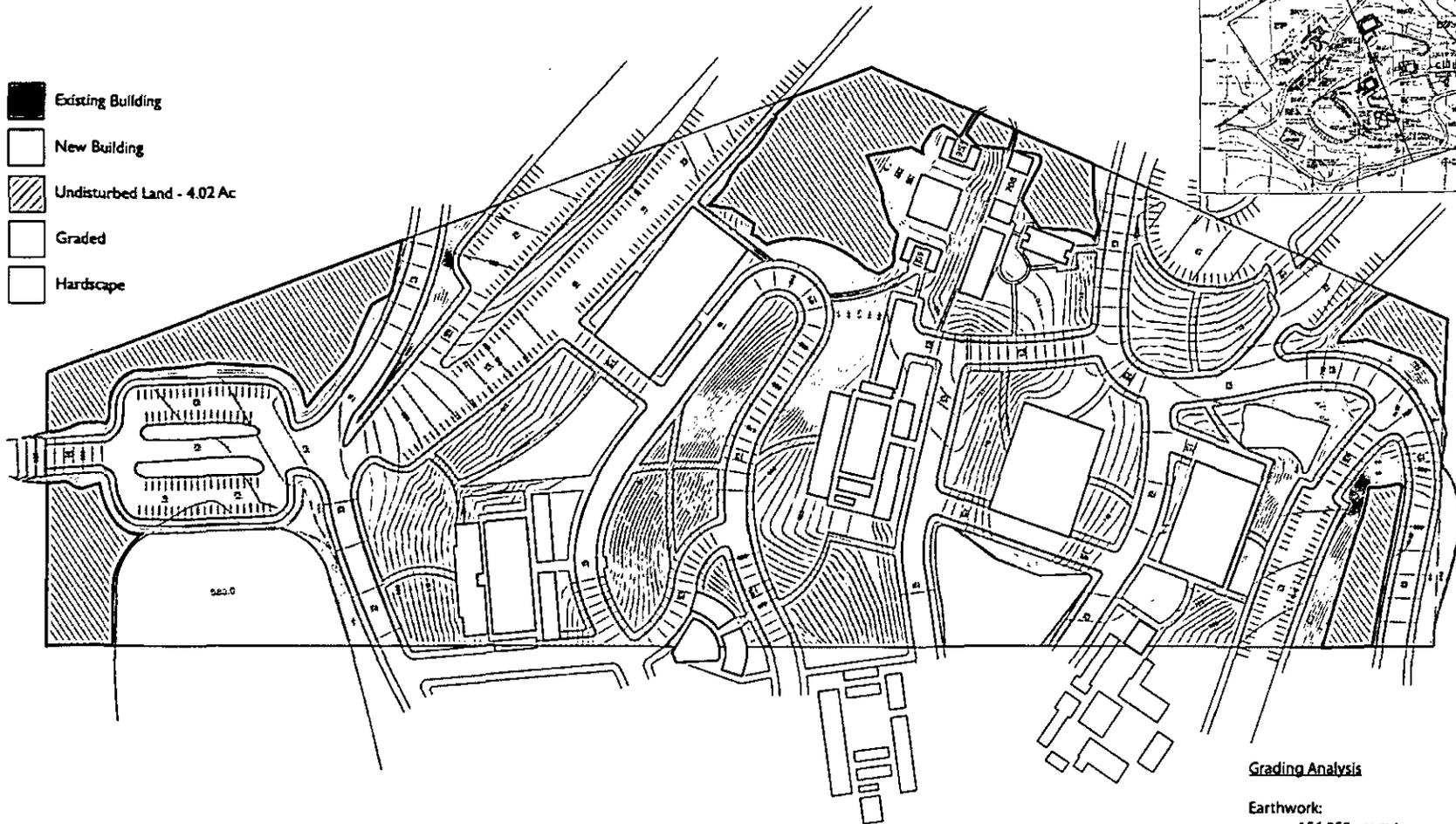
Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC



Proposed Contextual Site Plan

Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC

-  Existing Building
-  New Building
-  Undisturbed Land - 4.02 Ac
-  Graded
-  Hardscape



Grading Analysis

Earthwork:

156,050 c.y. cut
 113,002 c.y. fill
 43,048 c.y. export

Site acreage:

26.98 acres
 Portion of site undisturbed by grading:
 4.02 acres

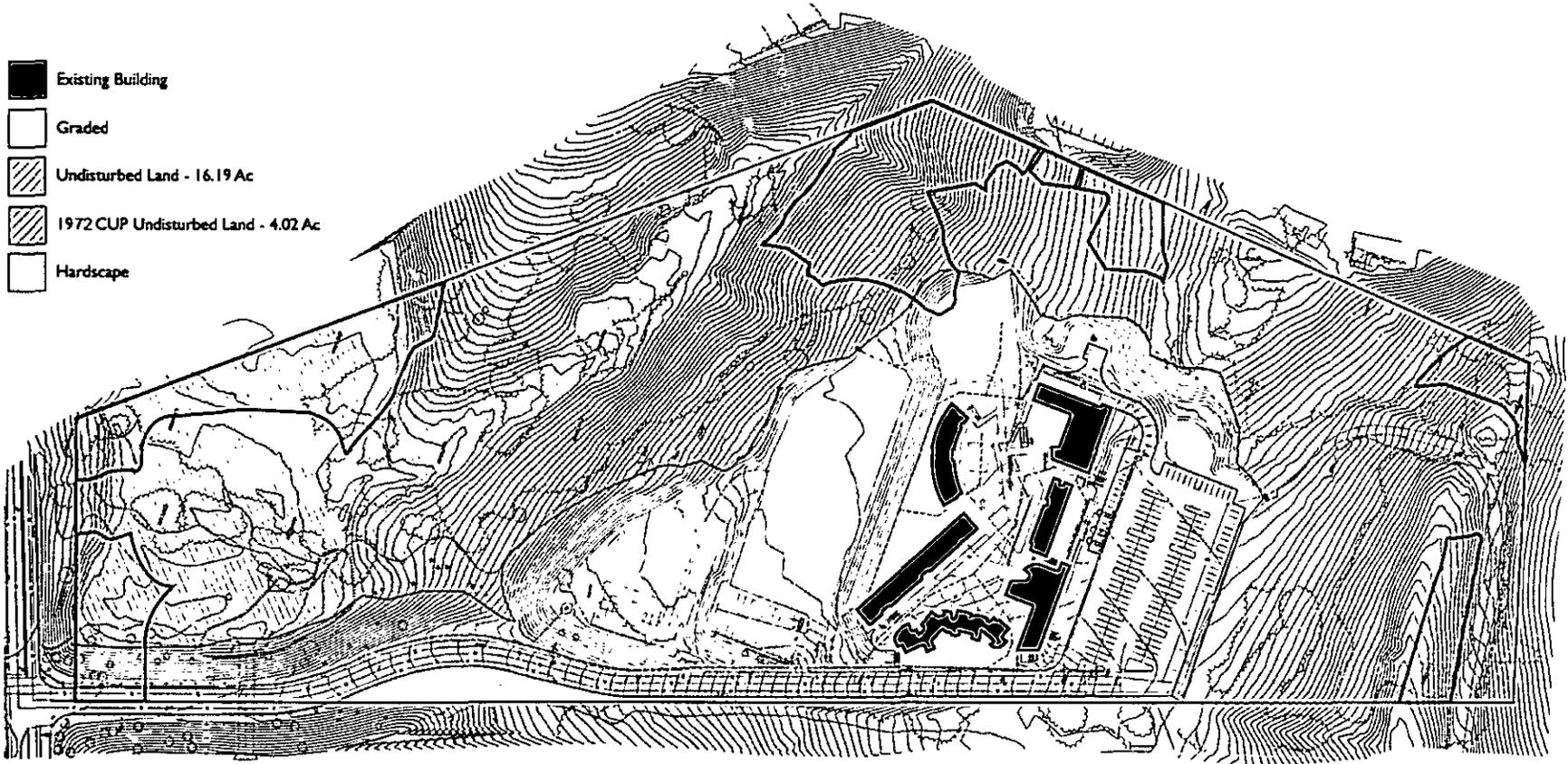
Grading Study #1 - 1972 USIU-CUP
 Chabad Educational Campus

1972 USIU CUP 133-PC Master Plan Grading Study

Chabad Educational Campus
 Substantial Conformance Review – CUP 133 PC

6/10/97

-  Existing Building
-  Graded
-  Undisturbed Land - 16.19 Ac
-  1972 CUP Undisturbed Land - 4.02 Ac
-  Hardscape



Grading Analysis

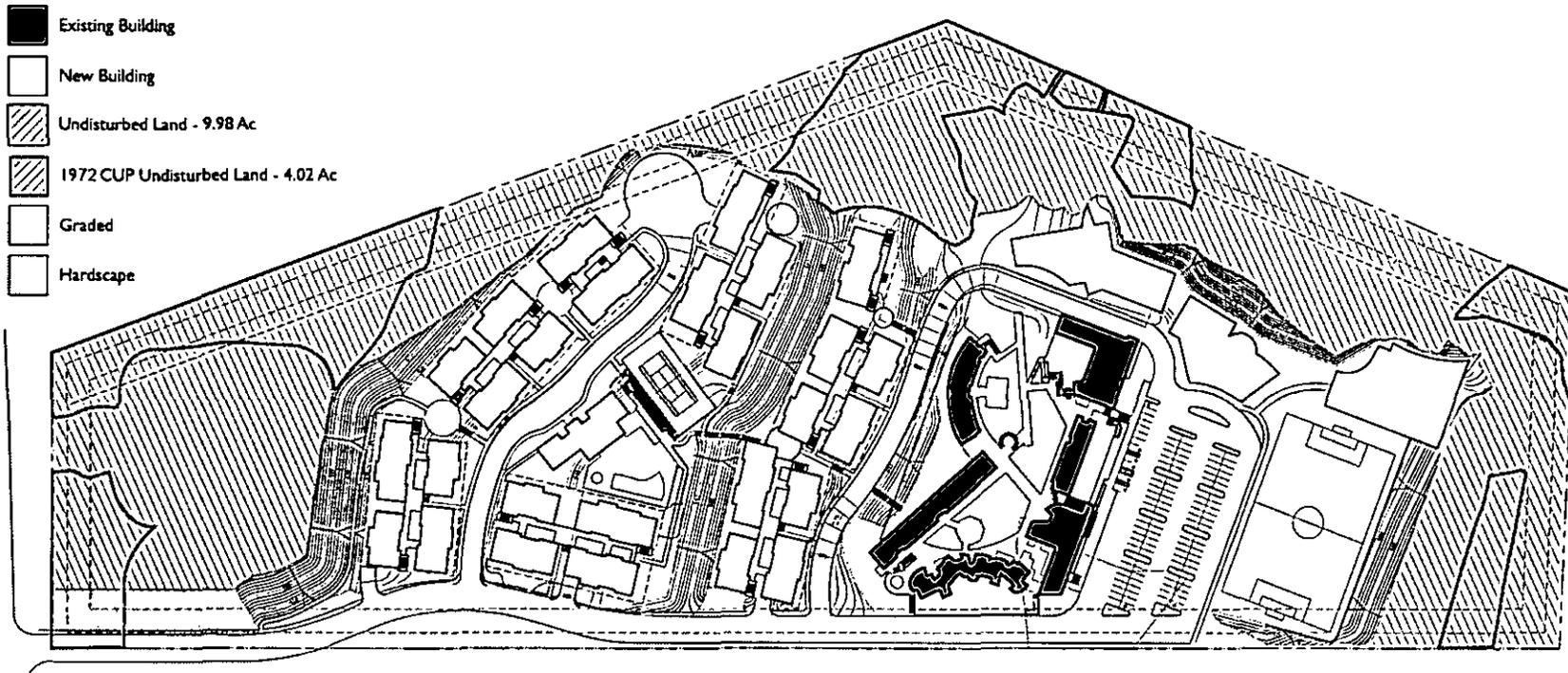
Site acreage:
26.98 acres
Portion of site undisturbed by existing
grading:
16.19 acres

Grading Study #2 - Existing: Currently Disturbed
Chabad Educational Campus

Existing Site Plan Grading Study

Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC

000008



Grading Study #3 - Proposed Master Plan
 Chabad Educational Campus

Grading Analysis

Earthwork:

129,500 c.y. cut

81,500 c.y. fill

48,000 c.y. export

Site acreage:

26.98 acres

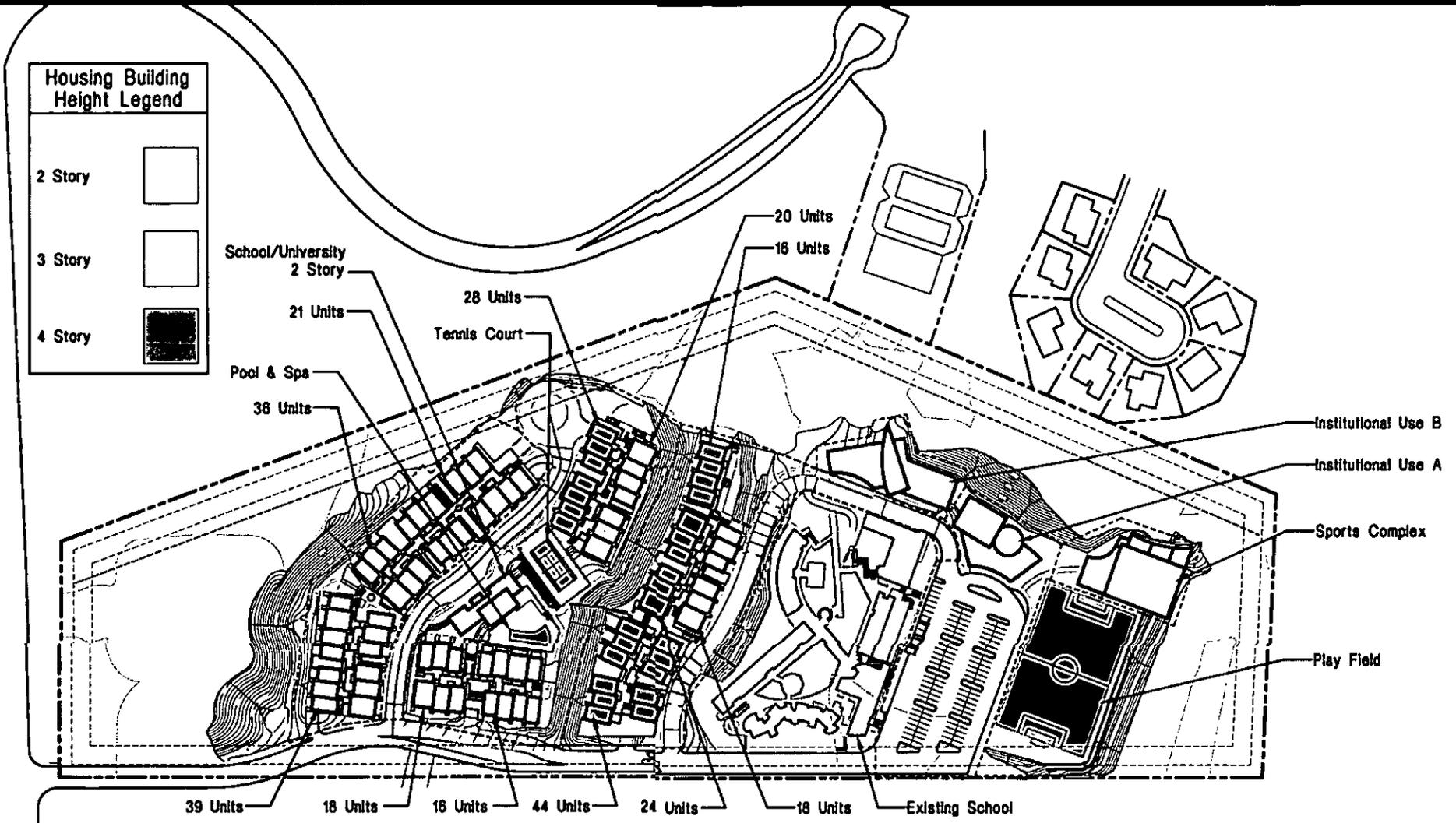
Portion of site undisturbed by grading:

9.98 acres

Proposed Site Plan Grading Study

Chabad Educational Campus
 Substantial Conformance Review – CUP 133 PC

000099



Proposed Site Plan

Chabad Educational Campus
 Substantial Conformance Review – CUP 133 PC

Chabad Educational Campus Proposal – Development Summary

Unit Mix

800 s.f. 1 Bed/1 Bath	64 Units
900 s.f. 2 Bed/2 Bath	46 Units
1,000 s.f. 2 Bed/2 Bath	132 Units
1,300 s.f. 3 Bed/2 Bath	38 Units
Total Proposed Units	280 Units
Total Proposed Bedrooms	534 Bedrooms

Building Coverage

Existing Institutional Structures	26,620 s.f.
Proposed Student/Faculty Housing	99,580 s.f.
Proposed Institutional Use A	9,819 s.f.
Proposed Institutional Use B	15,004 s.f.
Proposed Gymnasium/Pool/Classrooms	16,395 s.f.
Proposed Commons/Library/Classrooms	8,648 s.f.
Total Proposed & Existing Coverage	176,066 s.f.

Building Coverage Allowed

1,175,254 s.f. site area x .15 (% coverage allowed) = 176,288 s.f.

F.A.R. Calculations

Allowable F.A.R. for Zone RS-1-8 = 0.45

Proposed F.A.R. = 425,655 s.f. / 1,175,254 s.f. = 0.36

0.36 proposed < 0.45 allowed = ok

Chabad Educational Campus Proposal – Substantial Conformance Points

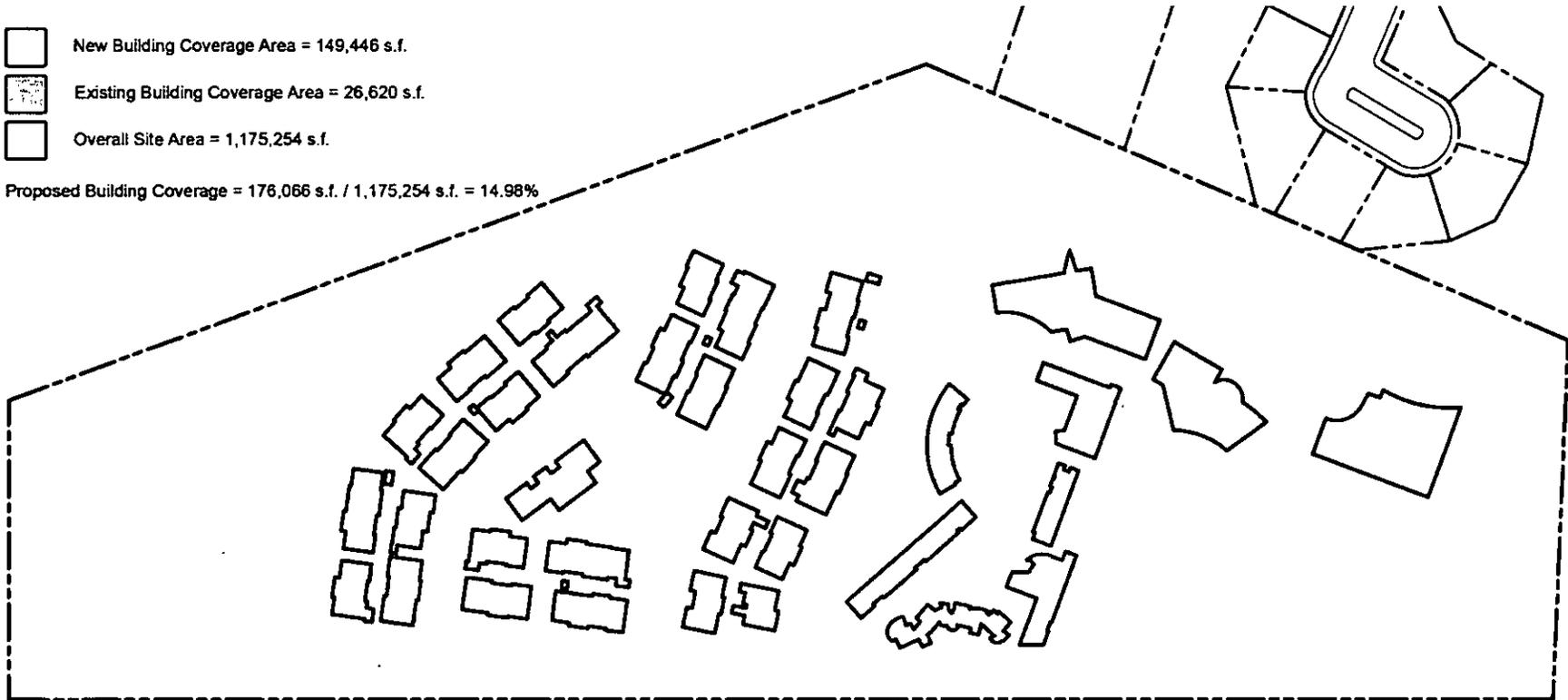
- “The University shall be used for one or more self-contained campuses, including housing for students and faculty. The number of full-time or equivalent students on the property shall not exceed approximately 6,000 in addition to faculty and staff.” (1967 CUP)
- “Prior to issuance of any building permit on any phase of development as shown by number on approved Exhibit ‘A’ [1967 Master Plan], a plot plan for the entire phase shall be submitted to the Planning Commission for approval.”
- “Prior to the issuance of any building permits, complete building plans, (including signs) shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit ‘A’ on file in the office of the Planning Department and the plot plan required...above.”

Building Development Standards – CUP 133-PC:

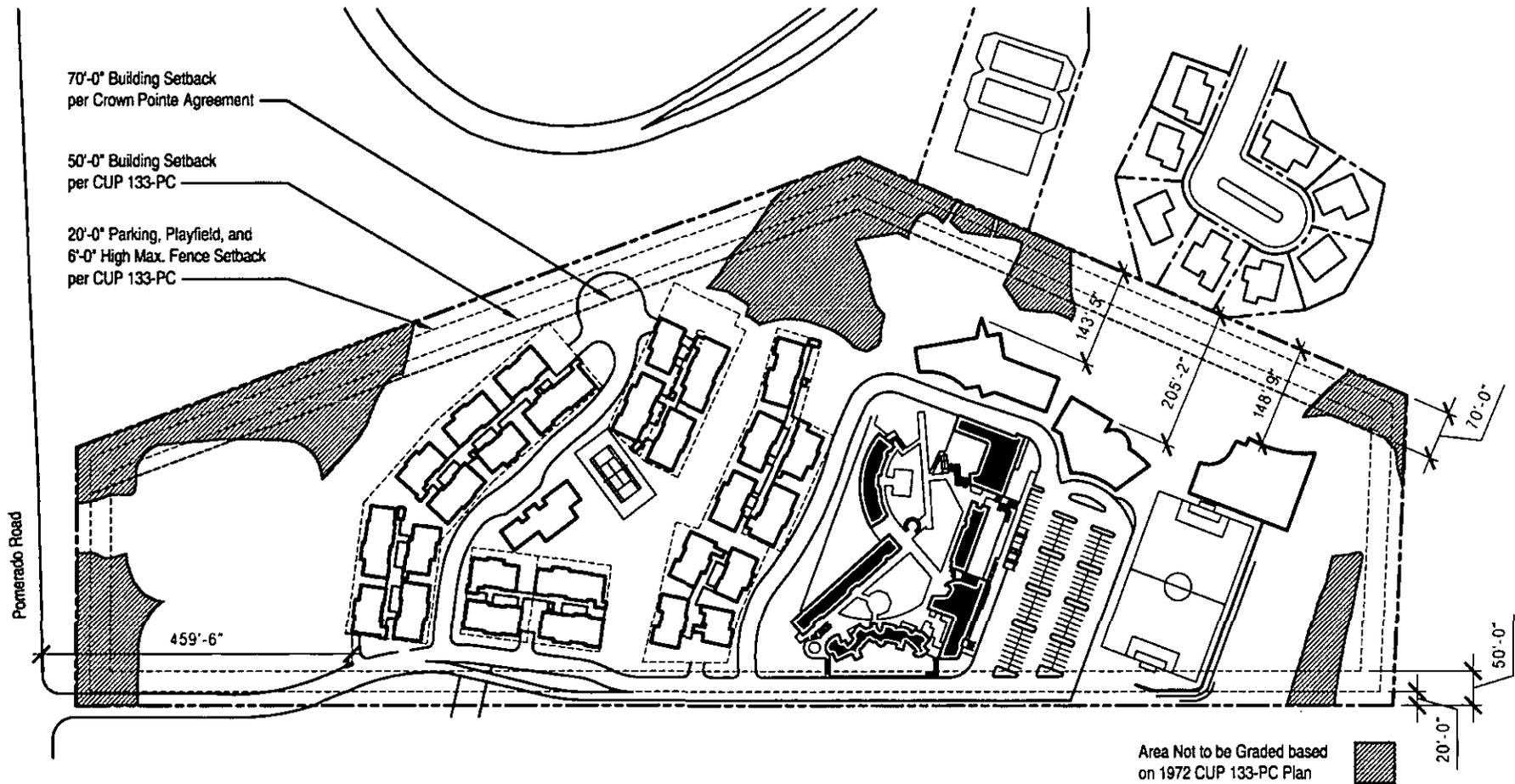
- “Buildings shall not cover more than 15% of the total area of the property.”
- “No building shall be closer than 50-feet to any property line.”
- “No parking area, playfield or other facility or structure, except fences, access roads, drainage facilities, utilities, entrance gates and identification signs, shall be closer than 20 feet to any property line.”
- “No fence along or within 20 feet of any property line shall exceed 6 feet in height.”

-  New Building Coverage Area = 149,446 s.f.
-  Existing Building Coverage Area = 26,620 s.f.
-  Overall Site Area = 1,175,254 s.f.

Proposed Building Coverage = 176,066 s.f. / 1,175,254 s.f. = 14.98%

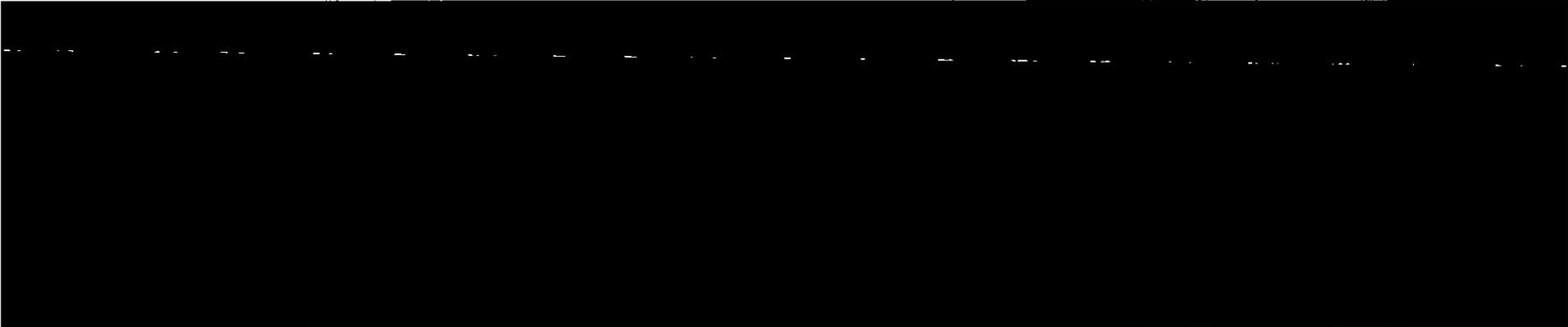


Site Coverage Diagram



Site Regulations Diagram

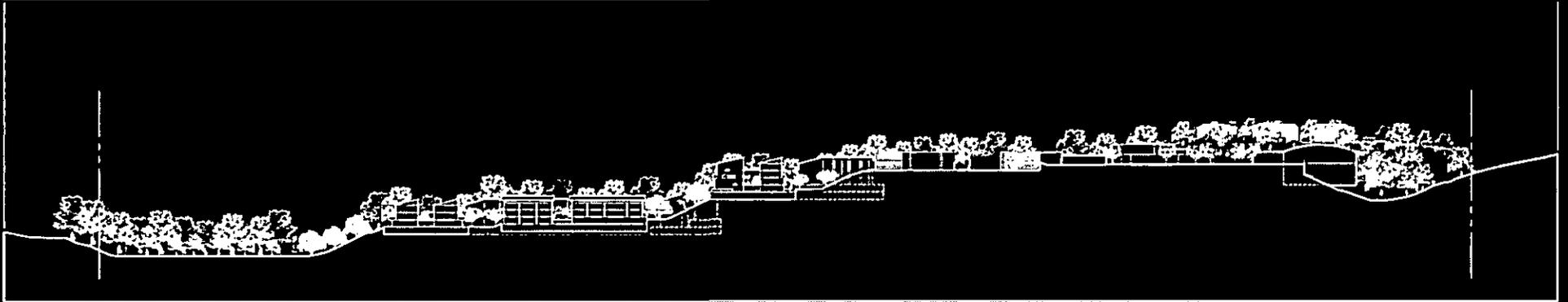
Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC



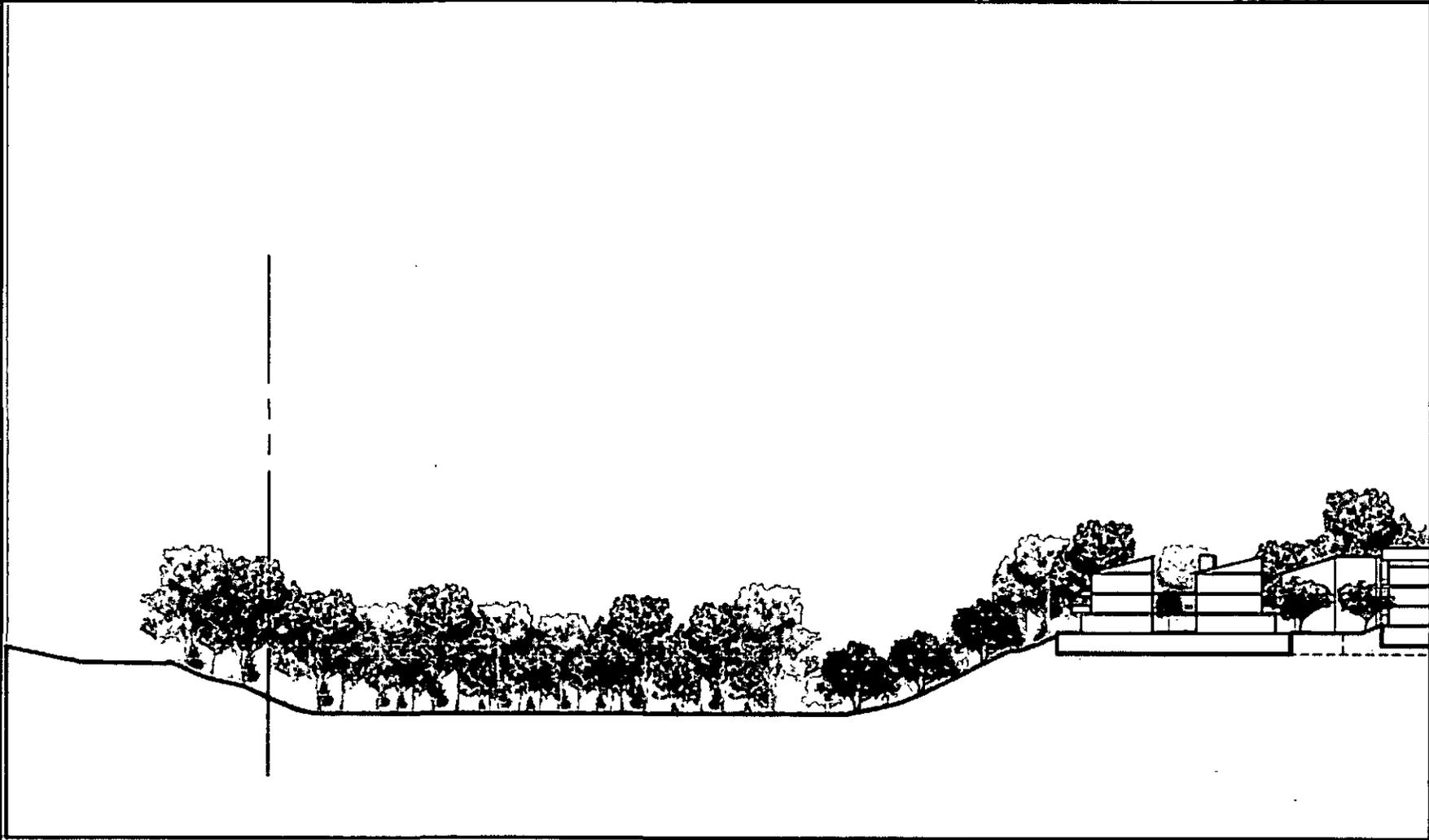
USIU CUP No. 133-PC - Development Allocation Table			
Allowable Component per CUP No. 133-PC	Alliant Allotment	Chabad Allotment	Total USIU Allotment Allowed per CUP No. 133-PC
Students	5200	800	6000
Student Beds	3150	350	3500
Married Student Dwelling Units	225	75	300
Faculty Dwelling Units	30	20	50



Development Allocation Table



Site Section

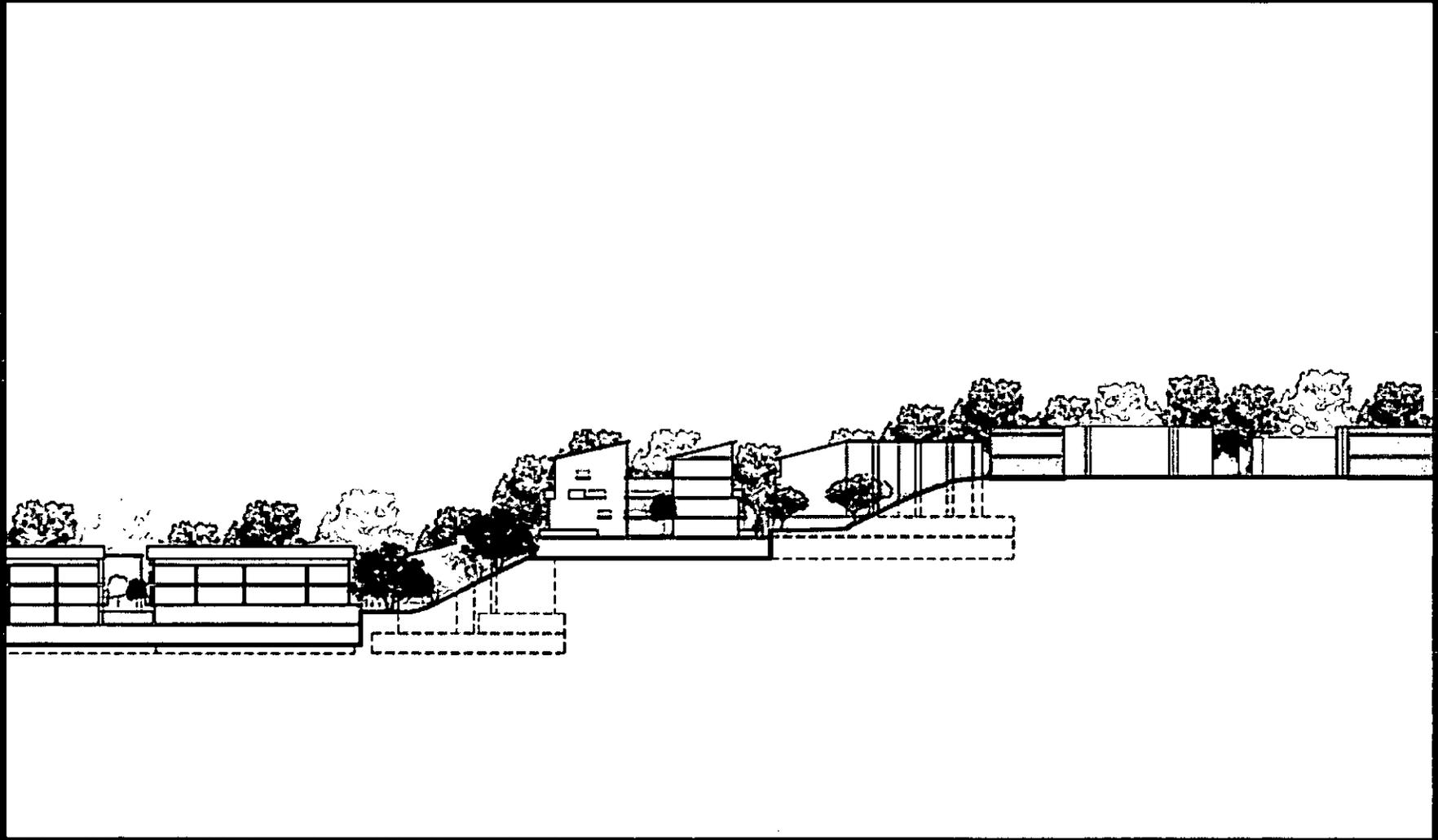


Site Section



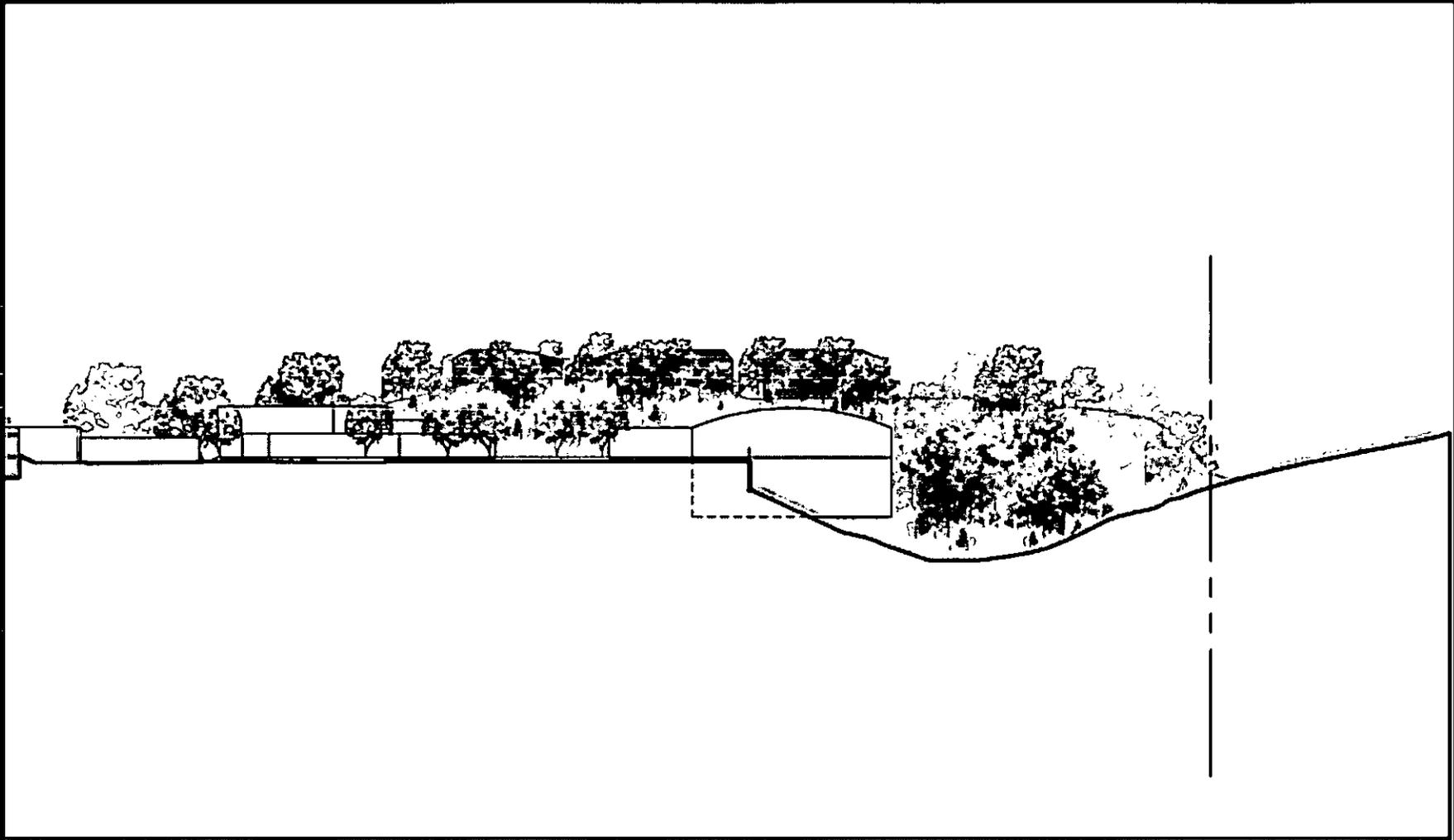
Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC

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Site Section





Site Section





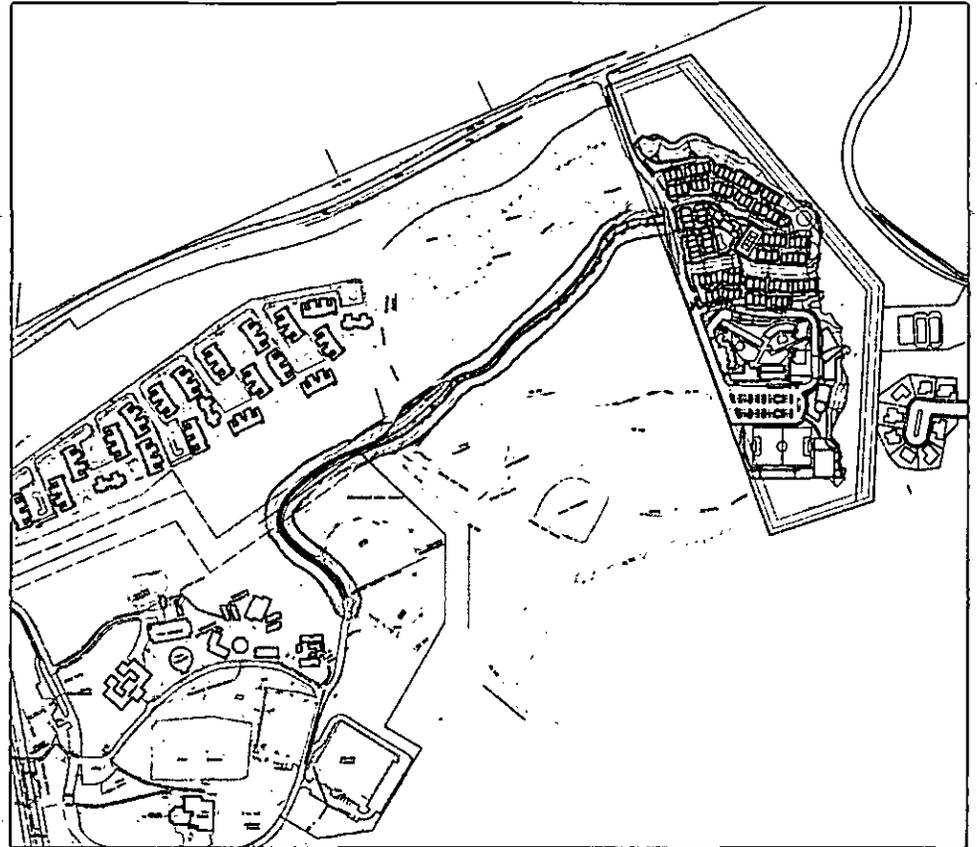
Landscape Plans

Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC

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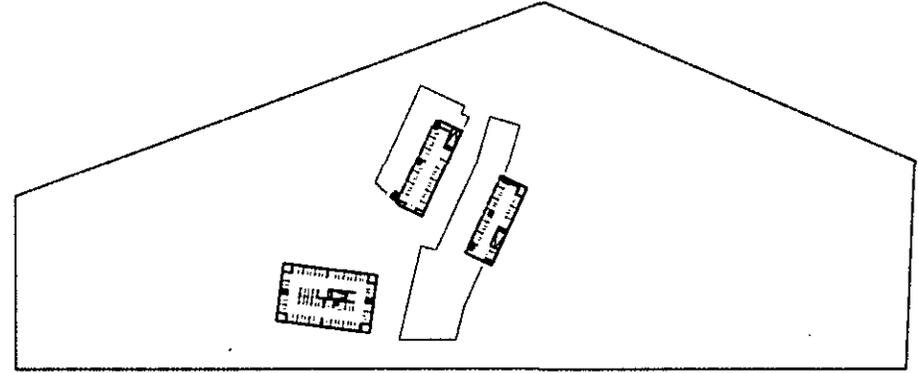
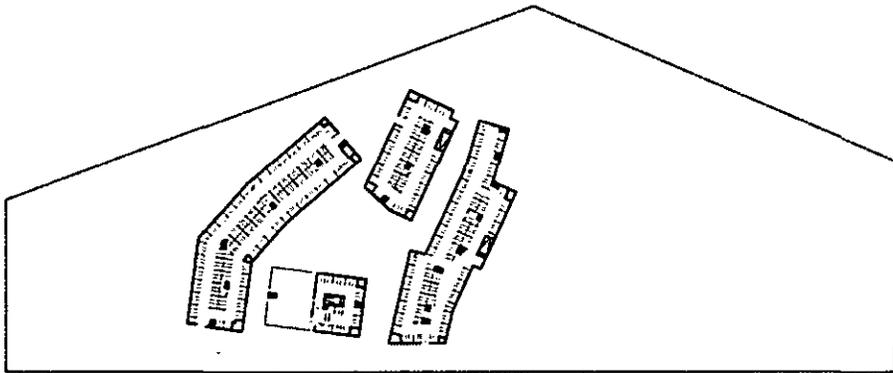


1972 CUP 133-PC Plan



Proposed Emergency Access Plan

Fire Access Road Plans – 1972 Plan & Proposed Plan



Below Grade Parking Plan – Level 1

Below Grade Parking Plan – Level 2

CUP 133 PC - Parking Required:

Use	Requirement	No. of students or staff	Parking spaces required
On campus residential students	4 spaces per 9 students	350 students	350 students / 9 students = 39 x 4 spaces = 156 spaces
On campus faculty residents	1 space per staff member	20 faculty units = 20 staff members	20 x 1 space = 20 spaces
Pre-school - grade twelve students	1 space per student	450 students	450 x 1 space = 450 spaces
Off campus faculty	1 space per each staff member	45 staff members	45 x 1 space = 45 spaces

Total = 671 parking spaces required

City of SD Municipal Code - Parking Required:

Use	Requirement	No. of units, students, staff, or classrooms	Parking spaces required
1 bedroom over 400 s.f.	1.5 spaces per unit	64 units	64 units x 1.5 spaces = 96 spaces
2 bedrooms	2.0 spaces per unit	178 units	178 units x 2.0 spaces = 356 spaces
3 bedrooms	2.25 spaces per unit	38 units	38 units x 2.25 spaces = 85.5 = 86 spaces
Pre-school	1.0 space per each staff member	30 staff members	30 x 1 space = 30 spaces
Kindergarten - grade nine	2.0 spaces per classroom	36 classrooms (20 existing & 16 proposed)	36 x 2 spaces = 72 spaces
Grade ten - grade twelve	1.0 space per 5 students @ max. occupancy	50 students	50 students / 5 = 10 spaces
Off campus faculty (not pre-12)	1.0 space per each staff member	15 staff members	15 x 1 space = 15 spaces

Total = 665 parking spaces required

Below Grade Parking Plan Diagrams & Calculations

Parking Provided:

Below grade parking garage standard space	564 spaces
Below grade parking garage accessible space	8 spaces
Below grade parking garage van accessible space	2 spaces
Surface parking standard space	105 spaces
Surface parking accessible space	5 spaces

Total parking proposed 684 spaces

Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC



Photo Simulation – Existing View From Pomerado Rd.

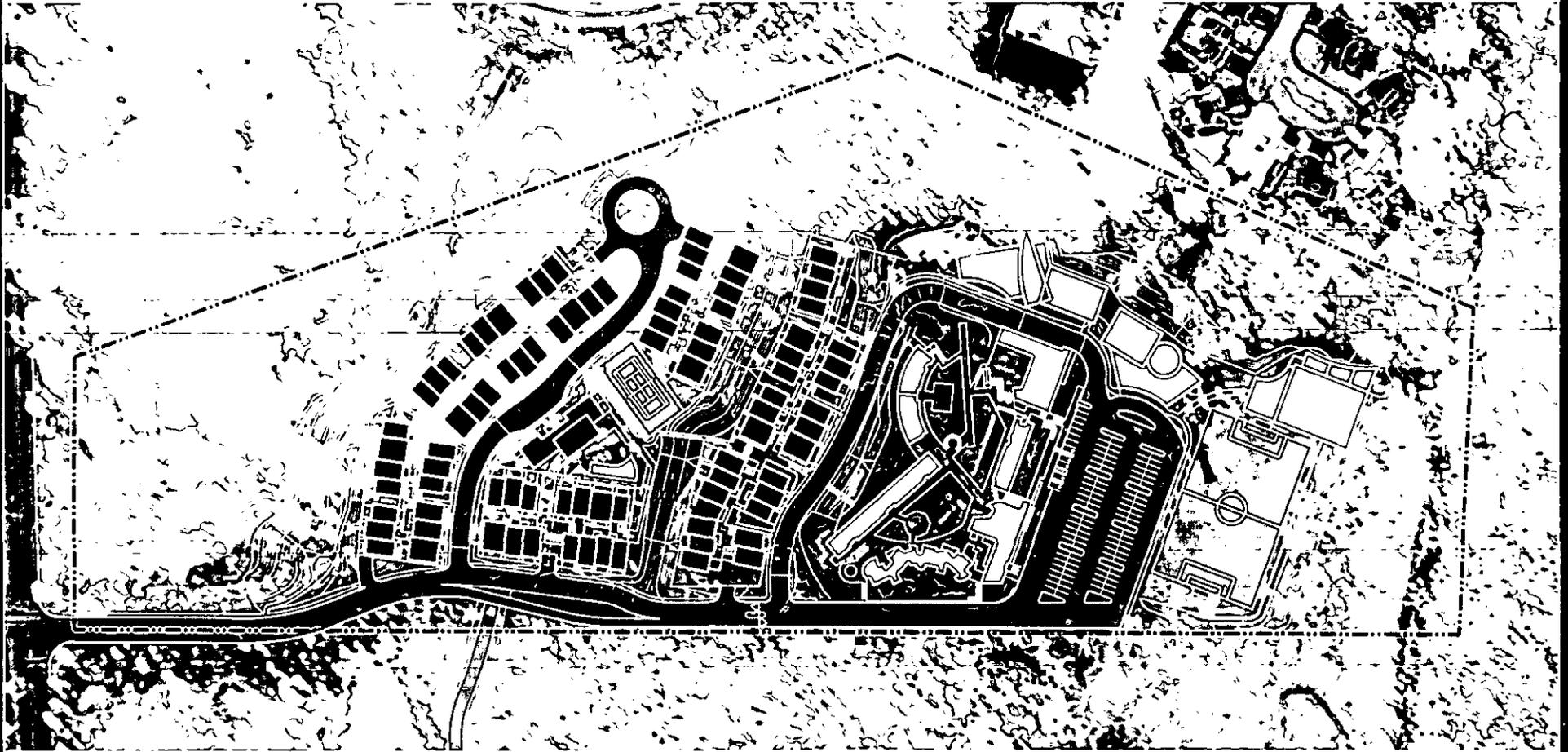


Photo Simulation – View From Pomerado Rd. with Proposed Project Rendering and without Existing Landscape



Photo Simulation – View From Pomerado Rd. with Proposed Project Rendering and Existing Landscape

Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC



Proposed Contextual Site Plan

Chabad Educational Campus
Substantial Conformance Review – CUP 133 PC

Lifelong Learning Information

Section 4

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Chabad of San Diego County

Chabad of Scripps Ranch Chabad of UCSD Chabad of Chula Vista

Rabbi M. M. Schneersohn Regional Headquarters

Chabad Educational Center

10785 Pomerado Road

San Diego, CA 92131

(858) 547-0076

FAX (858) 695-3787

Email: info@chabadsd.org

www.chabadsd.org

January 8, 2009

Dear Members of the City Council,

Chabad currently offers a wide array of accredited college courses geared to the life long learning community with over 300 students currently enrolled and is actively furthering its partnerships with the Jewish Learning Institute, an 11,000-student New York based college and the Rabbinical College of America. The Chabad College of Intergenerational Studies will help seniors remain a vital part of the educational community in mind, body and spirit.

It is Chabad's goal to provide on-campus housing for full time students and faculty. It should be stressed that although the majority of students that might reside on campus may be of retirement age, the campus is not a 'retirement community' but rather a center of higher learning for serious minded students. Just as at colleges around the country, students who would take up residence in our on-campus housing must be enrolled in a full course load. This oft requested residential extension to Chabad's current student offerings provides a much needed service for our aging student body locally and across the entire JLI enrollment.

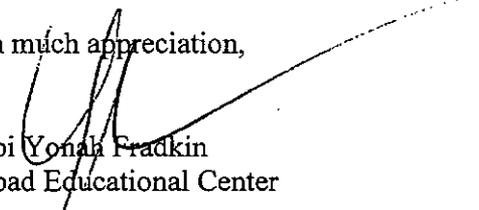
The model being followed is similar to that implemented at other institutions around the Country. Over thirty centers of higher learning, including University of Arizona, Duke, Ithaca College, and the University of Michigan at Ann Arbor, currently offer a most successful life long learning program. However, as stated, Chabad is not building a retirement community.

Chabad envisions bringing a much greater quality of life, for our adult college students, as well as, the younger students within our day school community, bringing much needed intergenerational activities and opportunities, thus enhancing each others lives.

As the baby boomer generation continues to age, colleges and universities focusing on students in their "third age" will become increasingly vital as a brain trust and a tremendous source of civic engagement in the local community.

Together, we look forward to providing continued resources for the betterment of the San Diego community.

With much appreciation,


Rabbi Yonah Fradkin
Chabad Educational Center

000119

CHABAD IS THE LARGEST JEWISH SOCIAL SERVICE ORGANIZATION IN THE STATE OF CALIFORNIA

Chabad of Tijuana

Chabad of Rancho Bernardo

Chabad of Oceanside

Mikva Israel

Chabad of La Jolla Shores

Chabad of La Costa

Chabad College Area

Chabad of Del Mar

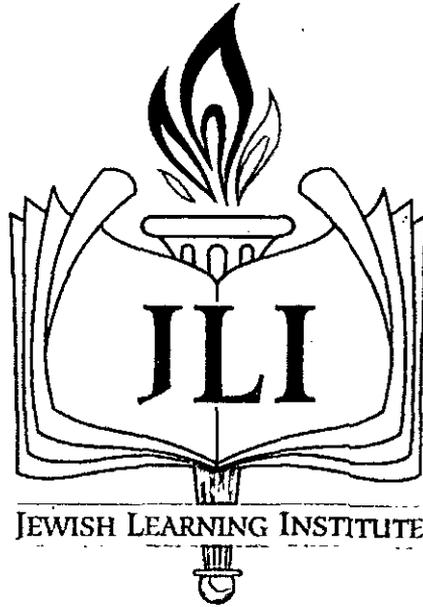
Chabad of Downtown

Chabad of University City

Chabad Hebrew Academy

Chabad of Bonita

Chabad Jewish Student Life

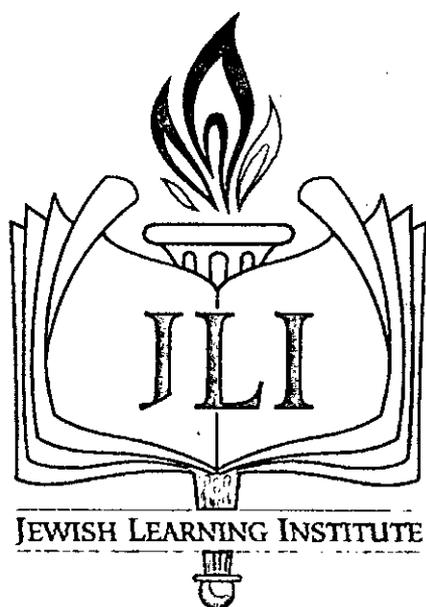


Mission Statement

The Jewish Learning Institute (JLI) has been created in the tradition of teachers establishing bonds with students pursuing intellectual and spiritual growth in their adult years. JLI coursework is designed for students ranging from motivated first-time learners to those with years of prior study. The Institute follows a powerful path of discovery and depth, touching the mind and soul of its learners. Students share an experience of such magnitude that many form lasting ties of close friendship and community.

The JLI's courses are taught through interactive dialogue accompanied by dynamic textbooks and dramatic audio-visual presentations.

JLI teachers lead students toward fresh thinking about the world. He or she creates an environment that inspires feelings of purpose, meaning, and value. JLI's teaching is authentic and real. And it is all conveyed in a collegiate environment that embraces every student.



JLI LEADERSHIP & FACULTY

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Rabbi Yosef Gansburg
Rabbi Shmuel Kaplan
Rabbi Yisrael Rice
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School of Jewish Education.
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North Shore University
Hospital NYU School of
Medicine.

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Authors

Rabbi Yitschak M. Kagan, OBM
Rabbi Berel Bell
Rabbi Tzvi Freeman
Dr. Shmuel Klatzkin
Rabbi Chaim Zalman Levy
Rabbi Moshe Miller
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Online Division

Rabbi Mendel Bell

Rabbi Mendel Sirota

Developmental Editor

Dr. C. Silberstein, PhD

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Gary Wexler

Gary Wexler & Associates, Los Angeles, CA

The Kabbalah of Character

KB 1-CH

You are unlike any person who has ever lived before. How can you make the most of the gifts you have been given?

The Kabbalah of Character, a new and expanded revision of our popular course "Soul Powers," is designed to help you understand the unique mix of qualities that define your individuality. Drawing on the organizational structure of the Kabbalah, this course examines the nature of the human soul created in the image of G-d.

The Kabbalah of Character is not a quick-fix. You won't learn how to become a perfect person in twelve easy lessons. But you **will** learn strategies for making changes that are lasting and real.

Authored by Rabbi Moshe Miller, noted scholar of Kabbalah, the course invites you to choose from among a wealth of reflective approaches to chart your own path to personal growth. It includes wisdom to amaze you and stories to inspire you, as well as journal exercises and practical tools to help you apply the lessons to your own life. So spend twelve weeks learning the secrets that will help you unlock your inner potential. Because you won't know what you can be... until you hold a mirror to your soul.

You Be the Judge: Behind the Steering Wheel of Jewish Law

TL 1-JL

For over a thousand years, our most important cultural activity has been the study of Talmud. It has sustained us through persecution and exile, shaping the discourse of our people and serving as the crowning achievement of our intellectual tradition. Perhaps you have been curious about the Talmud, but thought it was complex and inaccessible to anyone lacking extensive training. Not anymore. You need no prior knowledge of the Talmud and no formal legal training. There are no prerequisites other than an open mind. "You Be the Judge" presents you with real cases brought before Beit Din, the court system of Jewish law. We provide the primary source texts from Talmud and put you in the driver's seat. You will have the opportunity to question, discuss, and argue, based on principle and precedent. You will experience firsthand the exhilarating mental exploration that characterizes traditional Talmud study.

From Sinai to Cyberspace: How Ancient Wisdom Guides a Modern World *HI 1-SC*

A lot can change in 3,000 years. We've gone from camel backs to Cadillacs, and have entered a world of fast-paced technological advance. We've gone from a Jewish world marked by prophets and pilgrimages to a world where students study Torah in cyber-classrooms and rabbis address ethical question posed by organ transplants.

Yet the elemental questions about our tradition remain the same. How do we know what G-d wants of us in this world? Do we have any evidence that the Bible text is divine and true? How can we understand its cryptic passages? Why are the rabbis so concerned with minute details? Who has the right to interpret the Bible? How do we adapt its laws to modern times and changing influences? The answers to these questions are addressed in "From Sinai to Cyberspace," the most popular course ever offered by the Jewish Learning Institute.

Tier II Course Studies in Talmud: Matters of Life and Death *TL 2-LD*

Recording hundreds of years of rabbinical debate and discussion in Israel and Babylonia, the Talmud is the foundation of traditional Jewish scholarship. Tier II's **Studies in Talmud** draws you into the Talmudic fray through original texts and lively presentations of essential subjects from across the spectrum of Jewish life. The course will trace the source of both common ritual practice and civil law from scriptural roots through modern application. **Studies in Talmud** will illuminate familiar territory as you will be introduced to a panoramic view of the genius of Jewish thought throughout the centuries.

The Kabbalah of Time *KB 1-CL*

Examine time and the Jewish calendar. Time is a profound organizing element of our existence, and the cycle of the Jewish calendar provides a powerful template for personal growth. Discover both a practical understanding of the structure of the Jewish calendar as well as mystical insights into recurrent patterns of time.

The Land and the Spirit: Why We All Care About Israel

PI 1-IS

Explore the spirit of a land that has pulsed with energy and mystery since the dawn of time, a land that has captured our imagination throughout history, a land that breathes with the glory of our past and the dreams of our future. Join us as we examine what Israel was meant to be, and what Israel means to us today.

MyShiur Explorations in Talmud: Tractate Ketubot

TL 3-KE

Tractate *Ketuvot* deals with obligations between spouses that are taken on through marriage. It investigates what these obligations require when the family unit is strained in various ways and in doing so, helps the marriage partners to consider their situation soberly and so rise to the challenge of meeting their difficulties.

Flashbacks In Jewish History: How our past informs our future

HI 1-FB

In his parting instructions to his people, Moses stresses the importance of historical perspective, for the present is an outgrowth of our past. By studying history, we are able to relate to current issues with greater understanding.

The story of the Jewish people is a story of a nation that has contributed to world history far more than might be expected from its small numbers. Indeed, it is remarkable how often the Jews have been found at the epicenter of world events. Many surveys of Jewish history have responded to this fact by considering the impact of Jews upon other nations and their contributions to history at large. This course, however, looks at the Jewish encounter with other cultures in light of what these interactions have meant to us as Jews. The protean ability of the Jewish people to adapt to wildly different contexts has growing relevance to all of us as we enter an era of globalization and increasingly permeable borders.

Each of the lessons considers the Jewish people as they grapple with surrounding cultures. Rather than focus on the geopolitical, we have kept an eye towards themes that resonate with contemporary Jewish experience. We expect even those students who do not consider themselves history enthusiasts to find the readings compelling.

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Beyond Never Again: The Holocaust

HI 2-HO

Explore the ways in which the Holocaust continues to affect our generation and colors what it means to live as a Jew today. The Holocaust forces us to grapple with the existence of evil and suffering. It challenges us to find faith and optimism in the face of devastation and despair. And it awes us as we encounter heroes of the spirit who fought for truth and decency in the darkest of times.

The Messiah Mystery: Toward a Perfect World

KB 1-ME

No idea in human history has inspired so much hope or ignited so much debate. It is the dream that has motivated prophets, poets, sages and mystics. It is the basis for the beliefs of billions across the globe. What is this Jewish ideal, "Mashiach" - the Messiah? Where is its source? When did it become so important to Judaism?

Men, Women & Kabbalah: Wisdom and Advice From the Masters

KB 2-MW

Viewed through the prism of Kabbalah, gender is an essential quality of the cosmos. From mystical secrets of reincarnation to practical tips on enhancing relationships, Judaism's ancient teachings will bring new depth in understanding life's most challenging issues.

Kabbalah Unplugged: The Secret Power of Prayer

KL 1-PR

For over 3000 years, the mystic masters have tapped the deepest wellsprings of human potential. For twelve weeks this winter, discover tools to elevate, enlighten, and heal, to change your destiny - as we probe mysteries of the Kabbalah to unleash the awesome power of Prayer.

Soul Power: Shedding New Light on Self and Relationships

KB 1-SH

For over 3000 years, Torah wisdom has illuminated a path to inner tranquility, personal growth and enriched relationships. For twelve weeks this spring, join us as we explore a timeless road to living life at its fullest.

Kabbalah Rhythms: A Spiritual Roadmap to Higher Living

KB 1-SR

Exploring the inner core of Judaism and the inner core of your own soul. What are we about in the world, who is G-d, and what does G-d want from us? Learn how to reengineer your Jewish life in the light of the answers you will discover.

Seasons of the Soul: The Jewish Life Cycle

KB 2CY

A passionate journey of dramas and joys, your soul's course through the Jewish life cycle is a wondrous tale of discovery, meaning and fulfillment. This spring, join us for a term of life, love, family, and renewal – as we explore the Seasons of the Soul.

Journey of a Nation: The Miracle of Jewish Survival *HI 1-JS*

Discover the magnificent spirit of the Jewish people through the ages as we experience the tragedy and triumph of Jewish History.

Jewish Essentials: A Spiritual Guide to Jewish Life and Learning

TL 1-JL

What we do and why we do it. The body of Judaism and the soul within. This twelve-week course will investigate the sources and meaning of the essential elements of active Jewish life.

Talmudic Ethics: Timeless Wisdom for Timely Dilemmas

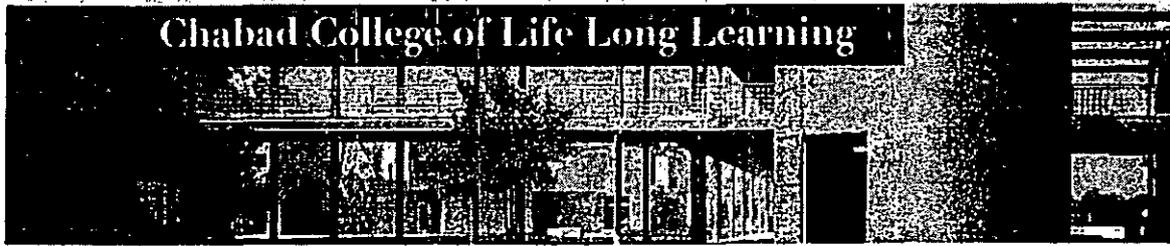
TL 2-ET

From Internet privacy and corporate scandals to abortion and euthanasia – our lives are filled with difficult, often gut-wrenching ethical dilemmas. Perplexed? Come discover new ways to navigate the moral sea as we examine some of today's toughest questions in the light of the Torah – Judaism's ethical and moral compass for over three thousand years.

Wisdom From Sinai: Revolutionary Ideas that Judaism Introduced to the World

PH 1-RI

At the heart of the mystical Jewish experience at Sinai that made us a people, the Ten Commandments constitute an ethical core that has guided us for three thousand years. Yet they have had influence far beyond Jewish life. The Ten Commandments are widely acknowledged as the bedrock of most religions, legal systems and ethical codes of the Western world. In this inaugural course offered by the Sinai Scholars Society, you will discover why.



Chabad College of Life Long Learning

Introduction

It's never too late to go to college, especially when you don't have to worry about getting a job upon graduation.

A growing number of older Americans are doing just that, and many college campuses around the country are seeing an increase in adult and retiree students.

The allure is both the intellectual and cultural stimulation that an educational campus can provide. Students and retirees often look for the same thing - mental stimulation and a lifestyle experience.

The goal of Chabad College is to create a learning environment that benefits all age groups and provides interaction and stimulation to all students.

The Chabad campus is currently home to the Chabad Hebrew Academy and the Jewish Learning Institute. Chabad has been a San Diego leader in adult Jewish education since 1973 and is affiliated with colleges and institutions of higher learning around the world.

It is Chabad's goal to combine our adult and child centered educational offerings on one campus with facilities to benefit all students and to attract world-renowned faculty to our educational institution.

Professional surveys of our adult student population locally and nationally underscore the strong demand for proposed student residences as an integral part of Chabad College.

Curriculum Committee

Rabbi Josef Fradkin
Dr. Esther Lowy
Dr. Linda Kelley
Dr. Nosson Gurary

Eyal Rav-Noy
Sam Sorokin
David Smoller
Rabbi Mendel Polichenco



ACCREDITATION

Chabad College is working toward degree granting status and full accreditation with the Merkos Central Organization of the Jewish Education National Accreditation Board.

Chabad College is currently developing course work and curriculum in the following subjects in conjunction with the Educational Institute Oholei Torah and the Rabbinical College of America based in New York and New Jersey respectively:

Course Designation

Theology	THEO	Philosophy	PH
Pedagogy	PED	Jewish Law	LA
Inter-Generational Studies	IG	Arts	AR
History	H	Literature	LI
Language	LG		

Academic Program

Chabad College is expected to offer the following degrees:

- Bachelor of Arts in Religious Studies
- Associates Degree
- “Smicha” Rabbinical Degree
- Letters of Proficiency
- Certificates

Requirements for Completion of the Academic Program

Students enrolled in Chabad College are expected to spend twenty weeks per term in lectures, seminars, and supervised and independent study. Credit is granted for successful completion of coursework at the rate of one credit for a minimum of twenty-eight hours of work. There is a minimum requirement of eight units per term. Students must enroll for a minimum of two 3-unit courses and one 2-unit course or greater per term. The Bachelor of Arts program requires 120 credits for graduation.

Satisfactory Progress

Students enrolled in a degree program must meet the following satisfactory progress standards:

Qualitatively, students must maintain at least a cumulative GPA of C (2.0) or greater to acquire a diploma.

Evaluation And Credit

Evaluation of each student is based upon proficiency examinations that are administered regularly by the faculty in all required courses.

Students enrolled in Chabad College may elect not to pursue a Bachelor of Arts or Associates degree. Non-diploma students may receive a Certificate of Completion based on attendance and completion of prescribed course work.

Attendance and Grounds for Dismissal

Students are expected to keep to the hours of the study schedule and to attend all required lectures. Excessive unexcused absences may be grounds for dismissal.

Daily Schedule:

10:00 AM - 12:00 PM	-	Lectures
12:00 PM - 1:00 PM	-	Lunch Break
1:00 PM - 3:00 PM	-	Lectures
3:30 PM - 5:30 PM	-	Community Support *
5:30 PM - 7:30 PM	-	Dinner Break
7:30 PM - 9:00 PM	-	Discussion/Lecture*

*One or two sessions per week

Examples of Existing Universities with a Life Long Learning Residential component:

- The Academy Village, University of Arizona, Tucson
- Lasell College, Newton, Mass.
- University Commons, University of Michigan, Ann Arbor, Mich.
- Holy Cross Village, Notre Dame, South Bend, Ind.
- The Village at Penn State, Penn State University, Pa.
- Oak Hammock, University of Florida, Gainesville, Fla.
- The Forest at Duke, Durham, N.C.
- University Village, Anderson University, Anderson, Ind.
- College Square, University of Central Arkansas, Conway, Ark.

Chabad College of Life Long Learning

ART-HI 170: Introduction to Art History

Course Description

This course is an overview of art and mediums of the renaissance period through 19th century europe. Students will be exposed to major works of art, styles, and political and social context reflected in art. This survey of european art will render each student with basic knowledge on the subject, and will explore a few areas beyond its main scope.

Major Topics

- Early Renaissance
- Flemish Renaissance
- Renaissance in Florence
- High Renaissance
- Italian Mannerism
- France and Spain in Renaissance period

- Baroque Art in Italy,
- Baroque Art in France
- Baroque Art in Spain

- Rococo throughout europe
- Neo-Classicism
- Romanticism
- Naturalism Social Realism
- Impressionism

Theology

Spring '05 Course and Room Roster

Theology (THEO)

THEO 105 FWS:GW: Jewish Essentials: A Spiritual Guide to Jewish Life and Learning
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 083-136
083-040 SEC 04 MWF 0125-0215P BH 3331 Smoller

THEO 110 FWS:GW: The Messiah Mystery: Toward a Perfect World
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 362-631
344-514 SEC 01 MW 0255-0410P GS 236 Polichenco

THEO 140 FWS:GW: Men, Women & Kabbalah: Wisdom and Advice From the Masters
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 362-703
344-520 SEC 02 MW 0255-0410P RF 187 Rubenfeld

THEO 205 FWS:GW: Biblical Reflections: Finding your Self in the Stories of Genesis
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 082-992
082-944 SEC 03 MWF 1010-1100A RF B15 Fradkin

THEO 250 FWS:GW: Kabbalah Unplugged: The Secret Power of Prayer
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 083-136
083-040 SEC 04 MWF 0125-0215P BH 3331 Srugo

THEO 335 FWS:GW: Soul Power: Shedding New Light on Self and Relationships
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 362-631
344-514 SEC 01 MW 0255-0410P GS 236 Zalman

THEO 370 FWS:GW: Kabbalah Rhythms: A Spiritual Roadmap to Higher Living
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 362-703
344-520 SEC 02 MW 0255-0410P RF 187 Goldstein

THEO 410 FWS:GW: Seasons of the Soul: The Jewish Life Cycle
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 082-992
082-944 SEC 03 MWF 1010-1100A RF B15 Carlebach

THEO 435 FWS:GW: From Sinai to Cyberspace: The Development and Relevance of Jewish Law
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 083-136
083-040 SEC 04 MWF 0125-0215P BH 3331 Fradkin

THEO 640 FWS:GW: Journey of a Nation: The Miracle of Jewish Survival
3.0 HRS LET ONLY

CO-MEETING WITH FGSS 106 083-136
083-040 SEC 04 MWF 0125-0215P BH 3331 Dinerman

THEO 435: From Sinai to Cyberspace: The Development and Relevance of Jewish Law

Course Description

The story of Jewish life is too big to be contained in any book even the Book of Books. For in Jewish life, we ourselves are meant to become letters in the scroll, and we must discover the words of G-d speaking in our hearts and souls and through our deeds.

This is the inner story of our way of life not something that others say about us, but what we understand ourselves. The freedom of authentic Jewish debate; the interplay of unchanging truths and an ever-changing world; the infinite dimensions contained within the numbered words of our books; the courage of genuine leadership all these await you. Learn for yourself the truths that have sustained us for thousands of years and discover the inspiration, meaning, purpose and beauty they can bring to your life.

1. The Bible & Beyond

An introduction to the delicate interplay between the letter & spirit of the law. Discover how the oral tradition acts as a prism, diffracting and articulating the compact teaching of the written text.

2. Isn't The Bible Enough?

Journey back in time as we trace the origins of the development of Rabbinic Law. Discover the precision of the transmission process to survive the test of time.

3. Text & Context

Embrace both the timeless wisdom of precedent and the flexibility to cope with the eternally new. Understand the subtle yet essential division of legal categories, and how they function to guide us in life.

4. A Creative Tradition

Is diversity in Judaism a sign of weakness or strength? Discover the discipline and the freedom of authentic Jewish debate.

5. Men in Black II

The role of the Rabbis. Find out how people have a part in G-d's Law.

6. Absolute Values in a World of Relativity:

Discover how unchanging truth guides a changing world.

7. Pardes: Different Levels of Torah Interpretation.

Uncover the Infinite dimensions within the finite words of our Book.

8. How Do We Know That the Torah is True?

It's not only faith--we have reason to believe.

More

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FRONT PAGE PERSONAL FINANCE RETIREMENT



ROBERT POWELL

Study on, older dudes!

Colleges building housing for elderly students

By Robert Powell, CBS MarketWatch.com

Last update: 9:00 p.m. EDT May 25, 2004

BOSTON (CBS.MW) - It's never too late to go to college, especially when you don't have to worry about your GPA.

A growing number of older Americans are doing just that, and many schools are going to extraordinary lengths to accommodate them.

Throughout the U.S., universities and colleges are creating or planning housing for seniors -- as in the elderly -- on or near campus. Experts estimate there are upwards of 50 university-linked retirement communities (ULRCs) already built and 30 more planned.

"There are a wide variety of experiments being tried in this area," says Gerard Badler, managing director of Campus Continuum, a Newton, Mass.-based senior-housing research firm.

Some communities feature single-family homes; others are built around garden apartments. Some feature nursing-home units for the totally dependent; others are for the strictly independent. Some are closely affiliated with a university; others are simply near by.

They're located in almost all parts of the country, from the north (University of Michigan) to the south (University of Florida-Gainesville), from the east (Penn State University) to the west (University of Arizona), and parts in between (Notre Dame in South Bend, Ind.).

The schools are motivated partly by demographics. In the face of falling enrollment of traditional college-age students, universities see retirees as a growing market for their services.

The allure is both the intellectual and cultural stimulation a college campus can provide, says Mark Fagan, head of the sociology and social work at Jacksonville State University in Alabama. "College students and retirees look for the same thing -- a good time."

But the colleges also have an ulterior motive - potential future donations to university endowments. Many are wooing retired faculty and alumni who might return and then someday bequeath a large gift, or give a bigger one than they might have otherwise.

Notre Dame, for instance, already received \$1 million from a resident of its retirement community. The builder of a gated-retirement community at Georgia Tech is soliciting 100,000 former Yellow Jackets to buy into a \$66 million, 600-acre golf course community featuring 206 homes on \$240,000 lots.

Colleges also see a chance to bolster current revenue and the local economy. The Georgia Tech community, once completed, will generate an estimated \$1 million a year for that school's athletic and alumni associations. What's more, experts say, university-linked retirement communities create 2.5 jobs for every retiree.

With average assets of \$370,000 and \$41,000 in average annual income, each retiree household has the same economic impact as 3.7 factory jobs. What's more, seniors in ULRCs tend to pay more in taxes than the cost in services. "It's the only population group that does that," Fagan says.

Seniors who return to campus can generally audit classes for free, but most university-linked retirement communities carry a hefty price tag, often called an entrance fee. Campus Continuum's Badler says the fee averages about \$200,000, a portion of which is usually returned to the resident's estate, along with an average monthly fee of \$400.

Lasell Village is a Boston-area community linked to Lasell College and its 1,500 full-time students. Its condo prices range from \$250,000 to almost \$800,000, with monthly fees of about \$2,000.

At present, the average Lasell Village resident is a 82-years-old and taking a required 450 hours of learning a year. Unlike Georgia Tech's planned community, Lasell Village has no golf course. Also unlike Georgia Tech, Lasell Village has a nursing home.

One cautionary note: These housing units aren't necessarily a good investment, since the property owners may retain any increase in the value of the property above the purchase price.

Examples of collegiate-affiliated retirement communities already built:

- Anderson University, Anderson, IN. University Village Condominiums. www.anderson.edu/develop/programs/realst.html#condo. Independent living.

- University of Arizona, Tucson, AZ. The Academy Village. www.theacademyvillage.com/. Independent living.
- University of Central Arkansas, Conway, AR. College Square. www.collegesquareretirement.com/. Independent living
- Ithaca College, Ithaca, NY. Longview, an Ithacare Community. www.ithaca.edu/longview/. Continuing care retirement community (CCRC) featuring full-spectrum of housing options.
- Lasell College, Newton, MA. Lasell Village. www.lasellvillage.com/. CCRC
- University of Michigan, Ann Arbor, MI. University Commons. [www.bluehilldevelopment.com/UC Home Page.htm](http://www.bluehilldevelopment.com/UCHomePage.htm). Independent living.
- Notre Dame, South Bend, IN. Holy Cross Village. www.hcc-nd.edu/hcvillage/index.html. Independent living, but plans to build nursing care facility.
- Penn State University, State College, PA. The Village at Penn State. www.villageatpennstate.com/. CCRC.
- University of Florida, Gainesville, FL. Oak Hammock. www.oakhammock.org/. CCRC.
- The Forest at Duke, Durham, NC. www.forestduke.com/. CCRC
- The Colonnades, Charlottesville, VA (near U VA). http://www.marriottsenior.com/custom/marriott/pr_brochure.jhtml?pid=554281. CCRC.

Examples of planned, but not yet built facilities:

- Hyatt Corp. is building a \$425 million, 388-unit CCRC on Stanford University land.
- Georgia Tech is building an 800-acre golf community. www.georgiatechclub.com/
- The University of Georgia is building an 800-home golf community on 1,200 acres. www.thegeorgiaclub.com/realestate.html.

Campus Continuum plans to debut a new Web site that will feature the full list of URLs in the coming week.

Robert Powell is editor of Retirement Weekly, a service of CBS MarketWatch, co-author of Decoding Wall Street and executive producer of PBS' More Than Money. 

Robert Powell has been a journalist covering personal finance issues for more than 20 years, writing and editing for publications such as The Wall Street Journal, the Financial Times, and Mutual Fund Market News.



Retirement Weekly - Get the retirement you deserve

In today's world, no one is guaranteed a secure retirement. But you can enjoy the comfortable, soul-satisfying retirement you envision. *Robert Powell, Editor*

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Colleges building housing units for elderly student - MarketWatch

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From Diverse Online

Feature Stories

From Shakespeare to Sports

By Lydia Lum

Oct 6, 2005, 10:15

Senior adult residential communities are cropping up on and around college campuses, allowing retirees to enjoy campus life.

By Lydia Lum

Does the phrase "retirement community" conjure up images of a Florida condo next to a golf course? If so, think again. In recent years, a growing number of residential senior adult communities have sprung up on, or near, the campuses of colleges and universities around the country. Such housing offers residents an array of activities and intellectual opportunities in a vibrant atmosphere with like-minded adults as well as a generation young enough to be their grandchildren. Meanwhile, the arrangement provides schools with a ready-made pool of campus volunteers and part-time workers, as well as another source from which to cultivate potential donors. All of this occurs against an American social backdrop that believes that age 60 is "the new 50."



"It's a significant social movement," says Dr. Leon Pastalan, a University of Michigan professor emeritus and a principal in Collegiate Retirement Community Consultants. "When we talk about older adults, we are getting away from the orientation of personal comfort and, instead, shifting to personal growth and giving people reasons to get up in the morning."

Pastalan and other experts estimate that about 50 such retirement communities now operate nationwide, with more under construction or being planned. They vary from active-adult, independent-living apartments and condos to assisted-living and continuing-care facilities, often with waiting lists up to two years for a vacancy. Some are furnished, although the complexes geared toward independent living tend to attract residents who bring the furniture and contents of their previous homes with them. Many communities are nestled on picturesque properties with views of sports stadiums and centerpiece university buildings.

Campus opportunities for the retirees vary. But for modest fees or as part of their housing agreement, they can participate in discussion groups on everything from astronomy to Shakespeare, arts and crafts and academic courses, sometimes alongside the undergraduates. Some retirement communities are owned, operated and marketed by the university, while others are independently managed. Some are for sale, others only for rent. Housing costs vary, but typically are aimed at the middle class — and wealthier — and fall in line with market rates of their respective geographic areas. So far, White retirees have been the most likely to jump aboard the trend, observers say. However, such a project could well serve a minority higher education institution where officials want to reach out to alumni and retired faculty.

"This is an excellent opportunity for historically Black schools and others to draw the well-educated back to campus," says Gerard Badler, a consultant and managing director of Campus Continuum.

The University of Michigan has already made room on campus for retirees with ties there. The University Commons was conceived and designed for alumni, faculty, staff and their spouses age 55 and older.

Billed as a community for adults with a "continuing commitment for intellectual growth," the complex offers residents the privacy of condo living on an 18-acre site along with the option of attending lectures, concerts and social activities at a commons facility. The school, however, doesn't own or manage the community, only setting aside the land for construction. Its residents have included Dr. Robben W. Fleming, former UM president. Condos range in price from \$200,000 to \$700,000.

A tighter relationship exists between Lasell College and Lasell Village, both located near Boston. Although the 1,100-student private college doesn't own or operate Lasell Village, college officials were quite hands-on in marketing the residential retirement community before its May 2000 opening, says Dr. Paula Panchuck, dean of Lasell Village.

Advertisement

Grandparents Are Returning to College, to Retire



Stephen D. Cannerella for The New York Times

Nellie Corson lives at the Kendal retirement center in Ithaca, N.Y., which has ties to Cornell University and Ithaca College.

By KAREN ALEXANDER

MOST retirement communities are loaded with recreational and social activities. But what if retirees long for some intellectual invigoration? Some of these people are returning to college — or, rather, choosing to live in a growing number of developments built for older people and situated on or near campuses.

College-linked retirement communities, as they are called, are available at 60 campuses nationwide, including the University of Michigan, the Ivy League members Cornell and Dartmouth, and even smaller schools like Lasell College, in the Boston suburb of Newton. Experts say these communities, where residents can buy or rent their homes, will become more commonplace over the next two decades, as many of the nation's estimated 76 million baby boomers reach retirement age.

At best, they will satisfy the baby boomers' increasing appetite for lifelong education, said Marc Freedman, author of "Prime Time: How the Baby Boomers Will Revolutionize Retirement and Transform America" (Public Affairs, 2002). "At the very least, it could just turn out to be a revenue generator for universities and a pleasant way for older people to while away their waning days," he said.

In some cases, the retirement communities are run by large developers. One is the Kendal Corporation, a nonprofit charitable organization in Kennett Square, Pa., that operates units near Dartmouth, Oberlin College, and near the campuses of Washington and Lee University and the Virginia Military Institute. A Kendal project under development in Granville, Ohio, will have ties to Denison University, and a planned development in Sleepy Hollow, N.Y., is exploring a possible link to a local college.

The Hyatt Corporation plans to break ground in late spring on the Classic Residence by Hyatt, on 22 acres near Stanford in Palo Alto, Calif.; already, 307 of the 388 units, which cost \$600,000 to \$3.9 million, plus monthly fees, are spoken for. The development will offer various levels of care, including 44 suites with an around-the-clock nursing staff.

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The retirement communities usually have an affiliation with the school, and the residents often include alumni and former faculty members. Some retirement communities have informal ties, while others offer their residents access to university health care services and gerontology experts, the opportunity to attend classes and cultural events on campus and the chance to learn and live practically side by side with energetic college students.

"It's an affinity group," Ronald J. Manheimer, the executive director of the North Carolina Center for Creative Retirement at the University of North Carolina at Asheville, said of the residents. "They are people who hold lifelong education in high esteem; the life of the mind is important to them," added Mr. Manheimer, who has studied college-linked retirement communities.

But the campuses also benefit. At the 92-unit University Commons at the University of Michigan, residents attend football games together and often entertain dinner speakers from the university. Graduate students from the School of Music often perform their required concerts and recitals in front of an audience of University Commons retirees.

"They like an audience and we can always provide one," said Robben W. Fleming, a resident and a former president of the university, from 1968 to 1979, and on an interim basis in 1988.

Students, too, enjoy the interaction. When Jennifer Edwards, 21, graduates from Lasell College this spring, she said, she will miss her job as a dining hall manager at Lasell Village, the retirement community. Ms. Edwards, a fashion design major, said she had received support and advice on her senior project from her retiree friends, including a former fashion designer.

"You come to college expecting to be with your peers for four years, but when they threw in the village, it turned out to be so much fun," she said. "They love us; we love them. They know when things are wrong, and they tell you: 'Look, you'll be fine. Look at how I made it.'"

Continued
1 | 2 | [Next >>](#)

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JULY 26, 2004

2004 RETIREMENT GUIDE

Big Seniors On Campus

Colleges are appealing to retirees by offering housing complete with academic perks



The term "college-bound senior" has a new meaning. Many retirees have long favored college towns for the concerts and lectures, for the football and basketball, or to take courses at state schools virtually for free. But now colleges are actively recruiting retirees with housing that allows them to live on or adjacent to campus, and with many of the perks enjoyed by faculty and staff.

The back-to-campus movement is relatively new. About 20 colleges and universities have sponsored such housing for retirees, and about 40 more have projects in development, says Leon Pastalan, author of *University-Linked Retirement Communities* and an emeritus professor of architecture at the University of Michigan. "Boomers have always expected more," he says. "When they start retiring in five years, they're going to demand more opportunities for personal growth. That's where the colleges come in."

Besides the educational and cultural stimulation and free or discounted tuition, a big draw of campus life for seniors is the opportunity to mingle with college kids. Longview at Ithaca College has an intergenerational choir that meets weekly and performs every semester. The University of Florida built a 350-seat auditorium at Oak Hammock, a retiree complex less than a mile from campus, as a performance venue for its music and drama students, and its College of Journalism set up a TV studio for residents. Some schools tap the well-educated senior communities for lecturers, or as a source of mentors for students. Another benefit: Forging closer ties to retirees results in more generous donations and bequests.

TENNIS COURTS

For seniors, much of the appeal stems from the amenities, which vary by school. Pennsylvania State University and the University of Florida, for example, issue IDs to residents that give them the rights and privileges of school faculty, including access to campus recreation and dining facilities and discounts at the schools' golf courses and tennis courts.

There's no single model for on-campus retirement housing. In Ann Arbor, the University of Michigan sold 20 wooded acres

on its North Campus, home to the schools of Music and Art & Design, to a developer for University Commons, a condo complex for residents 55 and older. Longview, built across the street from Ithaca College in upstate New York on land donated by the school, offers monthly rentals: apartments for independent living and private suites for adults who need help bathing or with medications.

Other schools have opted for life-care facilities, called continuing care retirement communities (CCRC), that have everything from free-standing, single-family houses, to apartments for independent living, to fully equipped nursing homes to care for residents as they age. You must "buy in" to the community with a hefty entrance fee and monthly charges that sometimes include meals and, eventually, as much medical care as you need. For these, you can usually opt to pay an even higher entrance fee structured for tax planning: Similar to a charitable remainder trust, up to 90% of the fee is refunded to you if decide to move, or to your heirs or estate if you die.

Now, about those football tickets: No way at Notre Dame, Florida, and Michigan, but Penn State sets aside a block of 200 seats. Go, Joe Paterno!

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Drawings

Section 5

000146

Abbreviations

Table of abbreviations and their corresponding full names, organized in two columns. Includes terms like AC, AD, ADJ, AFF, etc.

Design Team Directory

Client: Chabad House Lubovitch, 18185 Pennington Rd, San Diego, CA 92128. Design Team: M.W. Steele Group, Inc., 325 Fifteenth St, San Diego, CA 92101.

Project Data and Calculations

Tables for Building Coverage Calculations, Gross Floor Area Calculations, and Total Estimated and Proposed Gross Floor Area. Includes a table for DWP 122 PC - Parking Required.

Sheet Index

Sheet Index table listing sheet numbers and titles, such as A0.00 Title Sheet, A1.00 Preliminary Grading Plan, etc.

Memorandum of Understanding with Scripps Ranch Planning Group

The Friends of Chabad Lubovitch - San Diego (Chabad) and the Scripps Ranch Planning Group (SRPG) have entered into a Memorandum of Understanding regarding the proposed construction of a new Chabad Educational Center.

Table for DWP 122 PC - Parking Required, showing requirements for different building types and total parking spaces required.

Table for Accessible and Multi-Purpose Parking Required, detailing accessible parking spaces and multi-purpose parking requirements.

Table for Required Bicycle Spaces, showing required bicycle spaces for different building types and total bicycle spaces required.

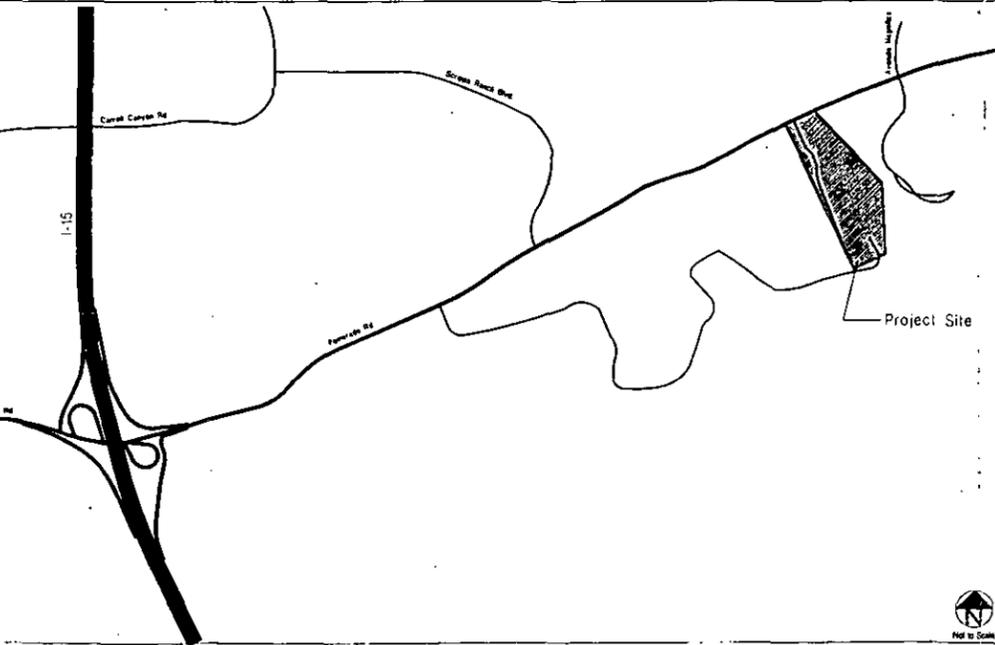
Project Description

This plan constitutes the completion/revision of Chabad's submittal process. Construction with City Council Resolution No. 7-12-1001 and CUP 122-PC, the fully developed campus will have no more than 800 students on-site at any one time.

General Notes

- 1. Building address numbers visible and legible from the street of road front the property per SDPS Policy 7-00 & SDC 9014.1. 2. Location of all existing hydrants within 500' of site to be verified in field prior to submitting for building permit.

Vicinity Map



M.W. STEELE GROUP, INC. 325 FIFTEENTH STREET SAN DIEGO, CA 92101 TELEPHONE 619 230 0325

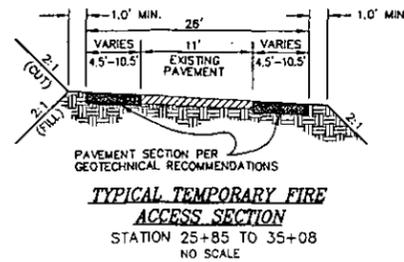
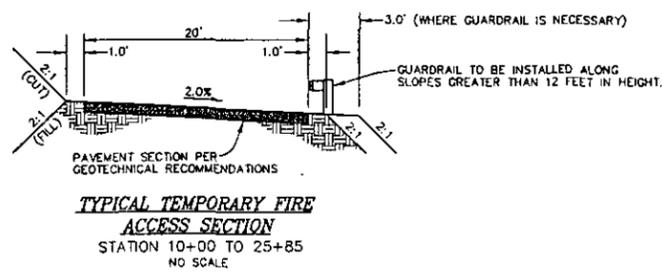
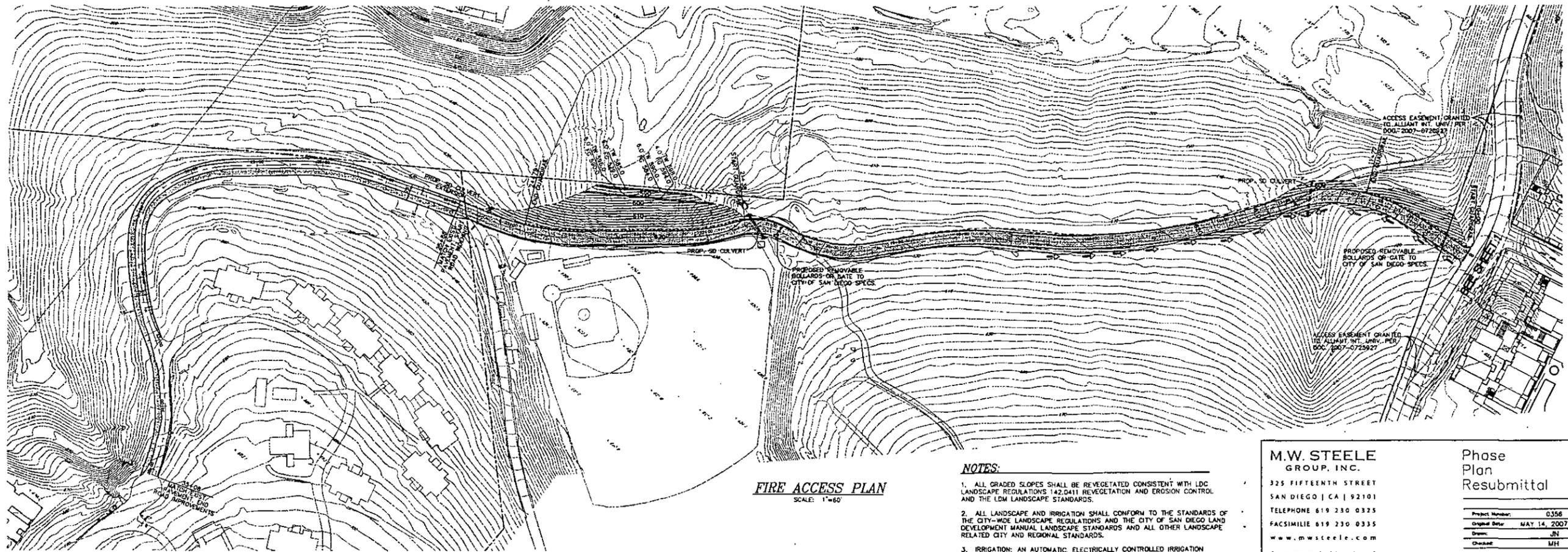
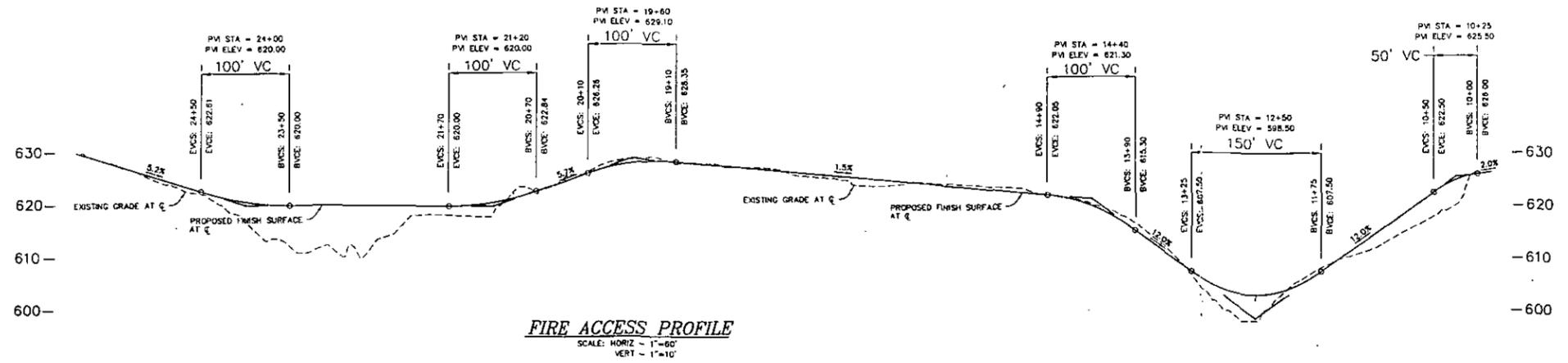
Chabad Educational Campus 10785 Pomodoro Road San Diego, CA 92131

Phase Plan Approval table with fields for Project Number, Design Date, and Designer.

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Title Sheet, Sheet Index, Project Calcs, & Project Data

A0.00



NOTES:

- ALL GRADED SLOPES SHALL BE REVEGETATED CONSISTENT WITH LDC LANDSCAPE REGULATIONS 142.0411 REVEGETATION AND EROSION CONTROL AND THE LDM LANDSCAPE STANDARDS.
- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
- IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
- MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY FRIENDS OF CHABAD LUBAVICH SAN DIEGO. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

PLAN APPROVAL

CHABAD HEBREW ACADEMY REPRESENTATIVE:
 NAME: *[Signature]* DATE: *[Date]*

ALLIANT INTERNATIONAL UNIVERSITY REPRESENTATIVE:
 NAME: *[Signature]* DATE: *[Date]*

[Signature] preliminary approval of irrigation access location. Subject to change/revision.

M.W. STEELE GROUP, INC.
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 SAN DIEGO, CA 92101
 TELEPHONE 619 230 0335
 FACSIMILE 619 230 0335
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Phase Plan Resubmittal

Project Number: 0356
 Original Date: MAY 14, 2007
 Drawn: JN
 Checked: MH

Phase Plan Approval

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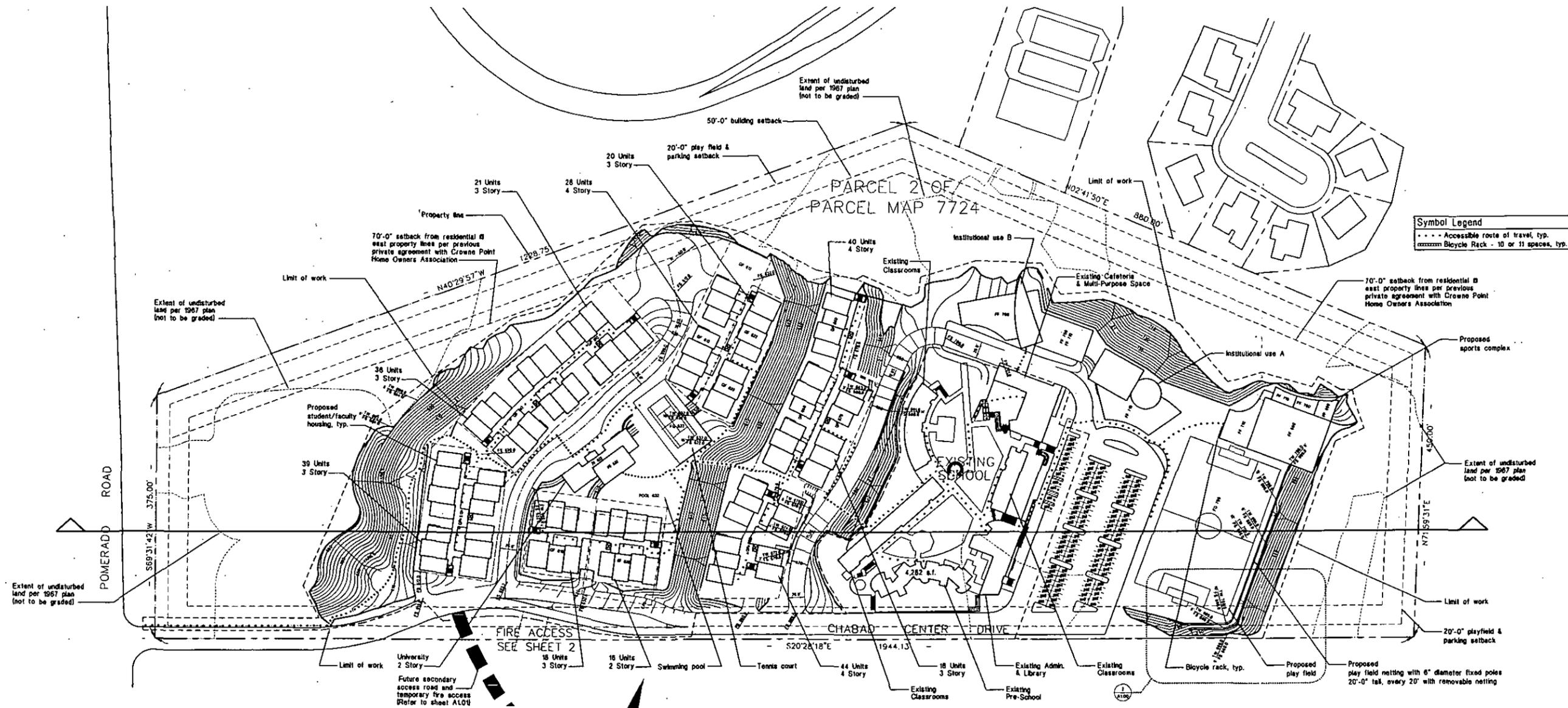
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PRELIMINARY GRADING PLAN

Sheet No. 2 of 2

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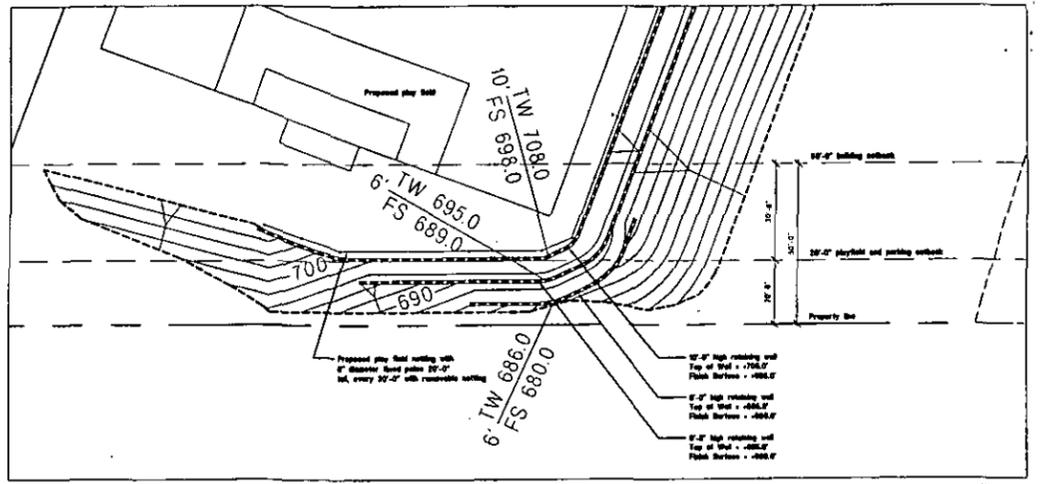


1 Proposed Site Plan
Scale: T = 80'-0"

General Note: For site building coverage and unit mix calculations, refer to project data and calculations on sheet A0.00

Issue no construction permits for new buildings shown on these plans until the fire access road is constructed.

Project Description
The site encompasses the completion of Chabad's educational campus. Consistent with City Council Resolution No. B 284501 and CIP 03-PC, the fully developed campus will have up to 800 students enrolled in either a day school (subject to a separate CUP) or an elementary school, a high school, a Yehuda in a life long learning university.
The campus is comprised of preschool (CIP 10-11) and elementary classroom library, and administration buildings, a cafeteria/multi purpose building, an athletic field and parking. Development proposed with this site includes additional recreational/classroom buildings, athletic facilities, gym, swimming pool, and new landscaped athletic field, and 250 units of an campus housing with associated common facilities for students, married students, and faculty at Chabad. The site includes existing and proposed building areas, as well as the site layout, site and street. Proposed parking is provided in below grade parking beneath the on-campus housing.
Accordingly, prior to application for any construction permit to build any of the new and/or existing housing or school facilities shown on these plans, Chabad shall first obtain necessary permits and approvals for and complete construction of the emergency fire access road shown on sheet A1.01 and the Fire Access Road shown on sheet A1.02, which is shown in the instructions of the Director of the Development Services Department that a road sufficient for and accessed by the City for emergency fire access has already been provided by others in the appropriate location shown on these plans.



2 Enlarged Site Plan
Scale: T = 20'-0"

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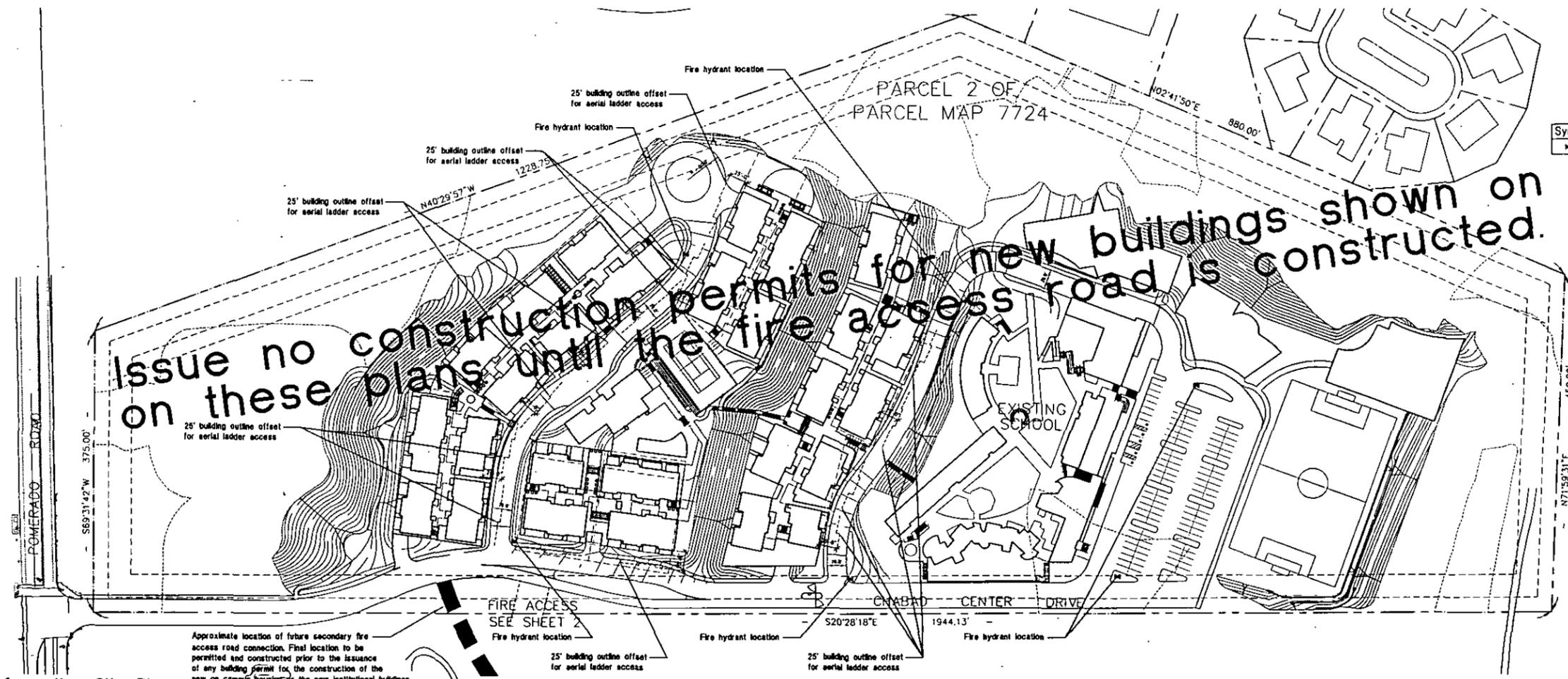
Phase Plan Approval

Project Number	0551
Original Date	31 January 2007
Owner	KW
Designer	KW
Phase Plan Approval	1/31/07
Phase Plan Re-eval	5/14/07
Phase Plan Re-eval	11/29/07
Phase Plan Re-eval	3/22/08
Phase Plan Re-eval	5/20/08
Planning Commission Review	12/15/08

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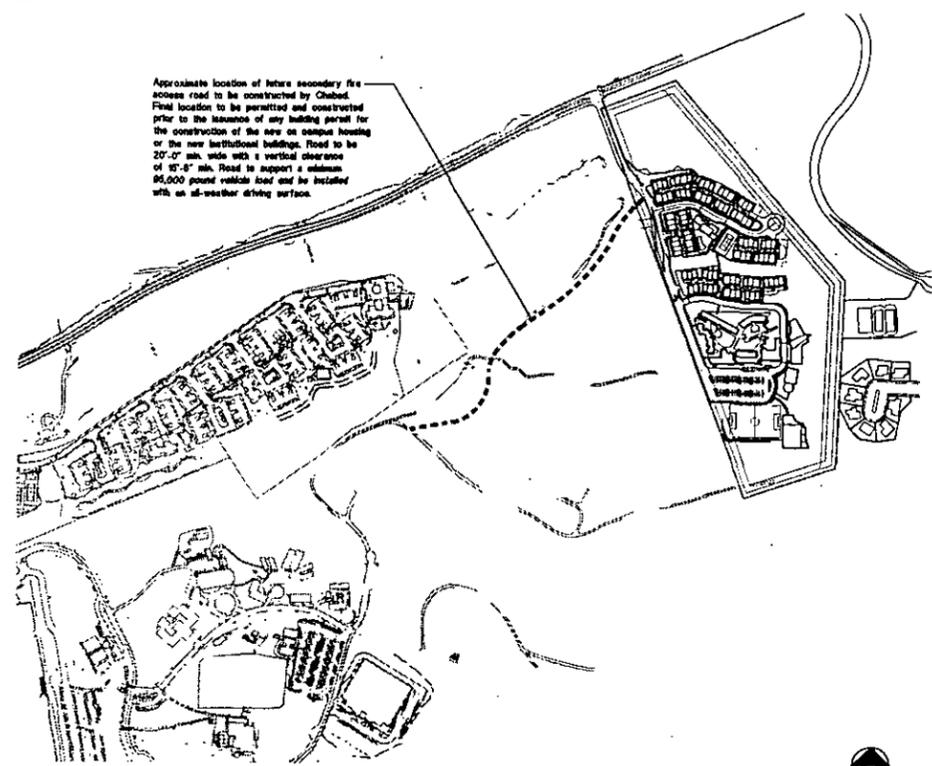
Site Plan

A1.00

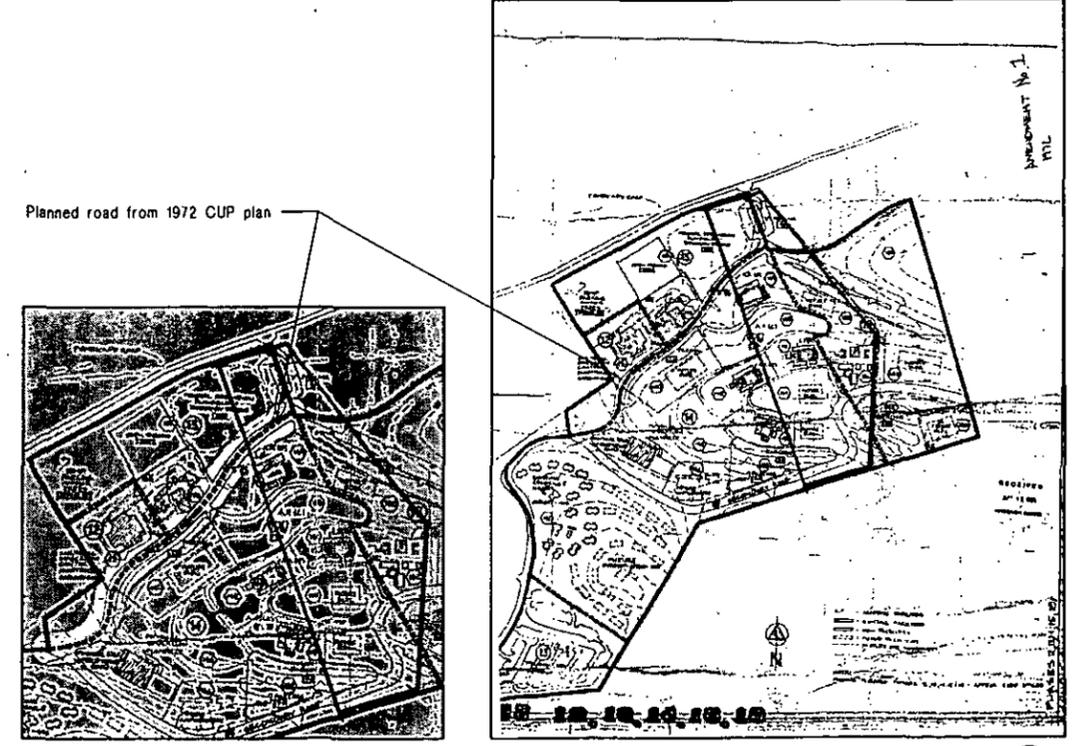


Symbol Legend	
	Fire hydrant location

3 Fire Information Site Plan
scale: 1" = 60'-0"



1 Secondary Fire Access Plan
scale: 1" = 300'-0"



2 1972 CUP Plan Road Location
scale: N.T.S.

NOTE: SECONDARY FIRE ACCESS ROAD TO BE PERMITTED AND CONSTRUCTED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMIT FOR THE CONSTRUCTION OF THE NEW ON CAMPUS HOUSING OR THE NEW INSTITUTIONAL BUILDINGS

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FACSIMILE 619 230 0335
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Phase Plan Approval	
Project Number	0651
Design Date	31 January 2007
Client	CHAD
Designer	KW
Phase Plan Approval	1/21/07
Phase Plan Revisions	5/14/07
Phase Plan Revisions	11/20/07
Phase Plan Revisions	1/22/08
Phase Plan Revisions	4/22/08
Planning Commission Revisions	12/15/08

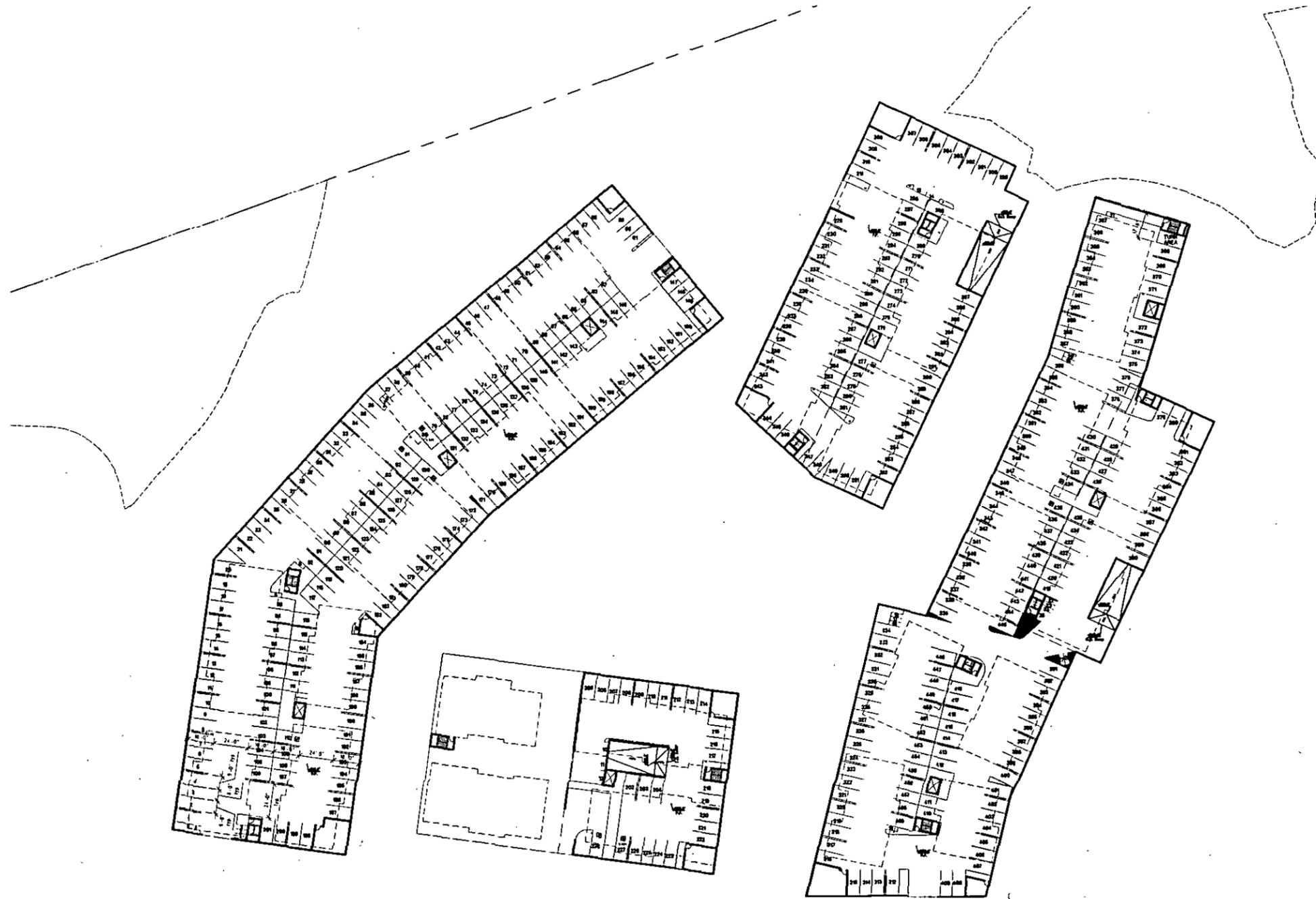
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Fire Information

A1.01

000151



General Note: For parking requirement calculations, refer to project data and calculations on sheet A0.00.
For numbered surface parking locations, refer to site plan on sheet A1.00.

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Phase Plan Approval

Phase Number	0651
Capital Cost	31 January 2007
Owner	KW
Designer	KW

- Phase Plan Approval - 11/10/07
- Phase Plan Amendment - 3/14/07
- Phase Plan Amendment - 11/09/07
- Phase Plan Amendment - 2/22/08
- Phase Plan Amendment - 6/20/08
- Planning Commission Report - 12/15/08

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Garage Plan - Level 1

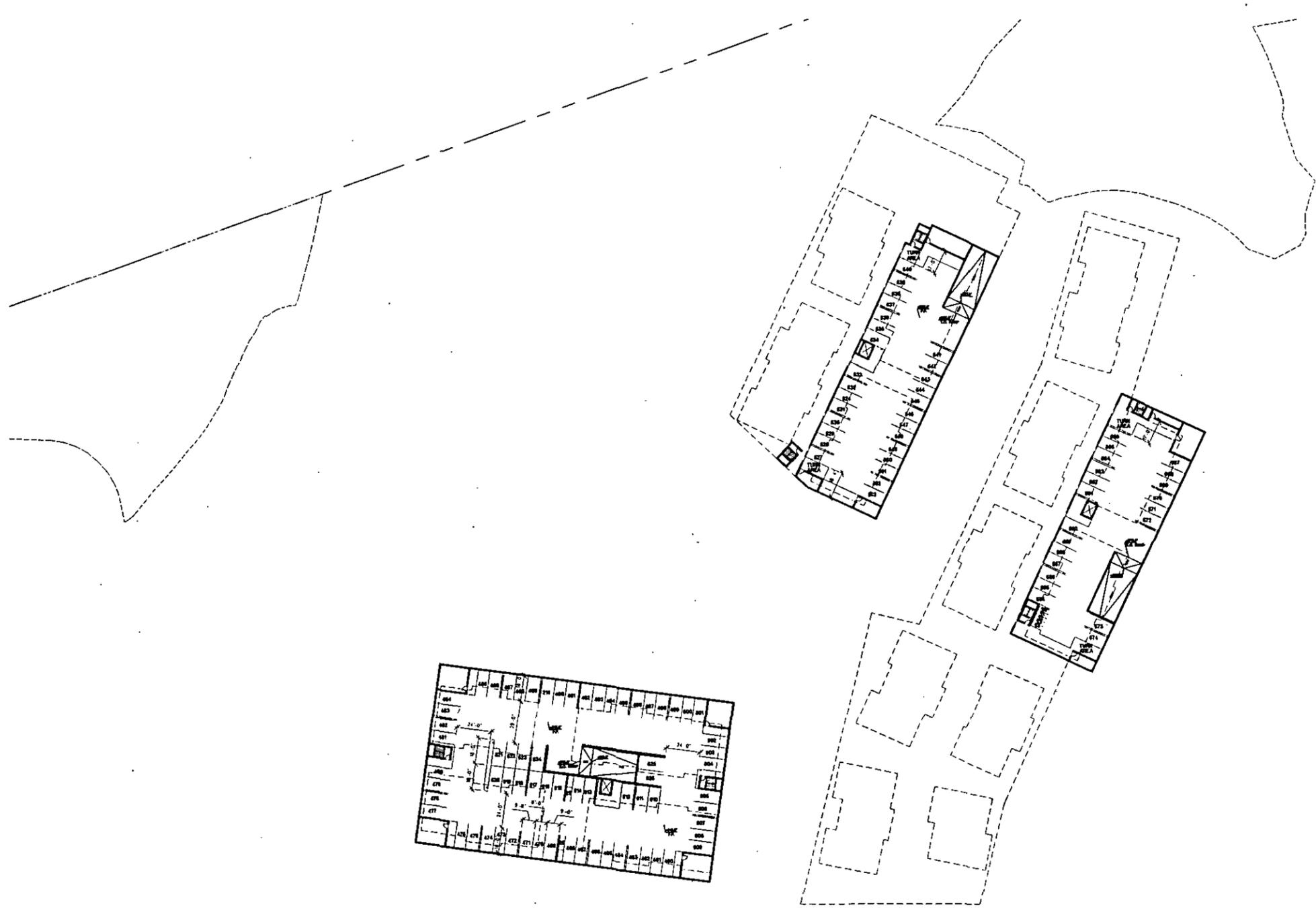
A1.02

Sheet No. 0 0 00

1 Proposed Garage Plans - Level One
Scale: 1" = 30'-0"



000152



General Note: For parking requirement calculations, refer to project data and calculations on sheet A0.00.
For numbered surface parking locations, refer to site plan on sheet A1.00.

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Phase Plan Approval	
Project Name	081
Original Date	31 January 2007
Client	KW
Contract	KW

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Phase Plan Approval - 1/31/07
Phase Plan Re-submittal - 3/14/07
Phase Plan Re-submittal - 11/20/07
Phase Plan Re-submittal - 4/24/08
Phase Plan Re-submittal - 8/25/08
Planning Commission Re-submittal - 12/15/08

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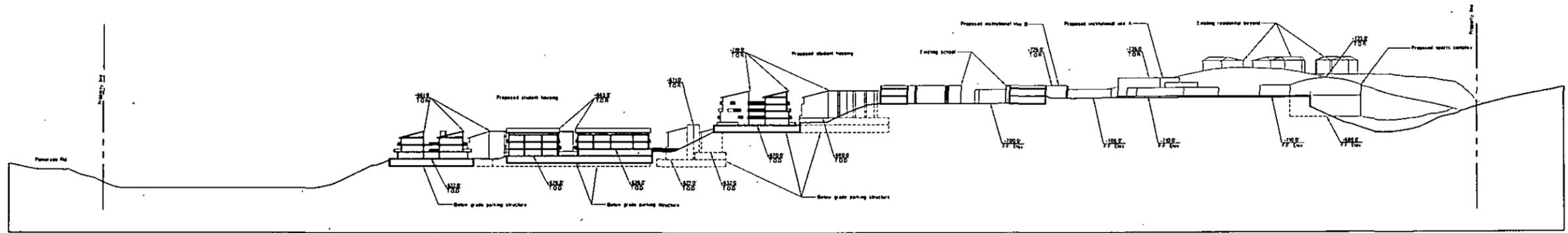
1 Proposed Garage Plans - Level Two
Scale: 1" = 30'-0"



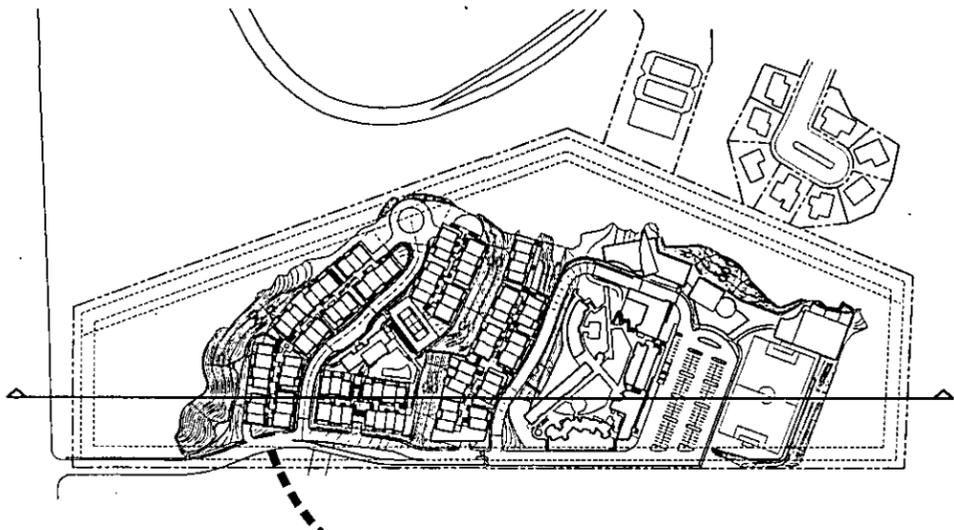
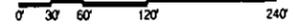
000153

A1.03

Garage Plan - Level 2



2 Proposed Site Section
scale: 1" = 80'-0"



1 Site Section Key Plan
scale: N.T.S.

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FACSIMILE 619 230 0335
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Phase
Plan
Approval

Project Number	051
Design Year	21 January 2007
Client	CH
Designer	RW

Phase Plan Approval	1/21/07
Phase Plan Approval	5/14/07
Phase Plan Approval	11/09/07
Phase Plan Approval	2/22/08
Phase Plan Approval	6/25/08
Planned Construction Resumes	12/15/08

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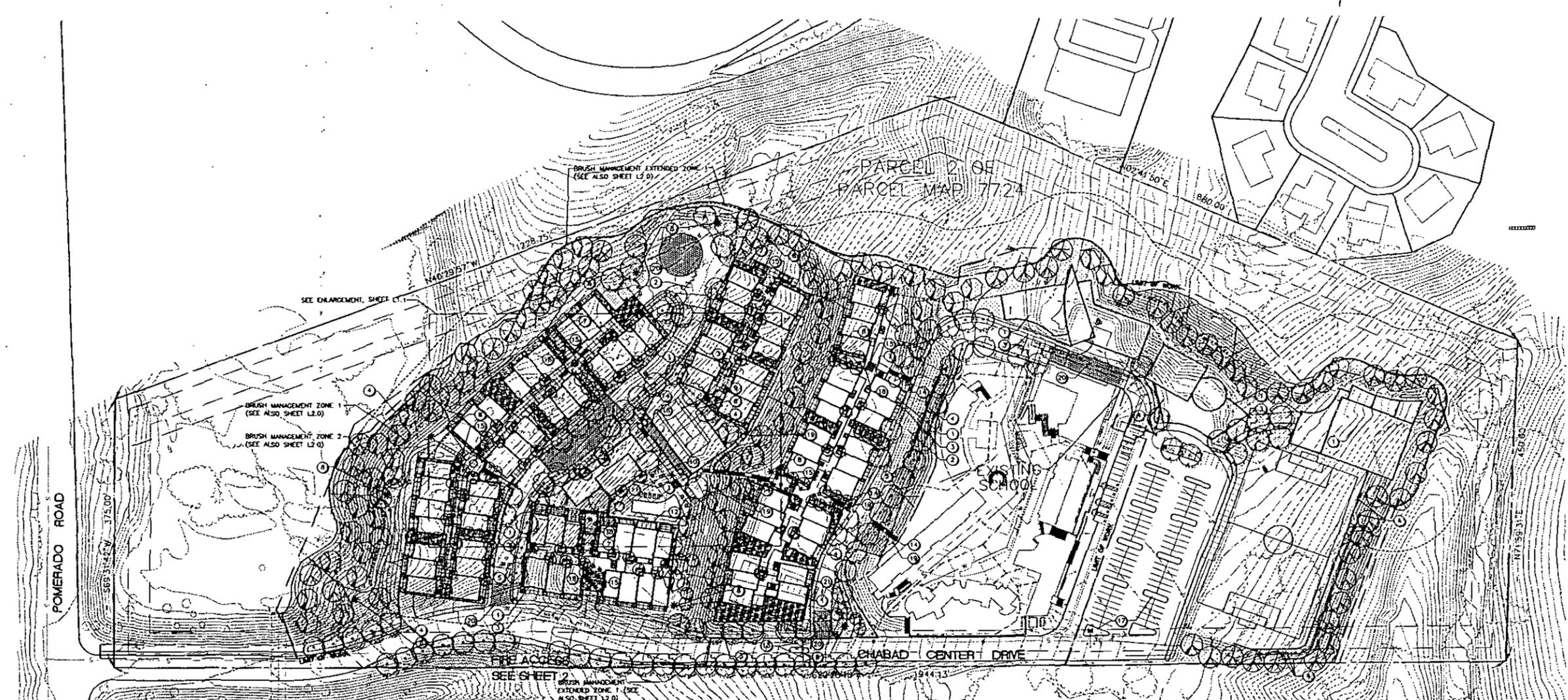
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Site Section

A2.00

Sheet No. 0 of 00

000154



PLANTING LEGEND

SYMBOL	BOTANICAL NAME / COMMON NAME	CONTAINER SIZE	MATURE SIZE (HT x SPREAD)	FORM & FUNCTION
STREET TREES	TRIPLEX TREE / TIPI TREE KODIURETERIA BIPINNATA / CHINESE FLAME TREE	100X 24" BOX	30' x 30'	BROAD CANOPY SHADE TREE
SPECIMEN TREES	PLATANUS RACEMOSA / CALIFORNIA SYCAMORE QUERCUS AGRIFOLIA / COAST LIVE OAK	100X 24" BOX	30' x 30'	BROAD CANOPY SHADE TREE
SLOPE TREES	QUERCUS AGRIFOLIA / COAST LIVE OAK TRISTANIA CONFERTA / BRISBANE BOX	100X 24" BOX	30' x 30'	BROAD CANOPY SHADE TREE
ACCENT / COURTYARD TREE	HYDRANGEA ARBUTIFOLIA / YONQU LAGERSTROEMIA INDICA / GRAPE MYRTLE	100X 24" BOX	20' x 15'	ACCENT TREE
SCREENING TREES	PINUS SP. / PINE PLATANUS ACERIFOLIA / LONDON PLANE TREE PODOCARPUS MACROPHYLLA / YEW PINE LIQUIDAMBAR STRACYPFLUA / AMERICAN SWEETGUM	100X 24" BOX	33' x 30'	UPRIGHT SCREENING
SHRUBS & BOUNDARIES	TRACHELOSPERMUM JASMINOIDES / STAR JASMINE BACCHARIS PILLULARIS 'PICCON POINT' / PROSTRATE COYOTE BUSH MUNLEBERGIA RIGENS / DEERGRASS LANTANA MONTEVENSIS / LANTANA LAVANDULA ANGUSTRIFOLIA / LAVENDER ERIOGONUM FASCICULATUM / CALIFORNIA BUCKWHEAT ABELIA SPECIES / ABELIA RHUS INTERFOLIA / LEMONADEBERRY ARCTOSTAPHYLOS SP. / MANZANITA	500 9 GAL 500 9 GAL 500 9 GAL	6' x SPREADING 3' x 3' 5' x 5'	ORNAMENTAL GROUNDCOVER FLOWERING SHRUB, ACCENT EVERGREEN SCREENING SHRUB
RAISED PLANTER PLANTINGS	TRACHELOSPERMUM JASMINOIDES / STAR JASMINE GAZANIA SPECIES / GAZANIA OLIVA MINATA / KAFFIR LILY HEMEROCALLIS SP. / DAYLILY MUNLEBERGIA RIGENS / DEERGRASS STRELTIZIA REGINAE / BIRD OF PARADISE LANTANA MONTEVENSIS / LANTANA ●●● DECORATIVE CONTAINERS WITH PLANTINGS	500 9 GAL 500 9 GAL	6' x SPREADING 3' x 3'	ORNAMENTAL GROUNDCOVER FLOWERING SHRUB, ACCENT
SLOPE PLANTINGS	ARCTOSTAPHYLOS SP. / DWARF MANZANITA BACCHARIS PILLULARIS 'PICCON POINT' / PROSTRATE COYOTE BUSH SALVIA 'GRACIAS' / CREEPING SAGE ENCELIA CALIFORNICA / CALIFORNIA SUNFLOWER SALVIA LEUCOPHYLLA / PURPLE SAGE SALVIA CLEVELANDER / MUSK SAGE CELANOTHUS SP. / ULAC	100X 1 GAL	6' x SPREADING	EROSION CONTROL, ORNAMENTAL GROUNDCOVER
LAWN	AGRONO-TEC BALLFIELD MIX 2A OR EQUAL BERBERUDA/PERENNIAL RYE BLEND	500 DR HYDROSEED		LAWN AREAS, PLAYING FIELD

DESCRIPTIVE LEGEND

- 1 BUILDING PER ARCHITECTURAL PLANS
- 2 DRIVEWAY PER CIVIL PLANS
- 3 CONCRETE SIDEWALK
- 4 RETAINING WALL PER CIVIL PLANS
- 5 ASPHALT PAVING PER CIVIL PLANS
- 6 CHAIN LINK FENCE
- 7 TRELLIS
- * 8 SCULPTURE
- 9 TENNIS COURT
- 10 SWIMMING POOL
- 11 SPA
- 12 TUBULAR STEEL FENCE
- 13 RELOCATE EXISTING VEHICULAR GATE
- 14 CONCRETE STAIRS
- 15 GARDEN NODE, SEE SHEET L1.1 FOR TYPICAL ENLARGEMENT
- 16 CONCRETE BLEACHERS AT TENNIS COURT
- 17 EXISTING PARKING LOT LANDSCAPING TO REMAIN
- 18 PICNIC TABLE
- 19 ACCESSIBLE INCLINATOR LIFT AT STAIRS
- 20 ENHANCED VEHICULAR PAVING
- 21 PRIVATE ENCLOSED PATIO, TYPICAL

MINIMUM TREE SEPARATION DISTANCE

Improvement/ Minimum Distance to Street Tree
 Traffic signal or stop sign - 20 feet
 Underground utility lines - 5 feet
 Above ground utility structures - 10 feet
 Driveway (entire) - 10 feet
 Intersections (intersecting curb lines of two streets) - 25 feet
 Sewer - 10 feet

LANDSCAPE CONCEPT

THE LANDSCAPE CONCEPT FOR THE CHABAD HEBREW ACADEMY INCLUDES PROVIDING AN ENHANCED PEDESTRIAN EXPERIENCE AND SCREENING THE NEW BUILDINGS FROM NEIGHBORS AS APPROPRIATE. GARDEN NODES THROUGHOUT THE SITE WILL BE LINKED WITH PATHWAYS AND WILL INCLUDE LARGE-SCALE LANDSCAPE SCULPTURES TO CREATE A "SCULPTURE WALK". A CENTRAL EDUCATIONAL CENTER WILL PROVIDE A GATHERING PLACE WITH AMENITIES SUCH AS A POOL, SPA, AND TENNIS COURT.

LANDSCAPE AS WELL AS HARDSCAPE AND DECORATIVE ELEMENTS WILL BE DESIGNED TO COMPLEMENT THE ARCHITECTURAL STYLE OF THE EXISTING AND NEW BUILDINGS ON THE CAMPUS.

LANDSCAPE NOTES

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE CITY OF SAN DIEGO LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.
2. STREET TREES SHALL BE PROVIDED WITH A GROWING AREA OF A MINIMUM OF 40 SQUARE FEET PER TREE WITH A MINIMUM DIMENSION OF FIVE FEET. THIS WILL BE ACCOMPLISHED BY EITHER A 5'x8' TREE GRATE OR A PARKWAY WITH A MINIMUM SIZE OF 5'x8'.
3. NON-Biodegradable ROOT BARRIERS SHALL BE INSTALLED AROUND ALL NEW STREET TREES.
4. GRADED/DISTURBED PAD AREAS SHALL BE HYDRO-SEEDED TO PREVENT EROSION. IN THE EVENT THAT CONSTRUCTION OF BUILDING(S) DOES NOT OCCUR WITHIN 30 DAYS OF GRADING.

IRRIGATION SYSTEM

ALL PLANTING AREAS TO BE IRRIGATED ACCORDING TO PLANT TYPE AND ENVIRONMENTAL EXPOSURE SHALL RECEIVE UNIFORM IRRIGATION COVERAGE BY MEANS OF AN AUTOMATICALLY CONTROLLED, ELECTRICALLY ACTIVATED UNDERGROUND PIPED IRRIGATION SYSTEM FOR WATER CONSERVATION AND TO MINIMIZE EROSION. STATE OF THE ART AUTOMATIC CONTROLLER WITH MASTER VALVE CAPABILITIES AND LOW PRECIPITATION RATE EQUIPMENT SHALL BE USED. A REDUCED PRESSURE BACKFLOW PREVENTER WILL BE USED TO PROTECT THE SOURCE OF THE WATER FROM POSSIBLE BACKFLOW CONTAMINATION. ALL PRESSURIZED MAINLINE AND LATERAL LINES WILL BE PVC INSTALLED BELOW GRADE. ALL IRRIGATION SYSTEMS SHALL BE INSTALLED PER LOCAL AND REGIONAL STANDARDS. THE LANDSCAPE AND IRRIGATION SYSTEMS SHALL BE DESIGNED UTILIZING ALL SEVEN OF THE PRINCIPALS OF "XERISCAPE". GOOD DESIGN SHALL BE ACHIEVED BY SEPARATING IRRIGATION SYSTEMS PER MICRO CLIMATIC AND PLANT ZONES. THE SOIL SHALL BE AMENDED UTILIZING AN AGRONOMIC SOILS REPORT. DROUGHT TOLERANT AND LOW WATER DEMANDING PLANT MATERIAL SHALL BE USED AS MUCH AS POSSIBLE. MULCH SHALL BE USED IN ALL FLOWER AND SHRUB BEDS. THE PROJECT SHALL BE MAINTAINED UTILIZING PROPER MAINTENANCE AND MANAGEMENT PRACTICES.

MAINTENANCE

ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER. ALL PLANTS SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. ALL DISEASING OR DEAD PLANTS SHALL BE TREATED OR REPLACED PER CONDITIONS OF THE PERMIT.

M.W. STEELE GROUP, INC.
 ARCHITECTURE | URBAN DESIGN
 325 FIFTEENTH STREET
 SAN DIEGO, CA | 92101
 TELEPHONE: 619.230.0325
 FACSIMILE: 619.230.0335
 WEBSITE: www.mwsteele.com

Phase Plan Resubmittal

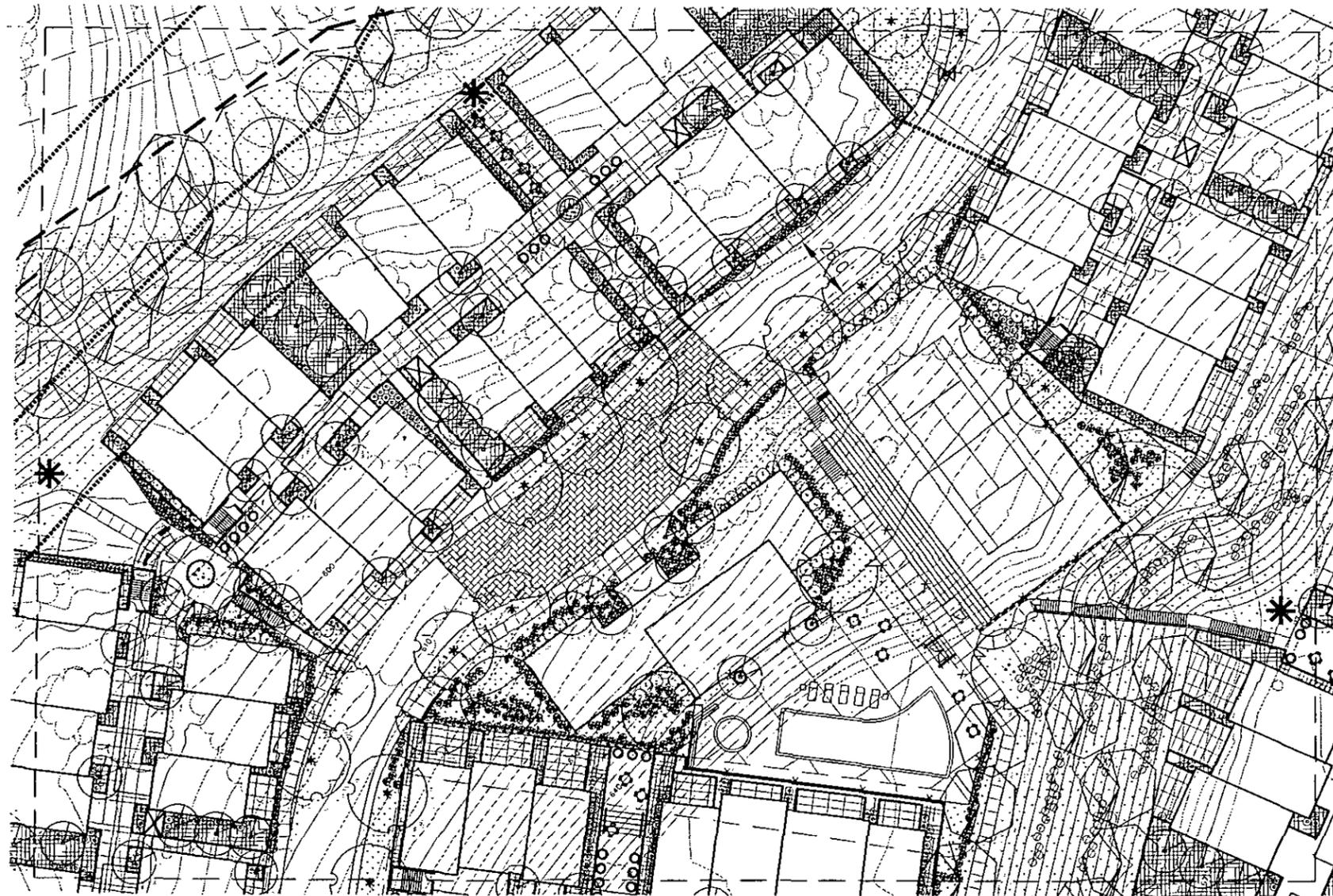
Project Number	08509
Original Date	14 May 2007
Revised	MGJ
Checked	GS

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 San Diego, CA 92131

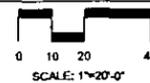


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 1655 Fourth Avenue, San Diego, CA 92103
 Telephone (619) 236-1433 Facsimile (619) 236-4792
 www.schmidt-design.com
 Lic. Ca. 2198, NV 219, AZ 34139

L1.0



EDUCATIONAL CENTER AND GARDEN NODE ENLARGEMENT
SCALE: 1"=20'-0"



PLANTING LEGEND-ENLARGEMENT

(SEE SHEET L1.0 FOR TREES)

SYMBOL	BOTANICAL NAME / COMMON NAME	CONTAINER SIZE	MATURE SIZE (HT x SPREAD)	FORM & FUNCTION
SHRUBS & GROUNDCOVERS				
ORNAMENTAL PLANTINGS (each 1 gal)				
☐	TRACHELOSPERMUM JASMINOIDES / STAR JASMINE	500 1 GAL	6' x SPREADING	ORNAMENTAL GROUNDCOVER
☐	BACCHARIS PILULARIS 'PIGEON POINT' / PROSTRATE COYOTE BUSH	500 1 GAL	3' x 3'	FLOWERING SHRUB, ACCENT
☐	MULLENBERGIA RICCHENS / DEERGRASS	500 1 GAL	5' x 5'	EVERGREEN SCREENING SHRUB
☐	LANTANA MONTEVIDEOSIS / LANTANA	500 1 GAL		
☐	LAVANDULA ANGUSTIFOLIA / LAVENDER	500 1 GAL		
☐	ERIODONUM FASCICULATUM / CALIFORNIA BUCKWHEAT	500 1 GAL		
☐	ABELIA SPECIES / ABELIA	500 1 GAL		
☐	RHUS INTEGRIFOLIA / LEMONADEBERRY	500 1 GAL		
☐	ARCTOSTAPHYLOS SP. / MANZANITA	500 1 GAL		
CONTAINER PLANTINGS (each 1 gal)				
☐	TRACHELOSPERMUM JASMINOIDES / STAR JASMINE	500 1 GAL	6' x SPREADING	ORNAMENTAL GROUNDCOVER
☐	GAZANIA SPECIES / GAZANIA	500 1 GAL	3' x 3'	FLOWERING SHRUB, ACCENT
☐	CLIVIA MINATA / KAUFER LILY	500 1 GAL		
☐	HEMEROCALLIS SP. / DAYLILY	500 1 GAL		
☐	MULLENBERGIA RICCHENS / DEERGRASS	500 1 GAL		
☐	STRELITZIA REGINAE / BIRD OF PARADISE	500 1 GAL		
☐	LANTANA MONTEVIDEOSIS / LANTANA	500 1 GAL		
☐	DECORATIVE CONTAINERS WITH PLANTINGS	500 1 GAL		
SLOPE PLANTINGS (each 1 gal)				
☐	ARCTOSTAPHYLOS SP. / DWARF MANZANITA	500 1 GAL	6' x SPREADING	ORNAMENTAL GROUNDCOVER
☐	BACCHARIS PILULARIS 'PIGEON POINT' / PROSTRATE COYOTE BUSH	500 1 GAL	3' x 3'	FLOWERING SHRUB
☐	SALVIA 'GRACIAS' / CREEPING SAGE	500 1 GAL		
☐	ENCELIA CALIFORNICA / CALIFORNIA SUNFLOWER	500 1 GAL		
☐	SALVIA LEUCOPHYLLA / PURPLE SAGE	500 1 GAL		
☐	SALVIA CLEVELANDII / MUSK SAGE	500 1 GAL		
☐	CELANOTHUS SP. / ULAC	500 1 GAL		
LAND AREAS (500 OR MORE SQ FT)				
☐	ACROHNO-TED BALLFIELD MIX 2A OR EQUAL BERMUDA/PERENNIAL RYE BLEND			LAND AREAS, PLAYING FIELD

M STEELE GROUP, INC.
ARCHITECTURE | URBAN DESIGN
325 FIFTEENTH STREET
SAN DIEGO | CA | 92101
TELEPHONE: 619.230.0325
FACSIMILE: 619.230.0335
WEBSITE: www.m-steele.com

Phase Plan Resubmittal

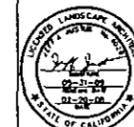
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Checker: GS

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Phase Plan Resubmittal: 4/17/08

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10785 Pomerado Road
San Diego, CA 92131

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Landscape Concept Enlargement



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1655 Fourth Avenue, San Diego, CA 92103
Telephone: (619) 516-4282 Facsimile: (619) 516-8795
www.schmidtsg.com
Lic. CA 2158, NY 813, AZ 34199

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BRUSH MANAGEMENT PROGRAM

THE BRUSH MANAGEMENT PROGRAM IS TO BE IN ACCORDANCE WITH THE CITY OF SAN DIEGO GENERAL REGULATIONS, SECTION 142.0412. SEE DIAGRAM 142-04D.

ZONE 1

INCLUDES THE REAR YARD FROM THE STRUCTURE FOR A MINIMUM DISTANCE OF 35'. WHERE ZONE ONE EXCEEDS 35' THE ADJACENT ZONE TWO MAY BE REDUCED 1.5 FEET FOR EVERY 1 FOOT OF INCREASE. ZONE ONE IS PERMANENTLY IRRIGATED AND PLANTED WITH ORNAMENTAL PLANTINGS PER PART (j) OF THE ABOVE NAMED SECTION. SEE NOTES BELOW. ZONE ONE IS TO BE INSTALLED AND MAINTAINED BY CHABAD HEBREW ACADEMY.

EXTENDED ZONE 1

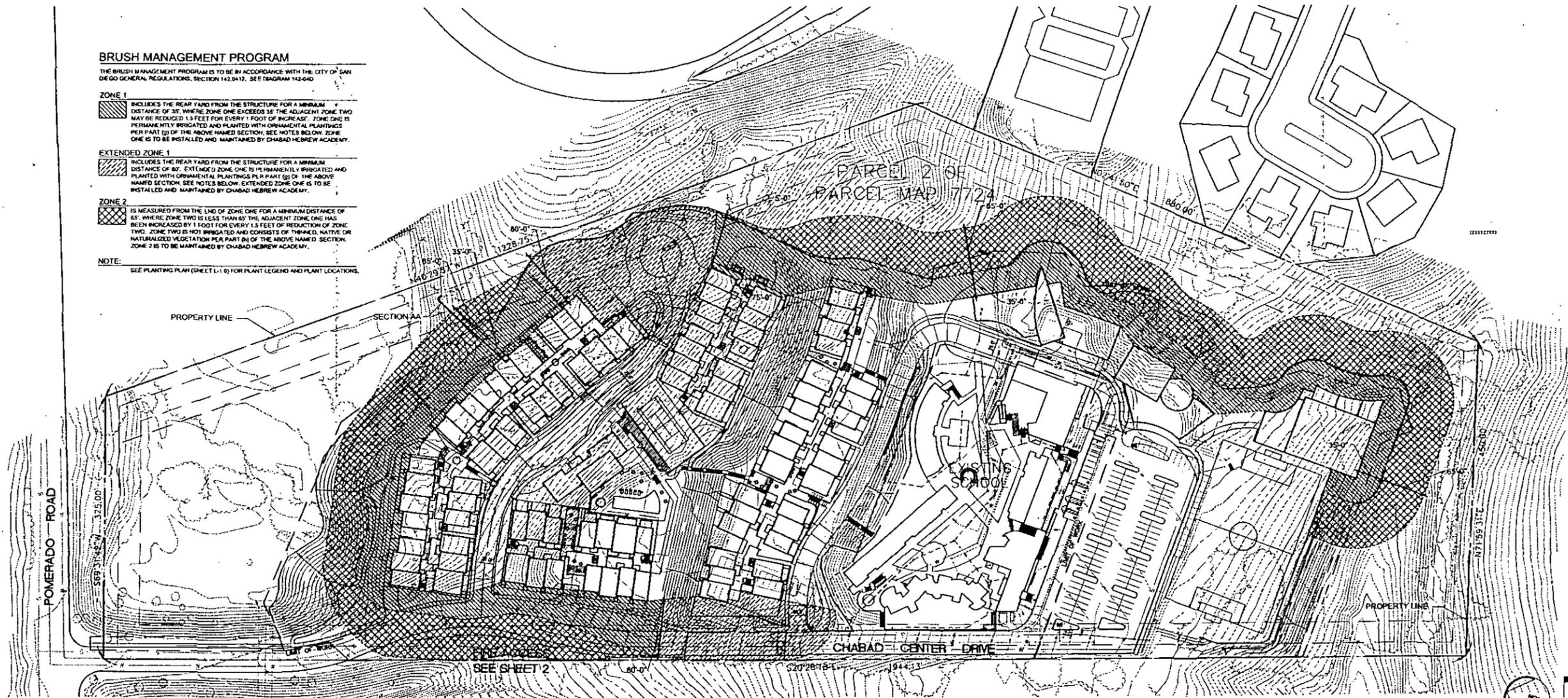
INCLUDES THE REAR YARD FROM THE STRUCTURE FOR A MINIMUM DISTANCE OF 80'. EXTENDED ZONE ONE IS PERMANENTLY IRRIGATED AND PLANTED WITH ORNAMENTAL PLANTINGS PER PART (j) OF THE ABOVE NAMED SECTION. SEE NOTES BELOW. EXTENDED ZONE ONE IS TO BE INSTALLED AND MAINTAINED BY CHABAD HEBREW ACADEMY.

ZONE 2

IS MEASURED FROM THE END OF ZONE ONE FOR A MINIMUM DISTANCE OF 65'. WHERE ZONE TWO IS LESS THAN 65' THE ADJACENT ZONE ONE HAS BEEN INCREASED BY 1 FOOT FOR EVERY 1.5 FEET OF REDUCTION OF ZONE TWO. ZONE TWO IS NOT IRRIGATED AND CONSISTS OF THINNED, NATIVE OR NATURALIZED VEGETATION PER PART (n) OF THE ABOVE NAMED SECTION. ZONE TWO IS TO BE MAINTAINED BY CHABAD HEBREW ACADEMY.

NOTE:

SEE PLANTING PLAN (SHEET L-1-B) FOR PLANT LEGEND AND PLANT LOCATIONS.



BRUSH MANAGEMENT NOTES

ZONE ONE REQUIREMENTS (PER PART (j) OF LDC 142.0412):

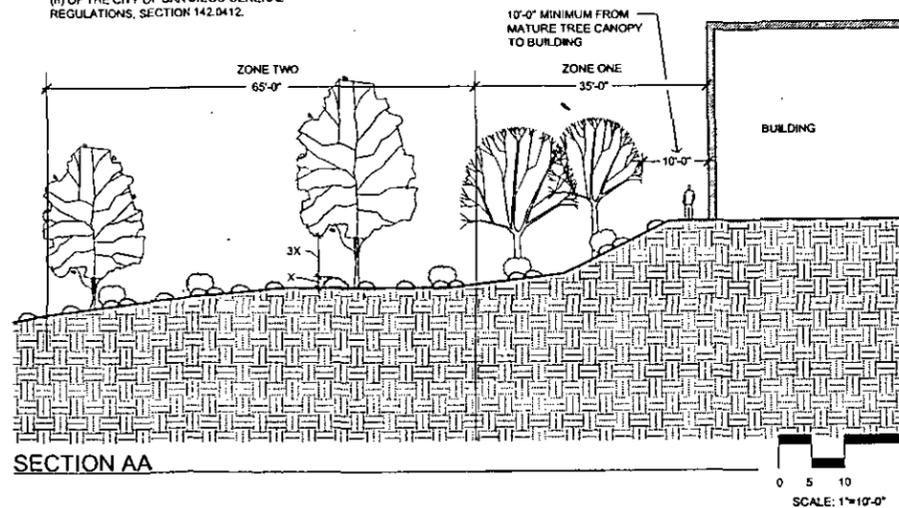
1. THE REQUIRED ZONE ONE WIDTH SHALL BE PROVIDED BETWEEN NATIVE OR NATURALIZED VEGETATION AND ANY STRUCTURE AND SHALL BE MEASURED FROM THE EXTERIOR OF THE STRUCTURE TO THE VEGETATION.
2. ZONE ONE SHALL CONTAIN NO HABITABLE STRUCTURES, STRUCTURES THAT ARE DIRECTLY ATTACHED TO HABITABLE STRUCTURES, OR OTHER COMBUSTIBLE CONSTRUCTION THAT PROVIDES A MEANS FOR TRANSMITTING FIRE TO THE HABITABLE STRUCTURE.
3. PLANTS WITHIN ZONE ONE SHALL BE PRIMARILY LOW-GROWING AND LESS THAN 4 FEET IN HEIGHT WITH THE EXCEPTION OF TREES. PLANTS SHALL BE LOW-FUEL AND FIRE-RESISTIVE.
4. TREES WITHIN ZONE ONE SHALL BE LOCATED AWAY FROM STRUCTURES TO A MINIMUM DISTANCE OF 10 FEET AS MEASURED FROM THE STRUCTURES TO THE TRUNK OF THE TREE AT MATURITY IN ACCORDANCE WITH THE LANDSCAPE STANDARDS OF THE LAND DEVELOPMENT MANUAL.
5. PERMANENT IRRIGATION WILL BE PROVIDED.
6. ZONE ONE IRRIGATION OVERSPRAY AND RUNOFF SHALL NOT BE ALLOWED INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION.
7. ZONE ONE SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS, AND MAINTAINING IRRIGATION SYSTEMS.

ZONE TWO REQUIREMENTS (PER PART (n) OF LDC 142.0412):

1. THE REQUIRED ZONE TWO WIDTH SHALL BE PROVIDED BETWEEN ZONE ONE AND THE UNDISTURBED, NATIVE OR NATURALIZED VEGETATION, AND SHALL BE MEASURED FROM THE EDGE OF ZONE ONE THAT IS FARTHEST FROM THE HABITABLE STRUCTURE, TO THE EDGE OF UNDISTURBED VEGETATION.
2. NO STRUCTURES SHALL BE CONSTRUCTED IN ZONE TWO.
3. WITHIN ZONE TWO, 50% OF THE PLANTS OVER 24 INCHES IN HEIGHT SHALL BE CUT AND CLEARED TO A HEIGHT OF 6 INCHES.
4. WITHIN ZONE TWO, ALL PLANTS REMAINING AFTER 50% ARE REDUCED IN HEIGHT. SHALL BE PRUNED TO REDUCE FUEL LOADING IN ACCORDANCE WITH THE LANDSCAPE STANDARDS IN THE LAND DEVELOPMENT MANUAL. NON-NATIVE PLANTS SHALL BE PRUNED BEFORE NATIVE PLANTS ARE PRUNED.
5. THE FOLLOWING STANDARDS SHALL BE USED WHERE ZONE TWO IS IN AN AREA PREVIOUSLY GRADED AS PART OF LEGAL DEVELOPMENT ACTIVITY AND IS PROPOSED TO BE PLANTED WITH NEW PLANT MATERIAL INSTEAD OF CLEARING EXISTING NATIVE OR NATURALIZED VEGETATION:
 - A. ALL NEW PLANT MATERIAL FOR ZONE TWO SHALL BE NATIVE NON-IRRIGATED, LOW FUEL, AND FIRE-RESISTIVE. NO NON-NATIVE PLANT MATERIAL MAY BE PLANTED IN ZONE TWO EITHER INSIDE THE MHPA OR IN THE COASTAL OVERLAY ZONE, ADJACENT TO AREAS CONTAINING SENSITIVE BIOLOGICAL RESOURCES.
 - B. NEW PLANTS SHALL BE LOW-GROWING WITH A MAXIMUM HEIGHT AT MATURITY OF 24 INCHES. SINGLE SPECIMENS OF NATIVE TREES AND TREE FORM SHRUBS MAY EXCEED THIS LIMITATION IF THEY ARE LOCATED TO REDUCE THE CHANCE OF TRANSMITTING FIRE FROM NATIVE OR NATURALIZED VEGETATION TO HABITABLE STRUCTURES AND IF THE VERTICAL DISTANCE BETWEEN THE LOWEST BRANCHES OF THE TREES AND THE TOP OF ADJACENT PLANTS ARE THREE TIMES THE HEIGHT OF THE ADJACENT PLANTS TO REDUCE THE RISK OF FIRE THROUGH LADDER FUELING.
 - C. ALL NEW ZONE TWO PLANTINGS SHALL BE IRRIGATED TEMPORARILY UNTIL ESTABLISHED TO THE SATISFACTION OF THE CITY MANAGER. ONLY LOW-FLOW, LOW-GALLONAGE SPRAY HEADS MAY BE USED IN ZONE TWO. OVERSPRAY AND RUNOFF FROM THE IRRIGATION SHALL NOT DRIFT OR FLOW INTO ADJACENT AREAS OF NATIVE OR NATURALIZED VEGETATION. TEMPORARY IRRIGATION SYSTEMS SHALL BE REMOVED UPON APPROVED ESTABLISHMENT OF THE PLANTINGS. PERMANENT IRRIGATION IS NOT ALLOWED IN ZONE TWO.
 - D. WHERE ZONE TWO IS BEING REVEGETATED AS A REQUIREMENT OF SECTION 142.0411(i) NOT APPLICABLE.
6. ZONE TWO SHALL BE MAINTAINED ON A REGULAR BASIS BY PRUNING AND THINNING PLANTS, CONTROLLING WEEDS.
7. EXCEPT AS PROVIDED IN SECTION 142.0412(b), WHERE THE REQUIRED ZONE ONE WIDTH SHOWN IN TABLE 142-04H CANNOT BE PROVIDED ON PREMISES WITH EXISTING STRUCTURES, THE REQUIRED ZONE TWO WIDTH SHALL BE INCREASED FOR ONE FOOT FOR EACH FOOT OF REQUIRED ZONE ONE WIDTH THAT CANNOT BE PROVIDED.

ZONE ONE:
IS PERMANENTLY IRRIGATED AND PLANTED WITH ORNAMENTAL PLANTINGS PER PART (j) OF THE CITY OF SAN DIEGO GENERAL REGULATIONS, SECTION 142.0412.

ZONE TWO:
IS NOT IRRIGATED AND CONSISTS OF THINNED, NATIVE OR NATURALIZED VEGETATION PER PART (n) OF THE CITY OF SAN DIEGO GENERAL REGULATIONS, SECTION 142.0412.



M. W. STEELE GROUP, INC.
ARCHITECTURE | URBAN DESIGN
325 FIFTEENTH STREET
SAN DIEGO | CA | 92101
TELEPHONE: 619.230.0325
FACSIMILE: 619.230.0335
WEBSITE: www.mwsteele.com

Phase
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2655 Fourth Avenue, San Diego, CA 92103
Telephone (619) 516-4265 Facsimile (619) 516-4793
www.schmidt-design.com
Lic. CA 9158, NV 919, AZ 14199

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