

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

**WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002348

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

This Site Development Permit No. 932619, Conditional Use Permit No. 932618, Planned Development Permit No. 1451656, Neighborhood Development Permit No. 1451657 and a Multi-Habitat Planning Area Boundary Line Adjustment, Amending Conditional Use Permit No. 133-PC, is granted by the City Council of the City of San Diego to ALLIANT INTERNATIONAL UNIVERSITY, a California not-for-profit corporation, Owner, and THE GLEN AT SCRIPPS RANCH CCRC, LLC, a Delaware limited liability company, Permittee, pursuant to San Diego Municipal Code (SDMC) section 126.0504 and 126.0305. The 53 acre site is located at 10455 Pomerado Road in the RM-1-8 Zone of the Scripps Miramar Ranch community. The project site is legally described as Parcel 2 of Parcel Map No. 21237, filed May 22, 2015 as DOC# 2015-7000168, in the Office of the County Recorder, County of San Diego, California.

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

The project shall include:

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

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

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. This permit expires on _____. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker. This Permit amends Conditional Use Permit No. 133-PC to allow the proposed project on this site and Conditional Use Permit No. 133-PC shall be null and void on this site legally described as Parcel 2 of Parcel Map No. 21237, filed May 22, 2015 as DOC# 2015-7000168, in the Office of the County Recorder, County of San Diego, California.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the federal Endangered Species Act (ESA) and by the California Department of Fish and Wildlife (CDFW) pursuant to California Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

12. This Permit may be developed in phases.

ENVIRONMENTAL/MITIGATION REQUIREMENTS

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

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

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

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

AIRPORT REQUIREMENTS

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

ENGINEERING REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LANDSCAPE REQUIREMENTS

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

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

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

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

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

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

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

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

MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS

40. Prior to the issuance of any construction permits, the Owner/Permittee shall grant the on-site Multiple Habitat Planning Area (MHPA) to the City’s Multiple Species Conservation Program (MSCP) preserve through either fee title to the City, or a covenant of easement granted in favor of the City and the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), as shown on Exhibit “A.” Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes. The Owner/Permittee shall ensure all property approved for conveyance in fee title to the City for MHPA purposes shall be free and clear of all private easements, private encroachments, private agreements and/or liens. Any on-site MHPA lands that are not dedicated in fee title to the City shall grant a covenant of easement in favor of the City, USFWS, and CDFW. The Owner/Permittee shall maintain in perpetuity any MHPA lands granted by covenant of easement unless otherwise agreed to by the City.

41. Prior to issuance of any building permits, the Owner/Permittee shall schedule an inspection with the Park and Recreation Department Open Space Division for all property approved for conveyance in fee title to the City for MHPA purposes. All trash, invasive species, illegal use and associated structures on the lot(s) shall be removed prior to the City’s acceptance.

PLANNING/DESIGN REQUIREMENTS

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

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

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

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

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

- Install high efficiency lighting to reduce lighting energy consumption by 25 percent,

TRANSPORTATION REQUIREMENTS

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

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

PUBLIC UTILITY REQUIREMENTS

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

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

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

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

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

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

GEOLOGY REQUIREMENTS

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

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

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on _____ and
Resolution No. _____.

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

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

John S. Fisher
Development Project Manager

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

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

ALLIANT INTERNATIONAL UNIVERSITY,
a California not-for-profit corporation,
Owner

By _____

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

By _____

Richard Aschenbrenner
Member Director

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