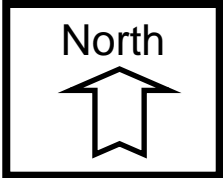


Project Site



Project Location Map

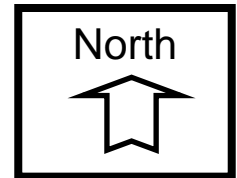
El Camino Real Assisted Living Facility
PRJ-0675732: 13860 El Camino Real



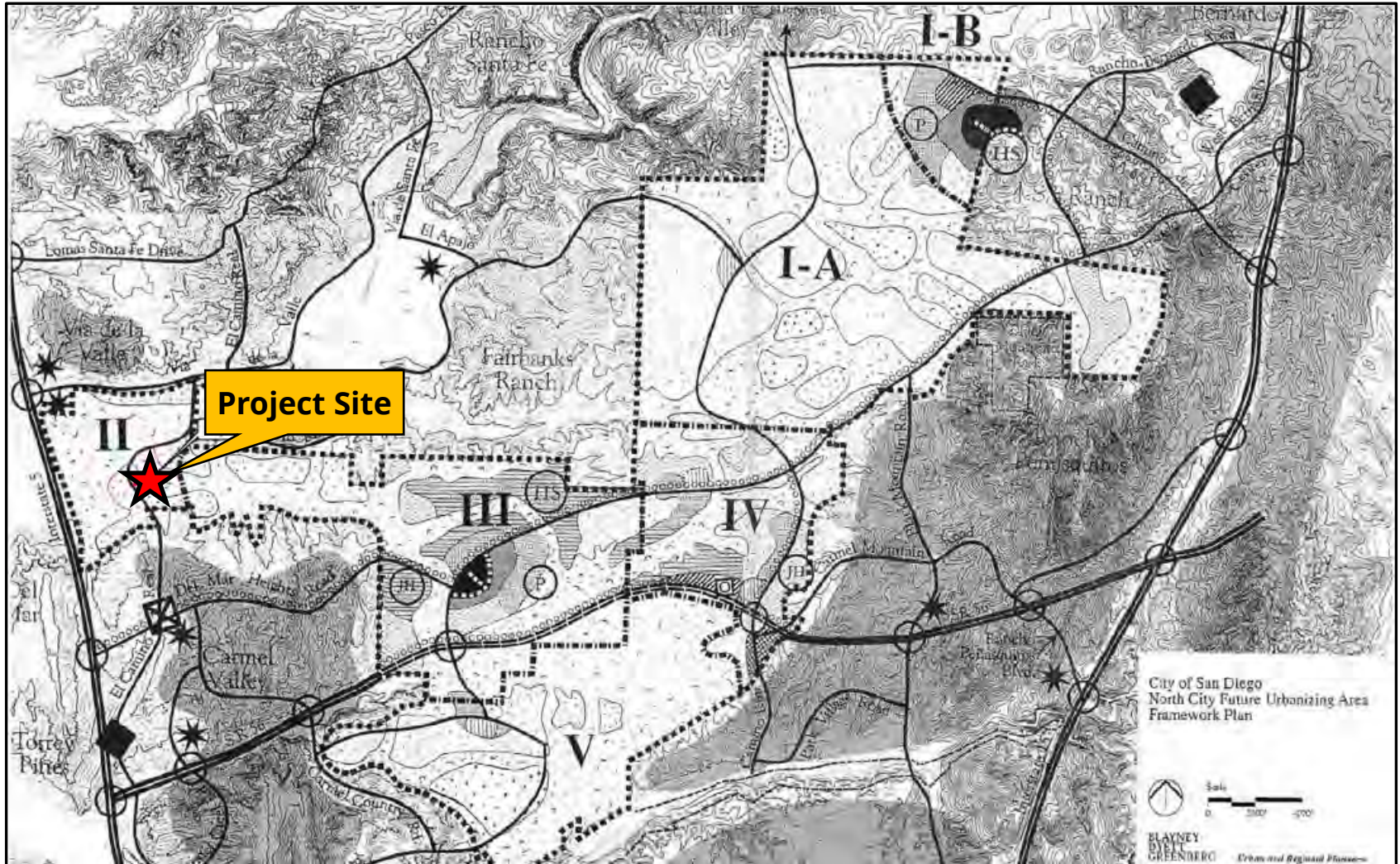


Aerial Photograph

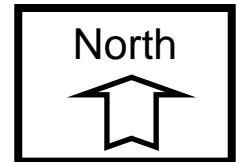
El Camino Real Assisted Living Facility
PRJ-0675732: 13860 El Camino Real



North City Future Urbanizing Area Framework Plan



El Camino Real Assisted Living Facility
PRJ-0675732: 13860 El Camino Real



ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING CONDITIONAL USE PERMIT NO. PMT-2475043 AND SITE DEVELOPMENT PERMIT PMT-NO. 2475049 TO AMEND CONDITIONAL USE PERMIT NO. 862494 AND SITE DEVELOPMENT PERMIT NO. 862495, AND A NEIGHBORHOOD USE PERMIT PMT-NO. 2475050 FOR THE EL CAMINO REAL ASSISTED LIVING FACILITY, PRJ-675732.

WHEREAS, PMB CARMEL VALLEY LLC, a Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, and Neighborhood Use Permit No. PMT-2475050 for the El Camino Real Assisted Living Facility (Project) located on a 3.97-acre site at 13860 El Camino Real, and legally described as Parcel B: the northerly 280 feet of the westerly 616 feet of Lot 3 (northwest quarter of southwest quarter) of Section 7, Township 14 south, Range 3 west, San Bernadino meridian, in the City of San Diego, County of San Diego, State of California, according to official plat thereof; and Parcel B1: an easement over road over Parcel 2 of Parcel Map No. 8367 in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, Recorded February 1, 1979, in the North City Future Urbanizing Area Subarea II Plan area, in the AR-1-1 Zone within Proposition A Lands, Coastal Overlay Zone (Deferred-Certification Area), Very High Fire Hazard Severity Zone, Fire Brush Zone, and contains Environmentally Sensitive Lands (Multi Habitat Planning Area, sensitive biological resources, special flood hazard area); and

WHEREAS, the Project consists of a three-story, 105,568 square-foot nursing facility with 105 rooms consisting of 87 assisted living rooms and 18 memory care rooms for a total of 124 beds, surface parking and supporting amenities; and

WHEREAS, on May 19, 2021, the Owner/Permittee submitted an application for a reasonable accommodation pursuant to the State of California Fair Employment and Housing laws, the Federal Fair Housing Amendments Act, and San Diego Municipal Code section 131.0466; and

WHEREAS, the reasonable accommodation requested was to allow the Project to process a request for a Conditional Use Permit in an agricultural zone in Proposition A lands without processing an amendment to the San Diego Municipal Code, notwithstanding the prohibition in San Diego Municipal Code section 141.0423 against the placement of nursing facilities in proposition A lands; and

WHEREAS, the reasonable accommodation request was approved by City staff on April 4, 2024; and

WHEREAS, on December 5, 2024, the Planning Commission of the City of San Diego considered Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, and a Neighborhood Use Permit No. PMT-2475050, and pursuant to Resolution No. [vote count]-PC voted to recommend approval of Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, and Neighborhood Use Permit No. PMT-2475050; and

WHEREAS, the matter was set for a public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decisions and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; NOW THEREFORE,

BE IT ORDAINED, by the City Council of the City of San Diego, as follows:

Section 1. That the following findings with respect to Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, and Neighborhood Use Permit No. PMT-2475050 [insert discretionary actions] are adopted:

A. CONDITIONAL USE PERMIT [SDMC Section 126.0305]

1. Findings for all Conditional Use Permits:

a. The proposed development will not adversely affect the applicable land use plan.

The El Camino Living Assisted Living Facility (Project) is located on a graded 3.97-acre site at 13860 El Camino Real within the North City Future Urbanizing Area Subarea II Plan and San Dieguito River Park Concept Plan area. Surrounding land uses include the El Camino Real public right-of-way and the San Dieguito lagoon to the north, undeveloped lands to the east, residential uses to the south, and the Evangelical Formosan Church to the west.

The Project is an expansion of the adjacent St. John Garabed Church (Church), a 51,680 square-foot Church with 350 seating capacity on a 13.37-acre site that was approved by the City's Planning Commission in October 2014 (Conditional Use Permit No. 862494 and Site Development Permit No. 862495). The Project consists of the construction of a three-story, 105,568 square-foot nursing facility with 105 rooms consisting of 87 assisted living rooms and 18 memory care rooms units for a total of 124 beds, surface parking and supporting amenities.

The Project will serve as the residence for senior citizens that require 24-hour nursing care. The Project will be licensed by the California Department of Social Services as a Residential Care Facility for the Elderly (RCFE) to provide varying levels and intensities of care and supervision, protective supervision, or personal care based upon varying needs, as determined in order to be admitted and remain in the

facility. The Project focuses on persons with disabilities with an average age over 80 years old requiring assistance with at least two activities of daily living. Many of the senior residents will require memory care and will be treated for dementia.

The Project is located in the AR-1-1 Zone (agricultural) within Proposition A Lands. Pursuant to SDMC Section 141.0413, nursing facilities are prohibited in Proposition A lands. Nursing facilities were a permitted use through the processing of a conditional use permit at the time of Proposition A passage. The prohibition of nursing facilities in the AR-1-1 Zone was added to the SDMC after Proposition A was approved. The objectives of Proposition A include precluding premature development and guiding urbanization; conserving agricultural land; prevent loss of natural resources; and addressing the threat to quality of life from continued urban sprawl.

The Project does not adversely impact Proposition A objectives nor the North City Future Urbanizing Area Framework Plan (Frame Plan). The Project will be located on a graded site adjacent to developed uses and will not result in an increase in residential density. The Project proposes to develop on land intended for residential uses (Framework Plan Diagram Figure 3-3) and will be designed to be non-urban in character and scale which is consistent with the Framework Plan. Architectural details and style provide a non-urban character by implementing a historical style of mission and ranch-style architecture reminiscent of historic Rancho Santa Fe. The architectural design includes light colors, stucco clad exteriors, natural materials, red tiled roofs, and balconies which is compatible with the surrounding neighborhood.

Additionally, the Project is consistent with the Framework Plan's recommendation (P. 36) for sites east of El Camino Real that are public and semi-public, which would ideally be uses where buildings take up a relatively small portion of the site, and where architecture can be in harmony with surrounding open space. The Project will be located on a plain and set back into the slope to reduce its visibility from the flood plain. The Project will also be set back from El Camino Real by approximately 180 feet and includes extensive landscaping of varied heights and species to buffer adjacent uses. Approximately 10 percent of the site is covered by structures and the Project design is consistent with the bulk and scale of the surrounding neighborhood. Access will be shared with the adjacent Church site avoiding residential areas nearby.

The adjacent Multiple Species Conservation Plan (MSCP) area serves as a buffer between the development and the river park. The Project avoids developing within the Multi Habitat Planning Area (MHPA) and the MHPA area will be conserved in perpetuity through a covenant of easement in accordance with the City's Environmentally Sensitive Lands regulations. Additionally, the Project's extensive landscaping throughout the site visually screens and softens the buildings, gradually transitions development into the natural environment and provides access/connection to outdoor spaces which is consistent with the San Dieguito River Park Concept Plan.

Further, the Project will comply with the MSCP/MHPA Land Use Adjacency Guidelines (LUAG) to avoid potential impacts to the resources in the MHPA related to grading/land development, drainage and toxics, lighting, public access, barriers, invasive species, brush management, and noise. LUAG compliance is consistent with the Framework Plan's policy (Page 77) of protecting and preserving natural resources throughout area. Therefore, the proposed development will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

A preliminary geotechnical report has been prepared for the site that concluded that the Project adequately addresses the site's soil and geologic conditions. The development will be limited to the flat-lying to very gently sloping mesa area of the site and outside of the special flood hazard area. The Project complies with the City's drainage regulations and standards and will be required to address storm water and run off by implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance.

The Project site is located in a very high fire hazard severity zone and is adjacent to open space areas to the east, northeast, and southeast. The Project includes extensive landscaping of varied heights and species to buffer adjacent uses and a brush management program will be implemented to reduce any potential fire hazards around structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation.

Additionally, staff has reviewed and accepted a Fire Fuel Load Management Report which addresses fire safety goals and results in reduced fire hazards. Site access including road widths and connectivity will comply with the City's code requirements and the California Fire Code. An adequate water supply and approved paved access roadways will be installed prior to any combustibles being onsite. The construction plans will also include a note requiring that the contractor provide a Site-Specific Safety Manual and Fire Protection Plan that addresses onsite ignitable sources, as required by Cal/OSHA and the California Fire Code.

The Police Department has reviewed the Project and concluded that there are no policing issues or response type concerns at the site related to the protection of the public health, safety and welfare. The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. The Permit includes requirements that address fire safety, storm water and runoff, landscaping and maintenance, public improvements, private water and sewer facilities, signage, lighting, and parking.

A Subsequent Environmental Impact Report (Project No. 675732/SCH No. 2013071043) was prepared in accordance with the California Environmental Quality Act Statute, and a Mitigation Monitoring and Reporting Program for Biological

Resources, Historical Resources, Noise and Tribal Cultural Resources will be implemented to reduce impacts to below a level of significance. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The Project will serve as the residence for senior citizens that require 24-hour nursing care. The Project will be licensed by the California Department of Social Services as a Residential Care Facility for the Elderly (RCFE) to provide varying levels and intensities of care and supervision, protective supervision, or personal care based upon varying needs, as determined in order to be admitted and remain in the facility. The Project focuses on persons with disabilities with an average age over 80 years old requiring assistance with at least two activities of daily living. Many of the senior residents will require memory care and will be treated for dementia.

Senior citizens with limited physical abilities are deemed a protected class under the Fair Housing Amendments Act (FHAA). The FHAA requires that jurisdictions provide a process for consideration of reasonable accommodations to afford persons with disabilities the equal opportunity to use and enjoy a dwelling. Pursuant to SDMC Section 131.0466, a request for Reasonable Accommodations including waiver of regulations, policies, or procedures to afford persons with disabilities an equal opportunity to use and enjoy a dwelling may be approved at the staff level through a Process 1 provided certain findings be made. In April 2024, staff reviewed and approved the applicant's reasonable accommodations request in accordance with SDMC Section 131.0466 to allow a nursing facility on the site due to the special need and benefit of providing persons with disabilities an equal opportunity to use and live in a nursing facility on site.

Additionally, Project approval will require adoption of an Ordinance to authorize a nursing facility in the AR-1-1 Zone (agricultural) within Proposition A Lands. Pursuant to SDMC Section 141.0413, nursing facilities are prohibited in Proposition A lands. Nursing facilities were a permitted use through the processing of a conditional use permit at the time of Proposition A passage. The prohibition of nursing facilities in the AR-1-1 Zone was added to the SDMC after Proposition A was approved. The objectives of Proposition A include precluding premature development and guiding urbanization; conserving agricultural land; prevent loss of natural resources; and addressing the threat to quality of life from continued urban sprawl.

The Project does not adversely impact Proposition A objectives nor the North City Future Urbanizing Area Framework Plan (Frame Plan). The Project will be located on a graded site adjacent to developed uses and will not result in an increase in residential density. The Project complies with the AR-1-1 Zone requirements for lot coverage (10 percent), building height (40 feet), setbacks, and parking.

A comprehensive sign program will be implemented for proposed deviations to the sign regulations. The intent of the City sign regulations (SDMC Section [142.1201](#)) is to provide a set of standards, which optimize communication and quality of signs while protecting the public and aesthetic character of the City. A comprehensive sign plan (SDMC Section [141.1103](#)) may be approved through a Neighborhood Use Permit to modify applicable sign requirements if the proposed signs, as a whole, are in conformance with the intent of the sign regulations, and if the exceptions result in an improved relationship among the signs and building facades on the premises.

Staff has reviewed and accepted the following requested deviations to the sign regulations (SDMC Section [142.1201](#)):

Description	Required	Proposed
Ground sign for each street frontage	One (1)	Two (2)
Size of each ground sign	12 square feet	Not to exceed 25 square feet

Ground Signs: Deviation to SDMC Section [142.1275](#) to allow two ground signs where the sign regulations allows one ground sign for each street frontage, and allow the size of ground signage to not exceed 25 square feet in area where the sign regulations limit the sign area to not exceed 12 square feet.

Justification: The deviations to the sign regulations will facilitate the identification of the nursing facility and the adjacent Church site by guiding employees and visitors through the site in an efficient manner. The larger ground signage will allow visibility for both establishments which gain access at a common driveway but are not easily visible from the El Camino Real public right-of-way. Additionally, the implementation of a comprehensive sign program provides for a unifying theme (i.e., materials, colors, type) that is compatible with the design and scale of the adjacent buildings and surrounding neighborhood.

The proposed signs, as a whole, are in conformance with the intent of the sign regulations and provide a set of standards which optimize communication and quality of signs while protecting the public and aesthetic character of the City. Therefore, the proposed development will comply with the regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

d. The proposed use is appropriate at the proposed location.

The El Camino Living Assisted Living Facility (Project) is located on a graded 3.97-acre site at 13860 El Camino Real within the North City Future Urbanizing Area Subarea II Plan and San Dieguito River Park Concept Plan area. Surrounding land uses include the El Camino Real public right-of-way and the San Dieguito lagoon to the north, undeveloped lands to the east, residential uses to the south, and the Evangelical

Formosan Church to the west. The Project is an expansion of the adjacent St. John Garabed Church which was approved by the City's Planning Commission in October 30, 2014 (Conditional Use Permit No. 862494 and Site Development Permit No. 862495).

The Project will serve as the residence for senior citizens that require 24-hour nursing care. The Project will be licensed by the California Department of Social Services as a Residential Care Facility for the Elderly (RCFE) to provide varying levels and intensities of care and supervision, protective supervision, or personal care based upon varying needs, as determined in order to be admitted and remain in the facility. The Project focuses on persons with disabilities with an average age over 80 years old requiring assistance with at least two activities of daily living. Many of the senior residents will require memory care and will be treated for dementia.

Senior citizens with limited physical abilities are deemed a protected class under the Fair Housing Amendments Act (FHAA). The FHAA requires that jurisdictions provide a process for consideration of reasonable accommodations to afford persons with disabilities the equal opportunity to use and enjoy a dwelling. Pursuant to SDMC Section 131.0466, a request for Reasonable Accommodations, including waiver of regulations, policies, or procedures to afford persons with disabilities an equal opportunity to use and enjoy a dwelling may be approved at the staff level through a Process 1 provided certain findings be made.

In April 2024, staff reviewed and approved a Reasonable Accommodation request due to the special need and benefit of providing persons with disabilities an equal opportunity to use and live in a nursing facility on the Project site. The approval of the Reasonable Accommodations request allows the processing of a Conditional Use Permit for the nursing facility in an agricultural zone in Proposition A Lands without requiring a Municipal Code amendment despite SDMC Section 141.0423, which prohibits nursing facilities in Proposition A Lands.

Additionally, Project approval requires adoption of an Ordinance to authorize a nursing facility in the AR-1-1 Zone (agricultural) within Proposition A Lands. Pursuant to SDMC Section 141.0413, nursing facilities are prohibited in Proposition A lands. Nursing facilities were a permitted use through the processing of a conditional use permit at the time of Proposition A passage. The prohibition of nursing facilities in the AR-1-1 Zone was added to the SDMC after Proposition A was approved. The objectives of Proposition A include precluding premature development and guiding urbanization; conserving agricultural land; prevent loss of natural resources; and addressing the threat to quality of life from continued urban sprawl.

The Project does not adversely impact Proposition A objectives nor the North City Future Urbanizing Area Framework Plan (Frame Plan). The Project will be located on a graded site adjacent to developed uses and will not result in an increase in residential density. The Project complies with the AR-1-1 Zone requirements for lot coverage (10 percent), building height (40 feet), setbacks, and parking. A comprehensive sign program will also be implemented to guide employees and

visitors through the site in an efficient manner and provide for a unifying theme that is compatible with the design and scale of the adjacent buildings and neighborhood.

The Project proposes to develop on land intended for residential uses (Framework Plan Diagram Figure 3-3) and will be designed to be non-urban in character and scale which is consistent with the Framework Plan. Architectural details and style provide a non-urban character by implementing a historical style of mission and ranch-style architecture reminiscent of historic Rancho Santa Fe. The Project design includes light colors, stucco clad exteriors, natural materials, red tiled roofs, and balconies which is compatible with the surrounding neighborhood.

Additionally, the Project is consistent with the Framework Plan's recommendation (P. 36) for sites east of El Camino Real that are public and semi-public, which would ideally be uses where buildings take up a relatively small portion of the site, and where architecture can be in harmony with the surrounding open space. The Project will be located on a plain and set back into the slope to reduce its visibility from the flood plain. The Project will also be set back from El Camino Real by approximately 180 feet and includes extensive landscaping of varied heights and species to buffer adjacent uses. Approximately 10 percent of the site is covered by structures and the Project design is consistent with the bulk and scale of the surrounding neighborhood. Access will be shared with the adjacent Church site avoiding residential areas nearby.

The adjacent Multiple Species Conservation Plan (MSCP) area serves as a buffer between the development and the river park. The Project's extensive landscaping throughout the site visually screens and softens the buildings, gradually transitions development into the natural environment and provides access/connection to outdoor spaces which is consistent with the San Dieguito River Park Concept Plan. The Project avoids developing within the Multi Habitat Planning Area (MHPA) and the MHPA area will be conserved in perpetuity through a covenant of easement in accordance with the City's Environmentally Sensitive Lands regulations.

A preliminary geotechnical report has been prepared for the site that concluded that the Project adequately addresses the site's soil and geologic conditions. The Project site is located on land characterized as gently sloping to steep terrain, favorable geologic structure and low risk. The development will be limited to the flat-lying to very gently sloping mesa area of the site and outside of the special flood hazard area. The Project complies with the City's drainage regulations and standards and will be required to address storm water and run off by implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance.

Additionally, the Project site is located in a very high fire hazard severity zone and is adjacent to open space areas to the east, northeast, and southeast. The Project includes extensive landscaping of varied heights and species to buffer adjacent uses and a brush management program will be implemented to reduce any potential fire

hazards around structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation.

Staff has also reviewed and accepted a Fire Fuel Load Management Report which addresses fire safety goals and results in reduced fire hazards. Site access including road widths and connectivity will comply with the City's code requirements and the California Fire Code. An adequate water supply and approved paved access roadways will be installed prior to any combustibles being onsite. Additionally, the construction plans will include a note requiring the contractor to provide a Site-Specific Safety Manual and Fire Protection Plan that addresses onsite ignitable sources, as required by Cal/OSHA and the California Fire Code.

The Police Department has reviewed Project and concluded that there are no policing issues or response type concerns at the site related to the protection of the public health, safety and welfare. The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. The Permit includes requirements that address fire safety, storm water and runoff, landscaping and maintenance, public improvements, private water and sewer facilities, signage, lighting, and parking.

A Subsequent Environmental Impact Report (Project No. 675732/ SCH No. 2013071043) was prepared in accordance with the California Environmental Quality Act, and a Mitigation Monitoring and Reporting Program for Biological Resources, Historical Resources, Noise and Tribal Cultural Resources will be implemented to reduce impacts to below a level of significance. Therefore, the proposed use is appropriate at the proposed location.

B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]

2. Findings for all Site Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

As set out in Finding A.1.a above, incorporated herein by reference, the proposed development would not adversely affect the applicable land use plan.

- b. The proposed development will not be detrimental to the public health, safety, and welfare.**

As set out in Finding A.1.b above, incorporated herein by reference, the proposed development will not be detrimental to the public health, safety, and welfare.

- c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

As set out in Finding A.1.c above, incorporated herein by reference, the proposed development will comply with the development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

Supplemental Findings – Environmentally Sensitive Lands:

- a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.**

The Project is located on a graded site adjacent to the El Camino Real public right-of-way and the San Dieguito lagoon to the north, undeveloped lands to the east, and developed uses including St. John Garabed Church to the north, residential uses to the south, and the Evangelical Formosan Church to the west. The eastern portion of the Project site (1.12 acres) is located within the Multi Habitat Planning Area (MHPA) and contains sensitive biological resources and is within a special flood hazard area.

A preliminary geotechnical report has been prepared for the site that concluded that the Project adequately addresses the site's soil and geologic conditions. The Project site is located on land characterized as gently sloping to steep terrain, favorable geologic structure and low risk. The development will be limited to the flat-lying to very gently sloping mesa area of the site and outside of the special flood hazard area. The Project complies with the City's drainage regulations and standards and will be required to address storm water and run off by implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance.

Approximately 10 percent of the Project site is covered by structures. The adjacent Multiple Species Conservation Plan (MSCP) area serves as a buffer between the development and the river park. The Project avoids developing within the MHPA and the area will be conserved in perpetuity through a covenant of easement in accordance with the City's Environmentally Sensitive Lands regulations. The Project's extensive landscaping throughout the site visually screens and softens the buildings, gradually transitions development into the natural environment and provides access/connection to outdoor spaces which is consistent with the San Dieguito River Park Concept Plan.

Additionally, the Project will comply with the MSCP/MHPA Land Use Adjacency Guidelines (LUAG) to avoid potential impacts to the resources in the MHPA related to grading/land development, drainage and toxics, lighting, public access, barriers, invasive species, brush management, and noise. LUAG compliance is consistent with

the Framework Plan's policy of protecting and preserving natural resources throughout area.

A Subsequent Environmental Impact Report (Project No. 675732/ SCH No. 2013071043) was prepared in accordance with the California Environmental Quality Act, and a Mitigation Monitoring and Reporting Program for Biological Resources, Historical Resources, Noise and Tribal Cultural Resources will be implemented to reduce impacts to below a level of significance. Therefore, the Project site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

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

The Project is located on a graded site adjacent to the El Camino Real public right-of-way and the San Dieguito lagoon to the north, undeveloped lands to the east, and developed uses including St. John Garabed Church to the north, residential uses to the south, and the Evangelical Formosan Church to the west.

A preliminary geotechnical report has been prepared for the site that concluded that the Project adequately addresses the site's soil and geologic conditions. The Project site is located on land characterized as gently sloping to steep terrain, favorable geologic structure and low risk. The development will be limited to the flat-lying to very gently sloping mesa area of the site and outside of the special flood hazard area. The Project complies with the City's drainage regulations and standards and will be required to address storm water and run off by implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance.

Additionally, the Project site is located in a very high fire hazard severity zone and is adjacent to open space areas to the east, northeast, and southeast. The Project includes extensive landscaping of varied heights and species to buffer adjacent uses and a brush management program will be implemented to reduce any potential fire hazards around structures by providing an effective fire break between all structures and contiguous areas of native or naturalized vegetation.

Staff has reviewed and accepted a Fire Fuel Load Management Report which addresses fire safety goals and results in reduced fire hazards. Site access including road widths and connectivity will comply with the City's code requirements and the California Fire Code. An adequate water supply and approved paved access roadways will be installed prior to any combustibles being onsite. Additionally, the construction plans shall include a note requiring the contractor to provide a Site-Specific Safety Manual and Fire Protection Plan that addresses onsite ignitable sources, as required by Cal/OSHA and California Fire Code. Therefore, the proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

The Project will be located on a graded site adjacent to the El Camino Real public right-of-way and the San Dieguito lagoon to the north, undeveloped lands to the east, and developed uses including St. John Garabed Church to the north, residential uses to the south, and the Evangelical Formosan Church to the west. The eastern portion of the Project site (1.12 acres) is located within the Multi Habitat Planning Area (MHPA) and contains sensitive biological resources and is within a special flood hazard area.

A preliminary geotechnical report has been prepared for the site that concluded that the Project adequately addresses the site's soil and geologic conditions. The Project site is located on land characterized as gently sloping to steep terrain, favorable geologic structure and low risk. The development area will be limited to the flat-lying to very gently sloping mesa area of the site and outside of the special flood hazard area. The Project complies with the City's drainage regulations and standards and will be required to address storm water and run off by implementing storm water construction best management practices (BMPs) and ongoing permanent BMP maintenance.

The adjacent Multiple Species Conservation Plan (MSCP) area serves as a buffer between the development and the river park. The Project avoids developing within the MHPA and the area will be conserved in perpetuity through a covenant of easement in accordance with the City's Environmentally Sensitive Lands regulations. The Project's extensive landscaping throughout the site visually screens and softens the buildings, gradually transitions development into the natural environment and provides access/connection to outdoor spaces which is consistent with the San Dieguito River Park Concept Plan.

Additionally, the Project will comply with the MSCP/MHPA Land Use Adjacency Guidelines (LUAG) to avoid potential impacts to the resources in the MHPA related to grading/land development, drainage and toxics, lighting, public access, barriers, invasive species, brush management, and noise. LUAG compliance is consistent with the Framework Plan's policy of protecting and preserving natural resources throughout area. Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

The Project avoids developing within the Multi Habitat Planning Area (MHPA) and the area will be conserved in perpetuity through a covenant of easement in accordance with the City's Environmentally Sensitive Lands regulations. The Project will comply with the MSCP/MHPA Land Use Adjacency Guidelines (LUAG) to avoid potential impacts to the resources in the MHPA related to grading/land development, drainage and toxics, lighting, public access, barriers, invasive species, brush management, and

noise. LUAG compliance is consistent with the Framework Plan's policy of protecting and preserving natural resources throughout area. The Project is not located within the Vernal Pool Habitat Conservation area. Therefore, the proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and Vernal Pool Habitat Conservation Plan (VPHCP).

- e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.**

The project site is located approximately two miles east from the Pacific Ocean. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

- f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.**

A Subsequent Environmental Impact Report (Project No. 675732/SCH No. 2013071043) (EIR) was prepared in accordance with the California Environmental Quality Act, and a Mitigation Monitoring and Reporting Program for Biological Resources, Historical Resources, Noise and Tribal Cultural Resources shall be implemented to reduce impacts to below a level of significance. Additionally, the Project permit contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. The Permit includes requirements that address fire safety, storm water and runoff, landscaping and maintenance, public improvements, private water and sewer facilities, signage, lighting, and parking. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

C. NEIGHBORHOOD USE PERMIT [SDMC Section 126.0405]

3. Findings for all Neighborhood Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

As set out in Finding A.1.a above, incorporated herein by reference, the proposed development would not adversely affect the applicable land use plan.

- b. The proposed development will not be detrimental to the public health, safety, and welfare.**

As set out in Finding A.1.b above, incorporated herein by reference, the proposed development will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

As set out in Finding A.1.c above, incorporated herein by reference, the proposed development will comply with the development regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

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

Section 2. That notwithstanding the prohibition in San Diego Municipal Code Section 141.0413(a) against the placement of nursing facilities in agricultural zones in Proposition A lands, Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495), and Neighborhood Use Permit No. PMT-2475050 is granted to Owner/Permittee, under the terms and conditions set forth in the attached permit which is made part of this Ordinance.

Section 3. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This Ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this Ordinance shall be issued unless application therefore was made prior to the date of adoption of this Ordinance.

APPROVED: MARA W. ELLIOT, City Attorney

By: _____

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

DIANA J.S. FUENTES
City Clerk

By: _____

Approved: _____
(date) TODD GLORIA, Mayor

Vetoed: _____
(date) TODD GLORIA, Mayor

DRAFT

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

INTERNAL ORDER NUMBER: 24008715

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. PMT-2475043
SITE DEVELOPMENT PERMIT NO. PMT-2475049
NEIGHBORHOOD USE PERMIT NO. PMT-2475050
AMENDMENT TO CONDITIONAL USE PERMIT NO. 862494
AND SITE DEVELOPMENT PERMIT NO. 862495
EL CAMINO REAL ASSISTED LIVING: PRJ-675732
CITY COUNCIL

This Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, and Neighborhood Use Permit No. PMT-2475050 is granted by the City Council of the City of San Diego to PMB CARMEL VALLEY LLC, a Delaware Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0203, 126.0502, and 126.0303. The 3.97-acre site is a portion of the approximately 17.33-acre premises previously approved for development of the St. John Garabed Armenian Church (Church) (Project No. 240283) located at 13860 El Camino Real in the AR-1-1 Zone, Coastal Overlay Zone (Deferred-Certification Area), Very High Fire Hazard Severity Zone, Fire Brush Zone, and contains Environmentally Sensitive Lands (Multi Habitat Planning Area, sensitive biological resources, special flood hazard area) within the North City Future Urbanizing Area Subarea II Plan area. The project site is legally described as Parcel B: the northerly 280 feet of the westerly 616 feet of Lot 3 (northwest quarter of southwest quarter) of Section 7, Township 14 south, Range 3 west, San Bernadino meridian, in the City of San Diego, County of San Diego, State of California, according to official plat thereof; and Parcel B1: an easement over road over Parcel 2 of Parcel Map No. 8367 in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, Recorded February 1, 1979.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a nursing facility described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [Approval Date], on file in the Development Services Department.

The project shall include:

- a. Construction of a three-story, 105,568 square-foot nursing facility with 105 rooms consisting of 87 assisted living rooms and 18 memory care rooms for a total of 124 beds, surface parking and supporting amenities;
- b. Deviations from SDMC Section 142.1201 for ground signage for each street frontage and size of each ground sign; and

Description	Required	Proposed
Ground sign for each street frontage	One (1)	Two (2)
Size of each ground sign	12 square feet	Not to exceed 25 square feet

- c. 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. 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. This permit must be utilized by [3 years, including appeal time].
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.
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. 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.

8. 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.

9. 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.

10. 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.

CLIMATE ACTION PLAN REQUIREMENTS:

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENVIRONMENTAL REQUIREMENTS:

12. Mitigation requirements in **Subsequent Environmental Impact Report (EIR) No. 675732/SCH No. 2013071043 and Mitigation, Monitoring, and Reporting Program [MMRP]** shall apply to this Permit. These **MMRP** conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the **MMRP** and outlined in **Subsequent Environmental Impact Report (EIR) No. 675732/SCH No. 2013071043** shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the **MMRP** as specified in **Subsequent Environmental Impact Report (EIR) No. 675732/SCH No. 2013071043** 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 the satisfaction of the City Engineer. All mitigation measures described in the **MMRP** shall be implemented for the following issue areas:

Biological Resources

Historical Resources

Noise

Tribal Cultural Resources

15. Prior to issuance of building permits, building plans shall include a note that states woodburning fireplaces and hearths are prohibited on the premises.

16. Prior to issuance of any construction permits, including but not limited to the first Grading Permit, Demolition Permits and Building Permits or a Notice to Proceed for Subdivisions by the City, the Owner/Permittee shall submit written verification provided to the City's Mitigation Monitoring Coordinator (MMC) that the Project shall use construction equipment fleet that meets an average Environmental Protection Agency Tier 4 Interim emission standard or better.

17. Prior to the pre-construction meeting, the owner/permittee or its designee shall ensure that all diesel-powered aerial lifts, forklifts, tractors, loaders, backhoes, and welders be powered with California Air Resources Board-certified Tier 4 Final engines, except where Tier 4 Final equipment is not available. All other diesel powered construction equipment shall be classified as Tier 3 or higher at a minimum, except where Tier 3 equipment is not available. Engine Tier requirements in

accordance with this measure shall be incorporated on all construction plans. An exemption from these requirements may be granted by the City in the event that the owner/permittee documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment. Before an exemption may be considered by the City, the owner/permittee shall be required to demonstrate that at least two construction fleet owners/operators in the San Diego region were contacted and that those owners/operators confirmed the requested equipment could not be located within the San Diego region.

18. To avoid any indirect impacts to Cooper's hawk, construction within 300 feet of suitable habitat including brush management activities shall occur outside of the breeding season for this species (February 1 to September 15). If construction/brush management must occur during the breeding season, a qualified biologist shall conduct a preconstruction survey within suitable habitat to determine the presence or absence of nesting birds within any portion of the potentially occupied habitat within 300 feet of the project footprint. A pre-construction survey shall be required.

19. Least Bell's Vireo: An upland buffer (wetland buffer) of approximately 100 feet shall be established between the Project impact footprint and adjacent suitable habitat for least Bell's vireo. This species is assumed present in suitable southern willow scrub and mulefat scrub habitat in the study area. The Project impact footprint has been sited outside of all riparian habitat within the study area, therefore no clearing of occupied habitat would occur as part of the Project.

20. Prior to issuance of any construction permits, including but not limited to the first Grading Permit, Demolition Permits and Building Permits or a Notice to Proceed for Subdivisions by the City of San Diego, the Owner/Permittee shall ensure via a written letter provided to the City's Mitigation Monitoring Coordinator (MMC) that the Project shall provide individual outlets for electric charging at eight out of the 16 bicycle spaces.

ENGINEERING REQUIREMENTS:

21. If the lots are sold separately, the Owner/Permittee of downstream property shall grant a private storm drain easement to upstream neighboring lot for the storm drain discharge across property lines, satisfactory to the City Engineer.

22. The proposed drainage system as shown on the site plan is subject to approval by the City Engineer.

23. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the proposed grading. All grading shall conform to the requirements of the SDMC, satisfactory to the City Engineer.

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

25. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
26. Prior to the issuance of any construction permits, 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.
27. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit Order No. 2009-0009DWQ, or subsequent order and the Municipal Storm Water Permit Order No. R9-2013-0001, 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.
28. Prior to issuance of a construction permit for grading, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City 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.

LANDSCAPE REQUIREMENTS:

29. Prior to issuance of any construction permits, the Owner/Permittee shall submit complete construction documents to the Development Services Department for approval for the revegetation and hydro-seeding of all disturbed land in accordance with the City's Landscape Standards & Storm Water Design Manual. All plans shall be in substantial conformance to this permit and Exhibit A.
30. Prior to issuance of any construction permits, the Owner/Permittee shall submit complete landscape construction documents to the Development Services Department for approval which are consistent with the City's Landscape Standards. All plans shall be in substantial conformance with Exhibit A. Construction plans shall be designed where all hardscapes and utilities shall not prohibit the required placement of trees. Include a scaled symbol, label, and dimension for the required placement of the 40 square-foot tree area/root zone around each tree.
31. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan shall be submitted to the Development Services Department identifying all landscape areas consistent with the Exhibit A. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as "landscape area."
32. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the public right-of-way unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscaping shall be maintained consistent with the City's Landscape Standards in a disease, weed, and litter free condition at all times. Landscaping maintenance

equipment shall be electric only (no gas-powered equipment). Severe pruning or "topping" of trees is not permitted.

33. If any required landscaping (including existing or new plantings, hardscape, landscape features, etc.) as shown on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind, and in an equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or final inspection.

BRUSH MANAGEMENT REQUIREMENTS:

34. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.

35. The Brush Management Program shall be based on a modified Zone One width and Alternative Compliance measures set forth under SDMC Section 142.0412(i), and 142.0412(j). Zone One width shall range with no dimension less than 35 feet in width extending out from the habitable structures towards the native/naturalized vegetation as shown on Exhibit "A." Where the full brush management zones cannot be provided, openings along the brush side of the habitable structures, plus a 10-foot perpendicular return along adjacent wall faces shall be upgraded to dual-glazed, dual-tempered panes as alternative compliance for the reduced brush management zones.

36. Prior to issuance of any construction permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

37. Prior to issuance of any construction permits for building, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City's Landscape Regulations and Standards.

38. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area, subject to Fire Marshal's approval.

39. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

40. Due to the inability of the entire eastern side of the structure to provide a full 100 feet of on-site brush management due to the MHPA and 100-foot wetland buffer areas, the entire east side of the structure is required to include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing from the foundation to the roof for a facade facing the MHPA open space and naturally vegetated areas. The 5/8-inch Type X fire rated gypsum sheathing is required to be manufactured in accordance with established standards defining type X wallboard sheathing which provides for not less than one

hour fire resistance when tested and certified in specified building assemblies for use in a one hour fire rated system.

GEOLOGY REQUIREMENTS:

41. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a geotechnical investigation report prepared in accordance with the City's "Guidelines for Geotechnical Reports" that specifically addresses the proposed construction plans. The geotechnical investigation report shall be reviewed for adequacy by the Geology Section of Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

42. Prior to the issuance of construction permits, Owner/Permittee shall record a Lot Tie Agreement with the adjacent property and the subject property 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 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.

FIRE REQUIREMENTS:

45. The construction permit plans shall include a note requiring the construction contractor to provide a Site-Specific Safety Manual and Fire Protection Plan that addresses onsite ignitable sources as required by Cal/OSHA 1910.39 and the California Fire Code (CFC) Chapter 33. The Site-Specific Safety Manual and Fire Prevention Plan shall be posted onsite and shall institute the following prevention measures for all construction activities:

- Minimize combustible and flammable materials storage on site.
- Store any combustible or flammable materials that need to be on site away from ignition sources.
- Parking areas shall be cleared of all grass and brush by a distance of at least 10 feet.
- Keep evacuation routes free of obstructions.
- Label all containers of potentially hazardous materials with their contents and store in the same location as flammable or combustible liquids.
- Perform "hot work" according to fire safe practices in a controlled environment and with fire suppression equipment at the job site. A fire watch person (Fire Patrol) with extinguishing capability (e.g., fire extinguishers) shall be in place for all "Hot Work" activities during construction. Ensure that hot work adheres to the guidelines provided.
- Dispose of combustible waste promptly and according to applicable laws and regulations.
- Report and repair all fuel leaks without delay.

- Do not overload circuits or rely on extension cords where other options would be safer.
 - Turn off and unplug electrical equipment when not in use.
 - Direct contractors on site to restrict use of chainsaws, chippers, vegetation masticators, grinders, drill rigs, tractors, torches, and explosives to outside during a Red Flag Warning. When the above mentioned tools and equipment are in use, water trucks (4,000-gallon capacity) equipped with hoses, shovels, and Pulaski and McLeod fire fighting tools shall be easily accessible to personnel.
 - Equip all construction-related vehicles with a 10-pound dry chemical fire extinguisher, a five gallon backpack pump or water fire extinguisher, a 46-inch round point shovel, and a first-aid kit.
 - When an evacuation has been called, all site personnel will gather at the designated assembly area and the Site Safety Officer (SSO) will account for all personnel. Once all personnel are accounted for, the vehicles will safely convoy from the site to safe zones, which are generally areas off-site away from the threat.
 - Provide vehicles equipped with fire prevention equipment, including:
 - 10-pound, dry chemical fire extinguisher.
 - 46-inch round point shovel.
 - Five gallons of water or a five gallon water backpack.
 - First-aid kit.
 - No driving (cars, trucks, all-terrain vehicles or similar) is allowed over unmaintained and dry vegetation.
 - Vehicles can be parked a minimum of ten feet from any vegetation if the vehicle is parked in an area devoid of any vegetation.
 - Site activities shall be limited during Red Flag Warning weather periods; stay alert to fire and weather conditions and evacuate employees, if safe to do so.
 - Consultants/Contractors will conduct operations safely to limit the risk of fire.
 - During significant emergency situations, an evacuation notice shall be issued by the site manager/supervisor or SSO. When an evacuation has been called, all consultant or contractor employees will gather at the designated assembly area and the SSO will account for all personnel. Once all employees are accounted for, the vehicles will safely convoy from the site to safe zones, which are generally areas off-site away from the threat.
46. Construction permit plans shall include No Smoking signage throughout the outdoor areas of the facility. All outdoor barbecue and fireplace/firepit facilities shall be natural gas or propane-only (no wood-burning) and shall be enclosed (wire or glass enclosure) and surrounded by hardscaping.
47. The facility shall include the latest ignition-resistant codes for designated high fire severity zones including reduced occurrence of windows and other openings and interior sprinklers in all occupancies, significantly reducing the potential for ember penetration and interior fire.
48. The project shall include fire apparatus and emergency vehicle access pursuant to local and state codes.

TRANSPORTATION REQUIREMENTS:

49. All automobile, motorcycle and bicycle parking spaces shall be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

WATER & SEWER DEVELOPMENT REQUIREMENTS:

50. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the design and construction of new water and sewer service(s) outside of any driveway or drive aisle, including the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

51. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention devices (BFPDs) on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Department and the City Engineer. The BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the public right-of-way.

52. All proposed private water and sewer facilities located within a single lot shall be designed to meet the requirements of the California 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. Prior to final inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department and the City Engineer.

55. The Owner/Permittee will be required to provide evidence satisfactory to the Public Utilities Department Director that each lot will have their own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than one lot.

56. The Owner/Permittee shall design and construct all proposed public water and sewer facilities in accordance with established criteria in the current edition of the City's Water and Sewer Facility Design Guidelines and per City regulations, standards and practices.

MULTIPLE SPECIES CONSERVATION PROGRAM REQUIREMENTS:

57. Prior to the issuance of any grading permits, the on-site MHPA shall be conveyed to the City's MSCP preserve through either fee title to the City, covenant of easement granted in favor of the City and wildlife agencies or dedication of land in fee title to the City.

58. Conveyance of any land in fee to the City shall require approval from the Parks 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.

59. To facilitate MHPA conveyance, any non-fee areas shall have covenant of easements for MHPA lands placed over them if located in the MHPA and shall be maintained in perpetuity by the Owner/Permittee unless otherwise agreed to by the City for acceptance of dedicated land in fee title.

MHPA LAND USE ADJACENCY REQUIREMENTS:

60. Prior to issuance of Notice to Proceed, the owner/permittee shall depict the following requirements within the contract specifications and depict on construction documents (as necessary) for the project site.

- **Grading/Land Development/MHPA Boundaries:** Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- **Drainage:** All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- **Toxics/Project Staging Areas/Equipment Storage:** Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactful to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development related material/activities shall be allowed outside any approved construction limits. Provide a note on the construction documents that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- **Lighting:** All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA, or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations, per SDMC Section 142.0740.
- **Barriers:** Existing fences/walls and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.

- **Invasives:** No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- **Brush Management:** Brush management zones shall not be greater in size than what is currently required by the City's regulations (including implementation of approved alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards (including approved alternative compliance) and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area shall be the responsibility of a homeowner association or other private party.
- **Noise:** Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for the following: CA gnatcatcher (3/1-8/15). If construction is proposed during the breeding season for the species the following measures are required.

COASTAL CALIFORNIA GNATCATCHER (Federally Threatened)

61. Prior to the issuance of any grading permit, the City shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 1 AND AUGUST 15, THE BREEDING SEASON OF THE COASTAL CALIFORNIA GNATCATCHER, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE HABITAT AREAS WITHIN THE MHPA THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE COASTAL CALIFORNIA GNATCATCHER. SURVEYS FOR THE COASTAL CALIFORNIA GNATCATCHER SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. IF GNATCATCHERS ARE PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:
 - I. BETWEEN MARCH 1 AND AUGUST 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED GNATCATCHER HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
 - II. BETWEEN MARCH 1 AND AUGUST 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD

RESULT IN NOISE LEVELS EXCEEDING 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED GNATCATCHER HABITAT. AN ANALYSIS SHOWING THAT NOISE GENERATED BY CONSTRUCTION ACTIVITIES WOULD NOT EXCEED 60 dB (A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED HABITAT MUST BE COMPLETED BY A QUALIFIED ACOUSTICIAN (POSSESSING CURRENT NOISE ENGINEER LICENSE OR REGISTRATION WITH MONITORING NOISE LEVEL EXPERIENCE WITH LISTED ANIMAL SPECIES) AND APPROVED BY THE CITY AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES. PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES DURING THE BREEDING SEASON, AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; OR

- III. AT LEAST TWO WEEKS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES, UNDER THE DIRECTION OF A QUALIFIED ACOUSTICIAN, NOISE ATTENUATION MEASURES (e.g., BERMS, WALLS) SHALL BE IMPLEMENTED TO ENSURE THAT NOISE LEVELS RESULTING FROM CONSTRUCTION ACTIVITIES WILL NOT EXCEED 60 dB(A) HOURLY AVERAGE AT THE EDGE OF HABITAT OCCUPIED BY THE COASTAL CALIFORNIA GNATCATCHER.* CONCURRENT WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES AND THE CONSTRUCTION OF NECESSARY NOISE ATTENUATION FACILITIES, NOISE MONITORING** SHALL BE CONDUCTED AT THE EDGE OF THE OCCUPIED HABITAT AREA TO ENSURE THAT NOISE LEVELS DO NOT EXCEED 60 dB (A) HOURLY AVERAGE. IF THE NOISE ATTENUATION TECHNIQUES IMPLEMENTED ARE DETERMINED TO BE INADEQUATE BY THE QUALIFIED ACOUSTICIAN OR BIOLOGIST, THEN THE ASSOCIATED CONSTRUCTION ACTIVITIES SHALL CEASE UNTIL SUCH TIME THAT ADEQUATE NOISE ATTENUATION IS ACHIEVED OR UNTIL THE END OF THE BREEDING SEASON (AUGUST 16).

*Based on a preliminary analysis completed such noise attenuation could be achieved via 8 to 12-foot tall sound blankets or comparable temporary solid barriers (e.g., overlapping plywood sheeting) along site boundary fencing (or within, as practical and appropriate) to occlude construction noise emission between the Coastal Sage Scrub area and the southeastern region of the construction site.

**Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB (A) hourly average or to the ambient noise level if it already exceeds 60 dB (A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. IF COASTAL CALIFORNIA GNATCATCHERS ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT

MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 1 AND AUGUST 15 AS FOLLOWS:

- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR COASTAL CALIFORNIA GNATCATCHER TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 [Approval Date] and [Approved Ordinance Number].

ATTACHMENT 5

Conditional Use Permit No. PMT-2475043
Site Development Permit No. PMT-2475049
Neighborhood Use Permit No. PMT-2475050
Amendment to Conditional Use Permit
No. 862494 and Site Development Permit No. 862495
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Xavier Del Valle
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.

**PMB CARMEL VALLEY LLC, a Delaware
Limited Liability Company
OWNER/PERMITTEE**

By _____
NAME
TITLE

**PMB CARMEL VALLEY LLC, a Delaware
Limited Liability Company
OWNER/PERMITTEE**

By _____
NAME
TITLE

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

RESOLUTION NUMBER R- _____

ADOPTED ON _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
CERTIFYING SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (NO.
0675732; SCH NO. 2013071043), ADOPTING FINDINGS, AND A
MITIGATION MONITORING AND REPORTING PROGRAM
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
IN APPROVING ACTIONS RELATED TO THE EL CAMINO REAL
ASSISTED LIVING FACILITY PROJECT, PRJ-675732.**

WHEREAS, on [ORIGINAL DATE], Saint John Garabed submitted an application to Development Services Department for a Conditional Use Permit, Coastal Development Permit, Site Development Permit, Planned Development Permit, and a Multiple Species Conservation Plan Multi-Habitat Planning Area Boundary Line Adjustment for the St. John Garabed Church Project, No. 240283; and

WHEREAS, on October 20, 2014, the Planning Commission for the City of San Diego adopted Resolution No. 4630-PC-1 certifying Environmental Impact Report No. 240283/SCH No. 2013071043, adopting Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, copies of which are on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on [DATE], [APPLICANT NAME] submitted an application to Development Services Department for a Conditional Use Permit and Site Development Permit to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, a Neighborhood Use Permit, and an Ordinance for the El Camino Real Assisted Living Facility (Project), as well as approval of minor technical changes or additions to the St John Garabed Church project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the Council on [DATE]; and

WHEREAS, Council considered the issues discussed in Subsequent Environmental Impact Report No. PRJ-0675732/SCH No. 2013071043 (Report) to final Environmental Impact Report No. 240283/SCH No. 2013071043, prepared for this Project;

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that the information is complete, true, and accurate; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, which are attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101

BE IT FURTHER RESOLVED that the City Clerk is directed to file a Subsequent Action Notice of Determination in accordance with CEQA with the Clerk of the Board of Supervisors for the County of San Diego and the State Clearinghouse in the Office of Land Use and Climate Innovation.

APPROVED: CITY ATTORNEY

By: _____
[NAME], DEPUTY CITY ATTORNEY

ATTACHMENT(S): Exhibit A, CEQA Findings
 Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT A

CEQA FINDINGS

**CONDITIONAL USE PERMIT AND SITE DEVELOPMENT
PERMIT TO AMEND CONDITIONAL USE
PERMIT NO. 862494 AND SITE DEVELOPMENT PERMIT
NO. 862495, A NEIGHBORHOOD USE PERMIT, AND
ORDINANCE
PRJ-0675732**

DRAFT

Candidate Findings of Fact
For
El Camino Real Assisted Living Facility

PRJ-0675732
SCH NO. 2013071043

DRAFT

NOVEMBER 19, 2024

DRAFT

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Table of Contents

I.	INTRODUCTION	6
a.	Findings of Fact	6
b.	Record of Proceedings	7
c.	Custodian and Location of Records	8
II.	PROJECT SUMMARY	8
a.	Project Objectives	8
b.	Project Description	9
III.	ENVIRONMENTAL REVIEW PROCESS AND PUBLIC PARTICIPATION.....	10
IV.	SUMMARY OF IMPACTS.....	10
V.	FINDINGS REGARDING IMPACTS.....	11
a.	Findings Regarding Impacts that Can Be Mitigated to Below a Level of Significance	11
1.	Biological Resources	11
2.	Historical Resources.....	13
3.	Noise.....	13
4.	Tribal Cultural Resources	14
VI.	FINDINGS REGARDING MITIGATION MEASURES WHICH ARE THE RESPONSIBILITIES OF ANOTHER AGENCY.....	15
VII.	FINDINGS REGARDING ALTERNATIVES.....	15
a.	Alternative 1 - No Project/No Build Alternative	16
b.	Alternative 2-Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative.....	17
c.	Alternative 3-Construction Noise Impact Avoidance Alternative.....	18
VIII.	FINDINGS REGARDING OTHER CEQA CONSIDERATIONS	19
a.	Growth Inducement.....	19
b.	Short-Term Growth Inducement.....	20
c.	Long-Term Growth Inducement.....	20
d.	Significant Irreversible Environmental Changes that will be Caused by the Project	21
IX.	FINDINGS REGARDING RESPONSES TO COMMENTS AND FINAL SEIR REVISIONS.....	22

**CANDIDATE FINDINGS OF FACT
for
EL CAMINO REAL ASSISTED LIVING FACILITY
Project No. 675732/SCH No. 2013071043**

I. Introduction

a. Findings of Fact

The following Findings of Fact (Findings) are made for development of the El Camino Real Assisted Living Facility project (project No. 675732) (project). The environmental effects of the project are addressed in the Final Subsequent Environmental Impact Report (Final SEIR) (SCH No. 2013071043) dated November 2024, which is incorporated by reference herein.

The California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) (CEQA) and the CEQA Guidelines (14 California Code of Regulations §§ 15000 *et seq.*) require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:¹

- 1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects on the environment;
- 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
- 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report.

CEQA also requires that the Findings made pursuant to CEQA Guidelines section 15091 be supported by substantial evidence in the record.² Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence includes facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts.³

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse

¹ Pub. Res. Code § 21081(a); 14 C.C.R. § 15091(a)

² CEQA Guidelines § 15091(b).

³ CEQA Guidelines § 15384.

environmental effects, the adverse environmental effects may be considered “acceptable”.⁴ When the lead agency approves a project which will result in the occurrence of significant effects which are identified in an environmental impact report (EIR) but are not avoided or substantially lessened, the agency shall state in writing in the Statement of Overriding Considerations (SOC) the specific reasons to support its actions based on the SEIR or other information in the record. The proposed El Camino Real Assisted Living Facility (Assisted Living Facility) would not result in any significant and unavoidable impacts. Therefore, an SOC would not be required.

The Findings have been submitted by the City of San Diego (City) as “Candidate Findings” to be made by the decision-making body. They are attached hereto to allow readers of this report an opportunity to review the project applicant’s position on this matter. It is the exclusive discretion of the decision-maker certifying the SEIR. It is the role of City staff to independently evaluate the proposed the Candidate Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

b. Record of Proceedings

For purposes of CEQA and these Findings, the “Record of Proceedings” for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All comments to the NOP received by the City;
- The Draft SEIR for the project (Draft SEIR);
- The Final SEIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR;
- All responses to the written comments included in the Final SEIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program associated with the Final SEIR;
- The reports and technical memoranda included or referenced in any responses to comments in the Final SEIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft SEIR and the Final SEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in the Findings; and
- Any other relevant materials required to be in the Record of Proceedings by Public Resources Code section 21167.6(e).

⁴ CEQA Guidelines § 15093(a).

c. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the offices of Development Services Department (DSD) at 1222 1st Avenue San Diego, California 92101. DSD is the custodian of the project's Record of Proceedings. Copies of the documents that constitute the Record of Proceedings are and at all relevant times have been available upon request at the offices of DSD.

The Draft SEIR was placed on the City's CEQA web-site at <https://www.sandiego.gov/ceqa/draft>; and the Final SEIR was placed on City's CEQA website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code section 21081.6(a)(2) and CEQA Guidelines section 15091(e).

II. Project Summary

a. Project Objectives

The objectives of the project include the following:

1. Develop the underutilized site adjacent to the St. John Garabed Armenian Church. (Fundamental project objective)
2. Provide a development complementary to the St. John Garabed Armenian Church that assists the congregation with meeting their core values of a strong community and caring for the elderly and disabled by providing an assisted living facility that maximizes the number of beds. (Fundamental project objective)
3. Provide an assisted living facility in walking distance from the St. John Garabed Armenian Church. (Fundamental project objective)
4. Include amenities to specifically support individuals needing memory care and include supporting amenities for basic-needs nursing care, housekeeping service, and meal service.
5. Include recreational amenities to improve quality of life and encourage residents to socialize and be active.
6. Provide a design cohesive with the surroundings, including the neighboring homes in the Stallions Crossing development, St. John Garabed Armenian Church, and the City of San Diego's Multiple Habitat Planning Area (MHPA).
7. Include adequate parking to prevent overflow into the adjacent St. John Garabed Armenian Church and neighborhood parking areas.
8. Afford disabled persons an equal opportunity to use and enjoy housing accommodations or dwellings in an assisted living environment.

b. Project Description

The project consists of an expansion of the approved St. John Garabed Armenian Church (Church) to include the proposed El Camino Real Assisted Living Facility (Assisted Living Facility), to be located south of the approved Church. The project would include amending the Church's existing approvals to include the proposed Assisted Living Facility. More specifically, the Assisted Living Facility would require a Conditional Use Permit and Site Development Permit to Amend Conditional Use Permit NO. 862494, Site Development Permit NO. 862495, ordinance; and certification of the Final Subsequent EIR. The entire project site (existing Church and proposed Assisted Living Facility) is approximately 17.33 acres while the Assisted Living Facility is 3.97 acres. The Church has been constructed and is operational. Three accessory buildings that would be associated with the Church have not yet been constructed. The Assisted Living Facility proposes a 105,568 square foot (sf) building with 105 rooms and supporting amenities. The three-story Assisted Living Facility would be 105,568 sf and 40 feet tall which would exceed the base zone 30-foot height limit. An additional 10 feet of building height is allowed per each 10 feet increase of setbacks per San Diego Municipal Code (SDMC) 131.0344. The Assisted Living Facility would provide greater than the minimum 20-foot setback from adjacent properties in accordance with the existing zoning of the site, Agricultural-Residential (AR-1-1). The Assisted Living Facility would also include 57 surface parking spaces and on-site landscaping and would retain 1.12 acres in the eastern area of the parcel as open space, in accordance with the existing designated Multiple Habitat Planning Area (MHPA) area. This area would be covered by a Covenant of Easement and maintained as open space in perpetuity. The site is designated as Residential and Park, Open Space and Recreational Uses in the City of San Diego General Plan and zoned as AR-1-1, and is located within Subarea II of the North City Future Urbanizing Area (NCFUA) Framework Plan.

Discretionary Actions

The project requires the following entitlements from the City:

- Site Development Permit (SDP) Amendment
- Conditional Use Permit (CUP) Amendment
- Conditional Use Permit (CUP)
- Neighborhood Use Permit (NUP)
- Ordinance
- Final SEIR

III. Environmental Review Process and Public Participation

The City is the lead agency approving the project and conducting environmental review under CEQA and the State CEQA Guidelines. As lead agency, the City is primarily responsible for carrying out the project.

In compliance with Section 15082 of the CEQA Guidelines, the City published a NOP on December 15, 2021, which began a 30-day period for comments on the appropriate scope of the Draft SEIR. Consistent with Public Resources Code Section 21083.9 and Section 15082 of the CEQA Guidelines, a public scoping meeting was to be held to solicit comments regarding the scope and analysis of the SEIR. However, due to the state of emergency related to the COVID-19 virus and in the interest of protecting public health and safety, the City followed health mandates from Governor Newsom and the County of San Diego (County) to slow the spread of the COVID-19 virus by limiting public meetings. Therefore, the City did not conduct the in-person scoping meeting. A pre-recorded presentation was made available on the City's Website on December 15, 2021, in addition to publication of the NOP.

The City published the Draft SEIR on May 12, 2023. Pursuant to CEQA Guidelines section 15085, upon publication of the Draft SEIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft SEIR had been completed and was available for review and comment by the public until June 26, 2023. At this time, the City also posted a Notice of Availability of the Draft SEIR pursuant to CEQA Guidelines section 15087.

The Final SEIR for the project was published on November 6, 2024

IV. Summary of Impacts

Impacts associated with specific issues areas (e.g., land use, transportation, air quality, etc.) resulting from approval of the project and future implementation are discussed below.

The Final SEIR concludes the project will have no impacts with respect to the following issue areas:

- Forestry Resources
- Mineral Resources
- Population and Housing

The Final SEIR concludes that the project will have less than significant impacts and require no mitigation measures with respect to the following issues:

- Agricultural Resources
- Air Quality
- Green House Gas Emissions
- Energy
- Geologic Conditions
- Health and Safety
- Hydrology/Water Quality
- Land Use
- Paleontological Resources
- Public Services and Facilities
- Public Utilities
- Transportation
- Visual Effects and Neighborhood Character
- Wildfire

Potentially significant impacts of the project will be mitigated to below a level of significance with respect to the following issues:

- Biological Resources
- Historical Resources
- Noise
- Tribal Cultural Resources

V. Findings Regarding Impacts

In making each of the findings below, the City has considered the Record of Proceedings. The “Plans, Programs, and Policies” discussed in the Final SEIR are existing regulatory plans and programs to which the project is subject, and analysis throughout the Final SEIR demonstrates consistency.

a. Findings Regarding Impacts that Can Be Mitigated to Below a Level of Significance

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to Public Resources Code section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the project that avoid, mitigate, or substantially lessen the significant effects on the environment as identified in the Final SEIR. The basis for this conclusion is as follows:

1. Biological Resources

Impact BIO-1: Development of the project would result in potentially significant indirect impacts to the following special-status bird species: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell’s vireo (Federal and State listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting. Indirect impacts would be potentially significant.

Facts in Support of Finding: The Assisted Living Facility would result in impacts to 2.84 acres of disturbed land (Tier IV). No naturally occurring special-status plant species were observed on the

Assisted Living Facility parcel. Typical short-term indirect impacts from construction activities include dust, erosion, invasive plant species, temporary access impacts, and increased human presence. The Assisted Living Facility would result in potentially significant indirect impacts to the following special-status birds: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell's vireo (federally and state-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species) nesting.

Mitigation Measure: MM-BIO-1 requires that, prior to construction, a Qualified Biologist be retained to implement the monitoring program and all necessary documentation be submitted to the City's Mitigation Monitoring Coordination (MMC) section. Habitat removal for areas that support active nests should occur outside of the February 1-September 15 breeding season. Pre-construction surveys will be performed and conducted within 10 calendar days prior to the start of construction activities. Orange construction fencing is required adjacent to the sensitive biological habitats and prior to construction the construction crew must attend an on-site educational session regarding the need to avoid impacts outside of approved construction area. MM-BIO-1 also requires monitoring during construction activities, as needed. MM-BIO-2 requires specific steps be taken to ensure the protection of the least Bell's vireo, including surveys, noise attenuation and noise monitoring, as needed.

Mitigation Measure: MM-BIO-2 requires that if California horned lark, yellow warbler, and white-tailed kite are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City's MMC Section. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction to ensure that take of any listed or non-listed species would not occur.

If California horned lark, yellow warbler or white-tailed kite nesting is detected, then an appropriate impact avoidance area (minimally a 300-foot buffer) shall be included in the mitigation plan and this buffer shall be established around the active nest using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the project biologist and authorized by the City's project manager and DSD and shall use orange fencing or other clear demarcation method to define the approved buffer which shall not be less than 300 feet.

Facts in Support of Finding: Impact BIO-1 would be reduced to below a level of significance by the implementation of **MM-BIO-1**, which would avoid indirect impacts to sensitive vegetation communities and special-status plant and wildlife species (including California horned lark, yellow warbler, white-tailed kite, and least Bell's vireo), and **MM-BIO-2**, which would further avoid indirect impacts to California horned lark, yellow warbler, white-tailed kite, and least Bell's vireo which could breed adjacent to the Assisted Living Facility footprint. Implementation of **MM-BIO-1** and **MM-BIO-2** would reduce impacts to biological resources to below a level of significance. With the addition of **MM-BIO-1** and **MM-BIO-2**, no new significant direct impacts sensitive vegetation communities or special-status species within or substantial increases in previously identified sensitive vegetation

community or special-status species impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.4, Biological Resources, and Appendix D.

Mitigation Measure: MM-NOI-1 (see Section 5.10, Noise, of the SEIR, and Section V.a.3, below).

2. Historical Resources

Impact CR-1: In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a potentially significant impact.

Facts in Support of Finding: The survey for the Assisted Living Facility parcel indicated that one previously recorded prehistoric cultural resource (CA-SDI-687) intersects the southeastern portion of the Assisted Living Facility parcel area of potential effect (APE). However, the portion of CA-SDI-687 that intersects the Assisted Living Facility APE does not possess significant subsurface archaeological deposits and is not eligible for listing in the California Register of Historical Resources (CRHR) or local register. The Assisted Living Facility would impact no known significant cultural resources. Additionally, there is a low potential to uncover unique artifacts, features, or human remains during grading for project development. For this reason, archaeological and Native American monitoring is recommended for all primary ground disturbance.

Mitigation Measure: MM-CR-1 This measure requires a qualified archaeological and Native American monitor that would monitor areas with potential to yield subsurface archaeological resources to ensure impacts to significant cultural resources are avoided. It is noted that the 2014 Church EIR identified a potential impact to cultural resources and also included similar monitoring requirements to reduce the potential impact to below a level of significance. Therefore, no new significant historical resource impacts or substantial increases in previously identified historical resource impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of project modifications. The 2014 Church EIR previously identified that potential impacts to cultural resources would occur.

Facts in Support of Finding: The project's impact to unknown archaeological resources (**Impact CR-1**) would be reduced to less than significant with **MM-CR-1**.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.6, Historical Resources, and SEIR Appendix F.

3. Noise

Impact NOI-1: Due to the proximity of the construction activities to nearby residences, construction noise levels would potentially exceed the City's construction noise threshold of 75 dBA. In addition, indirect impacts could occur to breeding wildlife if construction occurs during the breeding season

(i.e., February 1 through September 15). As such, construction noise impacts of the Assisted Living Facility would be potentially significant.

Facts in Support of Finding: The estimated construction noise levels are predicted to be as high as 82 dBA L_{eq} over a 12-hour period at the nearest existing residences (as close as 30 feet away) when grading activities take place near the southern Assisted Living Facility parcel boundaries. Additionally, based on the construction noise modeling completed in Appendix J of the SEIR, the construction of the Assisted Living Facility would potentially result in exceedance of the 60 dB (A) hourly average at the nearby MHPA gnatcatcher habitat during construction. Operational noise impacts were considered less than significant.

Mitigation Measure: MM-NOI-1 requires that prior to issuance of demolition, grading, or building permits, MMC shall verify that construction activity occurring as a result of proposed project implementation within 175 feet of noise-sensitive receivers includes noise-reduction measures to ensure construction activities do not exceed the 75 dBA community noise equivalent level (CNEL) and comply with City's (San Diego Municipal Code Section 59.5.0401, Sound Level Limits, and San Diego Municipal Code Section 59.5.0404, Construction Noise).

Mitigation Measure: MM-BIO-1 (see Section 5.4, Biological Resources, of the SEIR, and Section V.a.1, above).

Mitigation Measure: MM-BIO-2 (see Section 5.4, Biological Resources, of the SEIR, and Section V.a.1, above).

Facts in Support of Finding: With implementation of **MM-NOI-1**, the temporary construction-related noise impact (**Impact NOI-1**) of the Assisted Living Facility would be reduced to below the 75 dBA L_{eq} threshold. In addition, implementation of **MM-BIO-1** and **MM-BIO-2**, would reduce indirect impacts to wildlife associated with noise. As such, **Impact NOI-1** would be less than significant after the implementation of mitigation. Therefore, no new significant groundborne vibration and noise impacts or substantial increases in previously identified noise impact analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.10, Noise, and SEIR Appendix J.

4. Tribal Cultural Resources

Impact TCR-1: In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a potentially significant impact.

Facts in Support of Finding: The Assisted Living Facility parcel APE does not contain any known resources that are considered a significant cultural resource under CEQA (CEQA Guidelines Section 15064.5) or under cultural guidelines for the City of San Diego (City of San Diego 2022). No known religious or sacred uses are present within the Assisted Living Facility parcel, nor are any human remains known to be present. There is low potential for the Assisted Living Facility grading activities to result in potential impacts to unknown subsurface tribal cultural resources. However,

in the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would result in a potentially significant impact.

Mitigation Measure: MM-CR-1 (see Section 5.6, Historical Resources, of the SEIR, and Section V.a.2, above)

Facts in Support of Finding: The project impact to tribal cultural resources (**Impact TCR-1**) would be reduced to less than significant with implementation of **MM-CR-1**. **MM-CR-1** requires a qualified archaeological monitor and Native American monitor to monitor areas with potential to yield subsurface archaeological resources and therefore impacts would be less than significant. The 2014 Church EIR identified potentially significant impacts to cultural resources, including resources that would qualify as tribal cultural resources. As such, no new potentially significant tribal cultural resource impacts or substantial increases in previously identified tribal cultural resource impacts analyzed and disclosed in the previously certified 2014 Church EIR would occur as a result of the project modifications.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 5.11, Tribal Cultural Resources, and SEIR Appendix F.

VI. Findings Regarding Mitigation Measures Which are the Responsibilities of Another Agency

The City, having reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, finds pursuant to Public Resources Code section 21081(a)(2) and CEQA Guidelines section 15091(a)(2), that there are no changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

VII. Findings Regarding Alternatives

In accordance with Section 15126.6(a) of the CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(f) further states that "the range of alternatives in an EIR is governed by the 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice." Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the applicant can reasonably acquire, control or otherwise have access to the alternative site.

“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Public Resources Code section 21081 and CEQA Guidelines section 15019(a)(3) also provide that “other considerations” may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

The City, having independently reviewed and considered the information contained in the Final SEIR and the Record of Proceedings, and pursuant to Public Resource Code section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the Final SEIR. In addition, CEQA directs that the scope of alternatives considered shall be limited to ones that would avoid or substantially lessen the significant effects of the project (14 CCR 15126.6[f]). The proposed Assisted Living Facility does not result in any significant and unavoidable impacts.

a. Alternative 1 - No Project/No Build Alternative

CEQA Guidelines section 15126.6(e), requires that an EIR evaluate a “no project” alternative along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it.

Under the No Project/No Build Alternative, the project would not be implemented, and the site would remain in its current condition.

Potentially Significant Effects: The No Project/No Development Alternative would avoid potentially significant impacts associated with the project, including significant but mitigated impacts related to biological resources, historical resources, noise, and tribal cultural resources.

Finding: The City rejects the No Project/No Build Alternative as it fails to satisfy the project’s underlying purpose and fails to meet any of the project objectives. Moreover, specific economic, legal, social, technological, or other considerations including matters of public policy make the alternative infeasible. The City finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: Under the No Project/No Development Alternative, the project would not be implemented, and the site would remain in its current condition. Under this alternative, none of the environmental impacts associated with construction and operation of the project would occur.

While this alternative would avoid all significant and mitigated impacts of the project, the No Project/No Build Alternative would not meet any of the project objectives as set forth in Section 3.2 of the Final SEIR. Specifically, this alternative would not develop the underutilized site adjacent to the St. John Garabed Armenian Church (Objective 1); provide a development complementary to the St. John Garabed Armenian Church that assists the congregation with meeting their core values of a strong community and caring for the elderly and disabled by providing an assisted living facility that maximizes the number of beds (Objective 2); provide an assisted living facility in walking distance

from the St. John Garabed Armenian Church (Objectives 3); include amenities to specifically support individuals needing memory care and include supporting amenities for basic-needs nursing care, housekeeping service, and meal service (Objective 4); include recreational amenities to improve quality of life and encourage residents to socialize and be active (Objective 5); provide a design cohesive with the surroundings, including the neighboring homes in the Stallions Crossing development, St. John Garabed Armenian Church, and the City of San Diego's Multiple Habitat Planning Area (MHPA) (Objective 6); include adequate parking to prevent overflow into the adjacent St. John Garabed Armenian Church and neighborhood parking areas (Objective 7); or afford disabled persons an equal opportunity to use and enjoy housing accommodations or dwellings in an assisted living environment (Objective 8).

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 9.6.1, Alternative1-No Project/No Build Alternative.

b. Alternative 2-Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative

This alternative would require a 300-foot buffer from the potential nesting habitat of sensitive birds, including California horned lark (SSC), yellow warbler (SSC), least Bell's vireo (Federal and State-listed as endangered, MSCP-covered species), and white-tailed kite (CDFW Protected and Fully Protected Species). This buffer would require that the southeastern corner of the Assisted Living Facility to be pulled back about 200 feet, thus reducing the size of the Assisted Living Facility by approximately 67%. The reduced Assisted Living Facility would accordingly be reduced to approximately 35 rooms instead of 105 (reduced 67%). In addition, the proposed building would be reduced to 35,000 sf (reduced 67%). Under the Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative, the height of the building would remain as three stories. This reduced assisted living facility would still include some memory care beds, but not outdoor recreational amenities or the outdoor pet area. The reduced facility is assumed to meet site zoning requirements, including the height limit and setbacks.

Potentially Significant Impacts: A Sensitive Bird Nesting Construction Noise Impact Avoidance Alternative's additional habitat buffer would avoid potentially significant indirect impacts to biological resources. Potentially significant impacts to historical resources, noise, and tribal cultural resources would continue to have potentially significant impact similar to the proposed Assisted Living Facility and would be mitigated to below a level of significance via **MM-CR-1** and **MM-NOI-1**. All other impacts, including land use, agricultural resources, air quality and odor, greenhouse gas emissions, paleontological resources, transportation, and visual effects and neighborhood character, would have less-than-significant impacts under Alternative 2, similar to the proposed Assisted Living Facility.

Finding: This alternative would potentially reduce significant biological resources impacts and would satisfy most of the project objectives. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: An Economic Alternative Analysis was prepared for the project by London Moeder Advisors (LMA) in February 2023, and determined that any decrease in the number of rooms under

105, proposed under the Assisted Living Facility, would yield insufficient returns and would therefore be economically infeasible.

Further, Alternative 2 consists of a reduced Assisted Living Facility on a third of the site adjacent to the Church, and would include 35 rooms with supporting basic care amenities only. As the project would utilize the site adjacent to the Church, but to a lesser degree than the proposed project, it meets the goal to develop an underutilized site consistent with Objective 1. As Alternative 2 would include a complementary use to the Church, but not maximize beds, Objective 2 would not be met. Objective 3 would be met, as Alternative 2 would include an assisted living facility within walking distance of the Church. This alternative would include memory care, but to a lesser degree than the proposed project, due to the reduced size; therefore, Objective 4 would be met. This alternative would not include outdoor recreational amenities, due to the reduced size; therefore, Objectives 5 would not be met. Objectives 6 and 7 would be met, as the alternative would not conflict with the surrounding area and would include adequate parking. In addition, Objective 8 would still be met but to a lesser extent, as the size of the Assisted Living facility would be decreased. Overall, Alternative 2 would meet six of the eight objectives. Thus, Alternative 2 would meet the most of the basic project objectives.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 9.6.2, Alternative 2-Sensitive Bird Nesting Construction Noise Impact Alternative.

c. **Alternative 3-Construction Noise Impact Avoidance Alternative**

This alternative would result in an increased buffer located along the southern side of the site to prevent construction noise impacts to the residential uses to the south. To provide complete avoidance of this construction noise impact, a 70-foot setback between existing residents and the proposed Assisted Living Facility footprint would be required. Considering this, the southern portion of the proposed Assisted Living Facility would have to be pulled back approximately 40 feet from the southern property line. This would reduce the Assisted Living Facility graded area from 2.84 acres to 2.38 acres (reduced by 16%). This reduced assisted living facility would include approximately 88 rooms instead of 105. In addition, the proposed building would be reduced to 88,000 square feet. The reduced facility is assumed to meet site zoning requirements, including the height limit and setbacks. Under Alternative 3, the height of the building would remain as three stories.

Potentially Significant Effects: Alternative 3 would avoid significant construction noise impacts to adjacent residences (**Impact NOI-1**) due to the increased buffer between the adjacent residences to the south and the alternative footprint the facility. Alternative 3 would also include an emergency generator and HVAC equipment, similar to the proposed Assisted Living Facility, but the increased distance between the generators and adjacent residences would result in reduced operational noise. As traffic generated would be reduced from the proposed 234 daily trips to 176 daily trips under Alternative 3, Alternative 3 would reduce traffic noise impacts relative to the Assisted Living Facility.

The Alternative 3 footprint would remain close to the sensitive nesting bird habitat; therefore, this alternative would not avoid the proposed Assisted Living Facility's potentially significant indirect impacts (**Impact BIO-1**) to the following special-status birds: California horned lark (SSC), yellow warbler (SSC), least Bell's vireo (Federal and State listed as endangered, MSCP-covered species), and

white-tailed kite (CDFW Protected and Fully Protected Species). Both Alternative 3 and the proposed Assisted Living Facility would reduce this impact to below a level of significance via **MM-BIO-1** and **MM-BIO-2**. Potentially significant impacts to unknown subsurface cultural resources and tribal cultural resources would continue to have potentially significant impact similar to the proposed Assisted Living Facility and would be mitigated to below a level of significance via **MM-CR-1**.

All other impacts, including land use, agricultural resources, air quality and odor, greenhouse gas emissions, paleontological resources, transportation, and visual effects and neighborhood character, would have less-than-significant impacts, similar to the proposed Assisted Living Facility.

Finding: This alternative would meet most of the project objectives and would reduce **Impact NOI-1**. Specific economic, legal, social, technological, or other considerations, including matters of public policy, render this alternative infeasible. Therefore, the City rejects this alternative and finds that any of these grounds are independently sufficient to support rejection of this alternative.

Rationale: Through the Economic Alternative Analysis prepared for the project by LMA, it was determined that any decrease in the number of rooms under 105, proposed under the Assisted Living Facility, would yield insufficient returns and would therefore be economically infeasible.

Alternative 3 consists of a reduced assisted living facility adjacent to the Church and would include 84 rooms with supporting basic care amenities only. While to a lesser degree than the proposed project, this alternative would utilize the site adjacent to the Church and meets the goal to develop an underutilized site consistent with Objective 1. As Alternative 3 would include a complementary use to the Church, but not maximize beds, Objective 2 would not be met. Objective 3 would be met, as Alternative 3 would include an assisted living facility within walking distance of the Church. This alternative would include memory care, but to a lesser degree than the proposed project considering the reduced size; therefore, Objective 4 would be met. This alternative would not include outdoor recreational amenities, due to the reduced size; therefore, Objective 5 would not be met. Objectives 6 and 7 would be met, as the alternative would not conflict with the surrounding area and would include adequate parking. In addition, Objective 8 would still be met but to a lesser extent, as the size of the Assisted Living facility would be decreased. Overall, Alternative 3 would meet six of the eight objectives. Thus, Alternative 3 would meet the most of the basic project objectives.

Reference: These findings incorporate by reference the information and analysis included in Final SEIR Section 9.6.3, Alternative 3-Construction Noise Impact Avoidance Alternative.

VIII. Findings Regarding Other CEQA Considerations

a. Growth Inducement

Section 15126.2(e) of the CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Chapter 8, Mandatory Discussion Areas, of the Final SEIR. The City finds that the project would not result in short- or long-term growth-inducing impacts. Per the CEQA Guidelines, growth-inducing effects are not necessarily beneficial, detrimental, or of little significance to the environment.

b. Short-Term Growth Inducement

During project construction, demand for various construction trade skills and labor would increase. It is anticipated that this demand would be met predominantly by the local labor force and would not require importation of a substantial number of workers or cause an increased demand for temporary or permanent local housing. Further, construction of the project is expected to take approximately 14 months. Since construction would be short term and temporary, it would not lead to an increase in employment on site that would stimulate the need for additional housing or services. Accordingly, no associated substantial short-term growth-inducing effects would result.

c. Long-Term Growth Inducement

The Assisted Living Facility would add a 105,568-sf building with 105 rooms and supporting amenities on the 3.97-acre parcel to the south of the Church. The project proposes to construct 105 units, which would include 87 assisted living units and 18 memory care units. A total of 124 beds would be provided, including 104 assisted living beds and 20 memory care beds. The assisted living unit would include 15 studios, 55 one-bedroom units, and 17 two-bedroom units.

As discussed in Section 5.1, Land Use, the project site is designated as Residential and Park, Open Space and Recreation in the General Plan's Land Use Element. In addition, the project is located within the northwestern extent of the North City Future Urbanizing Plan. The project site is located in Subarea II of the NCFUA Framework Plan and within the Coastal Zone Boundary (City of San Diego 1992). Zoning for the project site is Agricultural-Residential (AR-1-1). The project would require a SDP Amendment, a CUP Amendment, an Ordinance, Coastal Development Permit Amendment (Issued by the California Coastal Commission), and a NUP to allow for the proposed development on site.

Regarding infrastructure, the Assisted Living Facility parcel is currently undeveloped. The project site is bordered by MSCP MHPA open space to the east, residential uses (Stallions Crossing Residential Development) to the south, and an existing church (Evangelical Formosan) to the west. The surrounding development is served by existing public service and utility infrastructure. As discussed in Final SEIR Section 7.9, Public Utilities, the proposed project would use existing utility connections that serve the surrounding community to accommodate the internal utility infrastructure needs of the development. No major new infrastructure facilities are required specifically to accommodate the project. No existing capacity deficiencies were identified for water, wastewater, or storm drain facilities that would serve the project. Furthermore, the project would not generate sewage flow or stormwater that would exceed the capacity already planned for the sewer line or storm drain. Since the project site is surrounded by existing development, and would connect to existing utility infrastructure, implementation of the project would not remove a barrier to economic or population growth through the construction or connection of new public utility infrastructure.

As discussed in the Final SEIR Section 7.7, Population and Housing, the project would not result in a substantial increase in population and housing stock, as the Assisted Living Facility would likely serve residents already living in the region. Additionally, the Assisted Living Facility would not displace any existing housing as the site is currently vacant. Therefore, the project would not directly induce substantial unplanned population growth to the area.

d. Significant Irreversible Environmental Changes that will be Caused by the Project

CEQA Guidelines section 15126.2(d) requires the evaluation of the following significant irreversible environmental changes that would occur should a project be implemented:

- (1) Primary impacts, such as the use of nonrenewable resources (during the initial and continued phases of the project [that] may be irreversible since a large commitment of such resources makes removal or non-use thereafter unlikely;
- (2) secondary impacts, such as road improvements, which provide access to previously inaccessible areas; and
- (3) environmental accidents potentially associated with the project.

Furthermore, Section 15126.2(d) of the CEQA Guidelines states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified. Implementation of the Assisted Living Facility would not result in significant irreversible impacts to mineral resources or water bodies.

The predominant irreversible environmental change that would occur as a result of project implementation would be the planned commitment of land resources to urban/developed uses. The project would irreversibly alter the previously graded vacant site to an assisted living facility for the foreseeable future. Other permanent changes would include increased traffic, and an increased human presence in the area. Irreversible commitments of energy resources would occur with the project. These resources would include electricity, natural gas, potable water, and building material. The proposed Assisted Living Facility would be required to comply with the California Energy Code and Title 24 of the California Code of Regulations, Part 11 (California Green Building Standards Code). The Assisted Living Facility features a number of sustainable elements such as cool roof materials; plumbing fixtures and fittings that do not exceed the maximum flow rate in the California Green Building Standards Code; and installation of 50% of total required listed cabinets, boxes, or enclosures to provide active electric vehicle charging stations ready for use; (see PDF-GHG-1, PDF-GHG-2, and PDF-GHG-3 in Section 3.4 of the SEIR). However, use of these resources on any level would have an incremental effect regionally and would, therefore, result in long-term irretrievable losses of non-renewable resources, such as fuel and energy.

As discussed in Section 5.2, Agricultural Resources, of the SEIR, the Assisted Living Facility parcel is designated as Farmlands of Local Importance by the DOC Farmland Mapping and Monitoring Program. However, due to high cost of water; well water quality issues; site constraints, such as the presence of MHPA lands; limited access to the site; and conformance with requirements, such as the need to adhere to the City's Land Use Adjacency Guidelines, the site is no longer viable for agricultural use. Therefore, the Assisted Living Facility would result in **less than significant** impacts to agricultural uses.

As discussed in Section 5.4, Biological Resources, of the SEIR, the Assisted Living Facility would result in potentially significant indirect impacts (**Impact BIO-1**) to the following special- status birds: California horned lark (Species of Special Concern), yellow warbler (Species of Special Concern), least Bell's vireo (federally and state-listed as endangered, MSCP-covered species), and white-tailed kite

(CDFW Protected and Fully Protected Species). However, **MM-BIO-1** and **MM-BIO-2** would be implemented to reduce impacts to **less than significant with mitigation**.

Although no known significant cultural resources were identified at the Assisted Living Facility site, construction of the Assisted Living Facility could result in potential impacts to unknown subsurface cultural resources and tribal cultural resources. In the event that an unknown, intact archaeological material or burial-related items are encountered during project construction, the potential disturbance to the site would be a potentially significant impact (**Impact CR-1**). **MM-CR-1** would be implemented to reduce impacts to **less than significant with mitigation**.

Lastly, because the Assisted Living Facility's grading activity would exceed the 1,000 cubic yard threshold for excavation within a moderate resource potential geologic unit, the Assisted Living Facility is subject to the grading ordinance (San Diego Municipal Code Section 142.0151) and the requirement for paleontological monitoring, which would be made a condition of approval, consistent with Construction Measure (CM) PAL-1. Therefore, impacts to paleontological resources would be **less than significant**.

The Assisted Living Facility would not involve a roadway or highway improvement that would provide access to previously inaccessible areas. The Assisted Living Facility includes no additional public roadways, and access to the site would be from the existing Church to the north. Therefore, as discussed above, the Assisted Living Facility would not result in significant irreversible environmental changes.

IX. Findings Regarding Responses to Comments and Final SEIR Revisions

The Final SEIR includes the comments received on the Draft SEIR and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by CEQA Guidelines section 15088(c).

Finding/Rationale: Responses to comments made on the Draft SEIR and revisions in the Final SEIR merely clarify and amplify the analysis presented in the Draft SEIR, and do not trigger the need to recirculate per CEQA Guidelines section 15088.5(b).

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

**CONDITIONAL USE PERMIT AND SITE DEVELOPMENT PERMIT TO AMEND CONDITIONAL USE
PERMIT NO. 862494 AND SITE DEVELOPMENT PERMIT NO. 862495, A NEIGHBORHOOD USE**

PERMIT, AND ORDINANCE

PRJ-0675732

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during the implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Subsequent Environmental Impact Report No. 0675732/SCH No. 2013071043 shall be made conditions of Conditional Use Permit and Site Development Permit, and Neighborhood Use Permit as may be further described below.

10.1 GENERAL REQUIREMENTS

Part I – Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice to Proceed for a subdivision, or any construction permits, such as Demolition, Grading, or Building, or beginning any construction-related activity on site, the Development Services Department Director’s Environmental Designee shall review and approve all Construction Documents (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the Environmental Designee shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **“ENVIRONMENTAL/MITIGATION REQUIREMENTS.”**

3. These notes must be shown within the first three sheets of the construction documents in the format specified for engineering construction document templates as shown on the City of San Diego's website:

<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/ Mitigation Requirements" notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

Part II – Post-Plan Check (after permit issuance/prior to start of construction)

1. **PRE-CONSTRUCTION MEETING IS REQUIRED 10 WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent, and the following consultants:

NOTE: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858.627.3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC** at **858.627.3360**
2. **MMRP COMPLIANCE:** This Project, PRJ-0675732 and/or Environmental Document [PR]-0675732/SCH No. 2013071043] shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the Development Services Department's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e., to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.).

NOTE: Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within 1 week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution, or other documentation issued by the responsible agency.

California Coastal Commission

4. **MONITORING EXHIBITS** All consultants are required to submit to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long-term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biological Construction Mitigation/Monitoring Exhibit	Biological Resources Monitor and Site Observation Final Report
Historical Resources	Archaeological Monitoring Exhibit	Archaeological and Native American Monitor Resources Monitoring and Site Observation Final Report
Noise	Construction Noise Management Plan	Monitoring of Noise Compliance Measure(s)

Document Submittal/Inspection Checklist

Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
Tribal Cultural Resources	Archaeological Monitoring Exhibit	Archaeological and Native American Monitor Resources Monitoring and Site Observation Final Report

10.2 SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS
10.2.1 BIOLOGICAL RESOURCES

The following mitigation shall be implemented to reduce potential indirect impacts to special status wildlife species to below a level of significance:

MM-BIO-1: Resource Protections During Construction
I. Prior to Construction

- A. **Biologist Verification:** The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2012), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting:** The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.
- C. **Biological Documents:** The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (Environmentally Sensitive Lands), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **BCME:** The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's

biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

- E. **Avian Protection Requirements:** To avoid any direct impacts to California horned lark, yellow warbler, and white-tailed kite and any avian species that is listed, candidate, sensitive, or special status in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The pre-construction survey shall be conducted within three (3) calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If California horned lark, yellow warbler, and white-tailed kite are detected, a letter report in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction.
- F. **Resource Delineation:** Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.
- G. **Education:** Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

II. During Construction

- A. **Monitoring:** All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre-construction surveys. In

addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

- B. **Subsequent Resource Identification:** The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.
- C. **Temporary Construction Noise (MM-NOI-1):** Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:

The proposed project applicant or its contractor will implement one or more of the following options for on-site noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.

- o Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).
- o Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).
- o Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, Environmentally Sensitive Lands and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

MM-BIO-2: Special-Status Avian Species (California horned lark, yellow warbler, and white-tailed kite)

If California horned lark, yellow warbler or white-tailed kite are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that the disturbance of breeding activities is avoided. The report or shall be submitted to the City for review and approval and implemented to the satisfaction of the City's MMC Section. The City's MMC Section and biologist shall verify and approve that all measures identified in the report are in place prior to and/or during construction to ensure that take of any listed or non-listed species would not occur.

If California horned lark, yellow warbler or white-tailed kite nesting is detected, then an appropriate impact avoidance area (minimally a 300-foot buffer) shall be included in the mitigation plan and this buffer shall be established around the active nest using orange fencing or other clear demarcation method. The radius of this avoidance buffer shall be determined through coordination with the project biologist and authorized by the City's project manager and DSD and shall use orange fencing or other clear demarcation method to define the approved buffer which shall not be less than 300 feet.

Least Bell's Vireo

Construction within 300 feet of any sensitive coastal or riparian areas with suitable habitat may have adverse direct and indirect impacts on least Bell's vireo if construction occurs during the breeding season (March 15 through September 15) for this species. Given the federal protection of least Bell's vireo, specific mitigation would be required to prevent take of this species as outlined below:

Prior to the preconstruction meeting, the Environmental Designee (ED)/MMC shall verify that MHPA boundaries and the requirements regarding the least Bell's vireo, as specified below, are shown on the biological monitoring exhibit and construction plans.

No clearing, grubbing, grading, or other construction activities shall occur during least Bell's vireo breeding season (March 15 through September 15) until the following requirements have been met to the satisfaction of the ED/MMC:

1. A Qualified Biologist (possessing a valid Endangered Species Act Section 10[a][1][a] Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the least Bell's vireo. Surveys for least Bell's vireo, shall be conducted pursuant to the protocol survey guidelines established by the USFWS within the

breeding season prior to the commencement of any construction. If least Bell's vireo are present, then the following conditions must be met:

- a. March 15 through September 15 for least Bell's vireo, no clearing, grubbing, or grading of occupied habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
- b. March 15 through September 15 for least Bell's vireo no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the ED/MMC at least 2 weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or

At least 2 weeks prior to the commencement of construction activities, under the direction of a Qualified Acoustician, attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16). Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the ED/MMC, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to,

limitations on the placement of construction equipment and the simultaneous use of equipment.

2. If least Bell's vireo are not detected during the protocol surveys, the Qualified Biologist shall submit substantial evidence to the ED/MMC and applicable resource agencies that demonstrates whether or not mitigation measures such as noise walls are necessary from March 15 through September 15 for least Bell's vireo, adherence to the following is required:
 - a. If this evidence indicates that the potential is high for least Bell's vireo to be present based on historical records or site conditions, then Condition 1(a) shall be adhered to as specified above.
 - b. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

10.2.2 HISTORICAL RESOURCES

Potential impacts to historical resources would be reduced to below a level of significance through implementation of the following mitigation measure.

MM-CR-1: The following shall be implemented to protect unknown archaeological resources and/or grave sites that may be identified during project construction phases.

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour **Hazardous Waste Operations and Emergency Response Standard (HAZWOPER)** training with certification documentation.

2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/2 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the one-quarter mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.

- b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances Occupational Safety and Health Administration (OSHA) safety requirements may necessitate modification of the AME.
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed or emailed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains ARE determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, ONLY the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,

- c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
- d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are NOT Native American

- 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
- 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
- 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

- 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
- 2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax or email by 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV- Discovery of Human Remains shall be followed.

d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.

a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

b. Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological

Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the draft Monitoring Report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.

2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

10.2.3 NOISE

Potential noise impacts would be reduced to below a level of significance through implementation of the following mitigation measure.

MM-NOI-1: Temporary Construction Noise

Prior to issuance of a grading permit, the grading plans shall be verified by the City to state the following:

The proposed project applicant or its contractor shall implement one or more of the following options for onsite noise control and sound abatement means that, in aggregate, would yield a minimum of approximately 10 dBA of construction noise reduction during the grading phase of the project.

- Administrative controls (e.g., reduce operating time of equipment and/or prohibit usage of equipment type[s] within certain distances to a nearest receiving occupied off-site property).
- Engineering controls (change equipment operating parameters [speed, capacity, etc.], or install features or elements that otherwise reduce equipment noise emission [e.g., upgrade engine exhaust mufflers]).
- Install noise abatement on the site's southern boundary fencing (or within, as practical and appropriate) in the form of sound blankets having a minimum sound transmission class (STC) of 20 or comparably performing temporary solid barriers (e.g., plywood sheeting at least ½" thick, with no airgaps between adjacent vertical sheets) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the noise-sensitive receptor(s) of concern.

10.2.4 TRIBAL CULTURAL RESOURCES

Potential impacts to tribal cultural resources would be reduced to below a level of significance through implementation of **Mitigation Measure (MM) CR-1**.

PLANNING COMMISSION RESOLUTION NO. _____-PC

RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF CONDITIONAL USE PERMIT NO. PMT-2475043 AND
SITE DEVELOPMENT PERMIT PMT-NO. 2475049 TO
AMEND CONDITIONAL USE PERMIT NO. 862494 AND
SITE DEVELOPMENT PERMIT NO. 862495, AND A NEIGHBORHOOD
USE PERMIT PMT-NO. 2475050 AND ORDINANCE FOR
PRJ-0675732: EL CAMINO REAL ASSISTED LIVING FACILITY

WHEREAS, on December 5, 2024, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval of Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495), a Neighborhood Use Permit No. PMT-2475050 and Ordinance; and

WHEREAS, PMB CARMEL VALLEY LLC, a Delaware Limited Liability Company, Owner/Permittee requested the Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, a Neighborhood Use Permit No. PMT-2475050 and Ordinance for the El Camino Real Assisted Living Facility, a three-story, 105,568 square-foot nursing facility with 105 rooms consisting of 87 assisted living rooms and 18 memory care rooms for a total of 124 beds, surface parking and supporting amenities at 13860 El Camino Real; and

WHEREAS, the Planning Commission of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego approval of Conditional Use Permit No. PMT-2475043 and Site Development Permit No. PMT-2475049 to amend Conditional Use Permit No. 862494 and Site Development Permit No. 862495, a Neighborhood Use Permit No. PMT-2475050) and Ordinance.

Xavier Del Valle
Development Project Manager
Development Services

Dated: December 5, 2024
By a vote of X:X:X

June 30, 2023

Xavier Del Valle, Development Project Manager
City of San Diego
Development Services Department



Re: El Camino Real Assisted Living Facility (PTS 675732)

Dear Xavier,

The Carmel Valley Community Planning Board on June 22, 2023, considered the El Camino Real Assisted Living Facility project's request to consider a proposed Conditional Use Permit, for development of a 104,363 SF assisted living facility on a 3.97 acres site, with 104 assisted living beds, 20 memory care beds and related facilities. A Site Development Permit for development on a premise with environmentally sensitive lands. A Neighborhood Use Permit for 2 ground signs at the El Camino Real driveway (1 for the church and 1 for the assisted living since it does not have street frontage).

After the initial presentation of the project in our May meeting, the Board suggested that the applicant hold a meeting or open house with the Stallions Crossing community, which is most impacted by this development to hopefully develop a compromise and address the concerns of the residents. The resulting June 22nd Board meeting provided for a lively exchange of differing positions reflecting the outcome of the open house.

The concerns of the Stallions Crossing residents can be summarized into the following major categories:

1. **Bulk and Scale**

The concern of the residents was the 3-story building massing overlooking their home's rear yard. The applicant had lowered the subject site a full story which would effectively indicate two stories that the resident's would view. The applicant increased the setback an additional 10' in order to develop a 3-story building. As a result of the community meeting the applicant removed the balconies and obscured the windows that looked toward the residents. Additional specimen trees were proposed along the common property line as well.

Discussion evolved into the possibility of further reducing the building bulk along the residents' rear yard by constructing the building in a building code building type that would allow 4-story construction and further reduce the massing along the common property line. This option was dismissed by the applicant as impacting the financial analysis and operational license status.

Another viable solution was to place the parking area between the residents and the project, which would relocate the building massing further from the residents. Apparently, this option was initially opposed by the residents but now reconsidered. I surmised that having a design charrette to further try to reach an acceptable compromise would probably result in the same project that has been presented.

El Camino Real Assisted Living Facility
June 30, 2023
Pg 2



2. **Traffic**

Traffic is always a big concern for our Board and community. Even though the applicant's traffic study provided for an increase in the original 2012 studies by an additional 13% or so, the Board thinks otherwise. Our experience has been traffic studies, even complying with the city's format and figures to use is always not reflective of our real-life community and traffic conditions. The Board too often is asked to resolve traffic problems from the installation of stop signs, lighted controlled signals, crosswalks, bike lanes, etc. Hence, we have requested the installation of a lighted controlled signal intersection where the project driveway enters El Camino Real. Apparently, it was considered at one time, but it didn't meet the warrants and sight distance concerns of the curve. The project should not be allowed to move on and leave our community with the results and potential clean up.

3. **Proposition A**

This is an ongoing issue that comes before this Board regarding any project in the river valley. This project is no exception for the Stallions Crossing community. The Board defers the legality of this issue to the Planning Commission and City Council for the justification to allow this project in the river valley.

Public testimony was then closed for Board discussions to reach a decision. There was a lengthy discussion about traffic safety issues such as adding a traffic signal at the driveway intersection, increasing the deceleration line, options for emergency ingress/egress (considering that there is only one way in or out). Discussion of Stallions Crossing's attorney's lengthy legal opinion and traffic engineer's analysis were received the day before the meeting providing inadequate time for review.

Toward the end of the meeting, I noted that it seems from the public testimony of the Stallions Crossing residents that they are not entirely opposed to the project but needed more concessions or considerations from the applicant to make their neighborhood more livable with such an intense project behind them. I proposed a continuance to explore the alternative of moving the parking, but the applicant was not receptive to the idea. That suggestion had been explored before and the project as presented is the line in the sand.

My initial position for the project was to vote against. I wanted the applicant and residents to meet again and review what can be developed to the satisfaction of both parties. I wanted to see the bulk, scale, and massing of the buildings to be more compatible to the adjacent neighbors in order to transition from what I considered a commercial type of use to the residential to the south. A continuance was not acceptable to the applicant, who wanted a decision by this Board. I then noted that I would support a motion to approve if there were enough conditions.

El Camino Real Assisted Living Facility
June 30, 2023
Pg 3



Board member Vic Wintriss made the following motion and seconded by Allen Kashani.

Approve the El Camino Real Assisted Living Facility project with the following conditions:

1. The applicant and City shall pursue the following in order of priority:
 - a. Provide a traffic signal at the entry intersection as a first option.
 - b. If a traffic signal will not be allowed by the City provide traffic calming at the intersection to address entry/exit traffic safety issues.
 - c. If priority 1 & 2 cannot be done then lengthen the deceleration lane.
2. The applicant shall further explore alternative options for emergency vehicle access separate from project ingress/egress.
3. The applicant shall further study to reduce building massing along the south boundary.
4. The applicant shall return to the Board with the conclusive results of all the above.


The motion passed 5-1-1.

I believe that any project or development opportunity in a community should as its first priority provide that its contribution to the community fabric is to make it a better community by its inclusion. Too often we have had developers build and leave any negative impacts on the backs of the community to resolve. Just following the rules doesn't make it right for a community.

Sincerely,
Carmel Valley Community Planning Board

A handwritten signature in blue ink, appearing to read 'Frisco White'.

Frisco White, AIA
Chair

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM
			<h1>DS-318</h1>
			October 2017

Approval Type: Check appropriate box for type of approval(s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit Variance
 Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other SITE SPECIFIC CODE AMENDMENT

Project Title: El Camino Real Assisted Living **Project No. For City Use Only:** _____

Project Address: 13860 El Camino Real

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? _____ Corporate Identification No. _____
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: The Board of Trustees of the St. John Garabed Armenian Apostolic Church... Owner Tenant/Lessee Successor Agency

Street Address: 4473 30th Street P.O. Box 1719

City: San Diego VISTA, CA 92085 State: CA Zip: 92116

Phone No.: 760-310-0064 Fax No.: _____ Email: harry.k.kerian@msn.com

Signature: [Signature] Date: 9/24/2020

Additional pages Attached: Yes No

Applicant

Name of Individual: PMB Carmel Valley, LLC Owner Tenant/Lessee Successor Agency

Street Address: 3394 Carmel Mountain Road, Suite 200

City: San Diego State: CA Zip: 92121

Phone No.: 858-794-1900 Fax No.: N/A Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: The Freshwater Group Owner Tenant/Lessee Successor Agency

Street Address: 2020 West Rudasill Road

City: Tucson State: AZ Zip: 85704

Phone No.: 520-615-5243 Fax No.: N/A Email: _____

Signature: _____ Date: _____

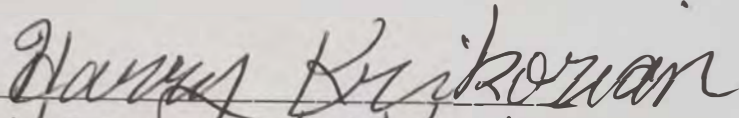
Additional pages Attached: Yes No

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
 Upon request, this information is available in alternative formats for persons with disabilities.

EL CAMINO REAL ASSISTED LIVING

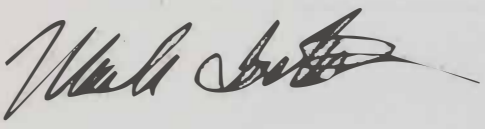
OWNERSHIP DISCLOSURE

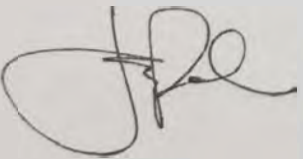
OWNER: THE BOARD OF TRUSTEES OF THE ST. JOHN GARABED ARMENIAN APOSTOLIC CHURCH TRUST FUND UNDER DECLARATION OF TRUST DATED OCTOBER 1, 2000

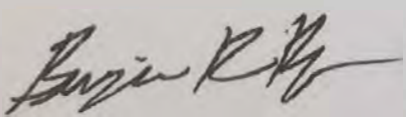
By: 
Name: HARRY KRİKORIAN
Its: Chairman
Date: 9-24-2020

Fr. PAKRAD Berjikian
Robert Aboulian
Jim Sahagian
Rick Mamogian
Berj Arakelian
Greg Babikian
Kathy Kassajian

APPLICANT: PMB CARMEL VALLEY, LLC, a DE limited liability company

By: 
Name: Mark Toothacre
Its: President
Date: 9/21/2020

By: 
Name: Jake Rohe
Its: SVP Development, Partner
Date: 9/21/2020

By: 
Name: Ben Ryan
Its: CFO, Partner
Date: 9/21/2020

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	FORM DS-318 October 2017
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Approval Type: Check appropriate box for type of approval(s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit Variance
 Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title: _____ **Project No. For City Use Only:** _____

Project Address: _____

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General – What State? _____ Corporate Identification No. _____

Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: _____ Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No


Applicant

Name of Individual: _____ Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature:  _____ Date: _____

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No

EL CAMINO REAL ASSISTED LIVING
OWNERSHIP DISCLOSURE

APPLICANT: PMB CARMEL VALLEY, LLC, a DE limited liability company

By: 

Name: Mark Toothacre

Its: President

Date: 9/21/2020

By: 

Name: Jake Rohe

Its: SVP Development, Partner


Date: 9/21/2020

By: 

Name: Ben Ryan

Its: CFO, Partner

Date: 9/21/2020

By: 

Name: John Hussey

Its: SVP Design and Construction, Partner

Date: 9/21/2020

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1>Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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Approval Type: Check appropriate box for type of approval(s) requested: Neighborhood Use Permit Coastal Development Permit
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 Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • **Other** SITE SPECIFIC CODE AMENDMENT

Project Title: El Camino Real Assisted Living **Project No. For City Use Only:** _____

Project Address: 13860 El Camino Real

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? _____ Corporate Identification No. _____

Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: The Board of Trustees of the St. John Garabed Armenian Apostolic Church... Owner Tenant/Lessee Successor Agency

Street Address: 4473 30th Street

City: San Diego State: CA Zip: 92116

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No

Applicant

Name of Individual: PMB Carmel Valley, LLC Owner Tenant/Lessee Successor Agency

Street Address: 3394 Carmel Mountain Road, Suite 200

City: San Diego State: CA Zip: 92121

Phone No.: 858-794-1900 Fax No.: N/A Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: Watermark Freshwater Group, LLC Owner Tenant/Lessee Successor Agency

Street Address: 2020 West Rudasill Road

City: Tucson State: AZ Zip: 85704

Phone No.: 520-797-4000 Fax No.: N/A Email: licensing@watermarkcommunities.com

Signature:  Date: 9/29/20

Additional pages Attached: Yes No

EL CAMINO REAL ASSISTED LIVING

OWNERSHIP DISCLOSURE

APPLICANT: WATERMARK FRESHWATER GROUP, LLC, a Delaware limited liability company

Individuals owning 10% or more:

David Barnes, indirectly, via family trust

David Freshwater, indirectly, via family trust


Board of Directors:

David Freshwater, Chairman

David Barnes

Bridget Lee

S. Bradford Child, Jr.

By:  _____

Name: David Barnes

Its: Director

Date: 9/29/20



City of San Diego
Development Services
 1222 First Ave., MS-302
 San Diego, CA 92101
 (619) 446-5000

THE CITY OF SAN DIEGO

Request for Reasonable Accommodations

FORM
DS-18

SEPTEMBER 2009

Application Date: May 19, 2021Project No.: 675732

The City is required by the Federal Fair Housing Act and the California Fair Employment and Housing Act to provide a process for consideration of reasonable accommodation requests. A deviation process is available to applicants for circumstances where the existing zoning regulations would preclude residential development for persons with disabilities. All requests for accommodation are determined on a case-by-case basis. You will be contacted if additional information is required to determine the reasonableness of the accommodation requested.

Please print legibly or type.

1. Applicant Name:

E-mail:

PMB Carmel Valley LLC

NWeinberg@pmbllc.com

Address:

City:

State:

Zip Code:

Telephone:

3394 Carmel Mountain Rd, # 200 San Diego

CA

92130

(858) 794-1900

2. Property Owner Name:

E-mail:

Board of Trustees of St. John Garabed Armenian Apostolic Church

harrykrikorian@msn.com

Address:

City:

State:

Zip Code:

Telephone:

335 Rockhill Road

Vista

CA

92083

(760) 310-0064

3. Site Address where accommodation is requested:

Address:

Zip Code:

13860 El Camino Real (APN 304-024-24-00)

92130

4. Process One – Administrative Review

Reasonable accommodations (including waiver of regulations, policies, or procedures) to afford persons with disabilities an equal opportunity to use and enjoy a dwelling may be approved through Process One subject to the following:

- The development will be used by a person(s) with a disability;
- The deviation requested is necessary to make specific housing available to a person with a disability and complies with all applicable development regulations to the maximum extent feasible;
- The deviation request will not impose an undue financial or administrative burden on the City;
- The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations; and
- For coastal development in the Coastal Overlay Zone, that is not exempt from a Coastal Development Permit pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.

- Identify the reasonable accommodations requested and the specific regulations, policy, or procedure from which the deviation or waiver is requested. If the City is unable to approve the specific accommodations requested. The City will work with you to find accommodations that are reasonable.

The applicant requests reasonable accommodation to allow for the proposed Nursing Home Facility for Assisted

Living and Memory Care within the AR-1-1 zoned Prop A lands, as prohibited by Section 141.412(a) of the Municipal

Code after the adoption of Prop A. The relief will allow the applicant to pursue a Conditional Use Permit for this use.

- Give the reason that the reasonable accommodations may be necessary, for you or for another individual(s) with disabilities seeking the specific housing, to use and enjoy the housing. You do not need to tell us the name or extent of your disability or that of the individual(s) seeking the housing:

Attached is a project description detailing the age range and mental ability of residents, and the types of assistance

and services required by these individuals.

7. Please attach any documents that you feel are necessary to support your request for reasonable accommodation and would assist us in considering your request, (e.g. medical documentation which supports the need for the accommodation as prescribed under disability law). Please note that all documents submitted will be kept as a record of the decision and will be made available to the public upon request.

8. **Owner Declaration:** I Harry Krikorian, Trustee, certify, under penalty of perjury under the laws of the State of California, that the information provided above is correct and is being submitted to facilitate a currently anticipated use of the development by a person with a disability.

Signature: *Harry Krikorian* Date: 5/19/24

A person with disability pursuant the Fair Housing Amendments Act of 1988 means any person who has a physical or mental impairment that substantially limits one or more major life activities, anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

FOR CITY USE ONLY

The following findings have been made to support the reasonable accommodation request:

- | Yes | No | |
|-------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | The development will be used by a person with a disability. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | The deviation request is necessary to make specific housing available to a person with disability and complies with all applicable development regulations to the maximum extent feasible. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | The deviation request will not impose an undue financial or administrative burden on the City of San Diego. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations for the _____ zone.
<small>(INDICATE ZONE)</small> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | For coastal development in the Coastal Overlay Zone, that is not exempt from a Coastal Development Permit pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program. |

Additional Information for the Administrative Record:

Approved Denied

If requested accommodation is denied provide reason(s) based on required findings:

Staff Name: Kyle Goossens
Signature: *[Signature]*

Staff Title: Associate Planner
Date: 4/4/24

Proposed Nursing Home Facility for Assisted Living and Memory Care Facility Description

Physical/Mental State of Residents

Most residents of the proposed project would be seniors 80-100 years of age and will have become physically frail to the point where they will require assistance with at least two activities of daily living (ADLs). Examples of ADLs are bathing, toileting, dressing, eating, and walking. Residents would have indications of varying levels of dementia, requiring assistance by staff specially trained in providing personal care and assistance for persons with this condition.

Physical Facilities Description

The facility would consist of 87 assisted living units with 124 beds, and 18 memory care units with 20 beds, for a total of 105 units with 144 beds, and 24-hour staffing in a 3-story structure on a 3.97 acre site. All resident building and landscaped grounds would be handicapped accessible.

Units would include a small living area, a sleeping area, a very small counter/sink, a microwave and a refrigerator. Not included are range tops and ovens. Units would be arranged to accommodate one or more related, or unrelated residents. A private bathroom would be required in each unit with a walk-in shower (without curbs), to enable those a) in wheelchairs, b) reliant upon walkers or c) unable to step over a curb, to easily access the showers.

Common areas would include resident congregate dining room(s), living room(s), activities and recreation areas. Food preparation equipment would be provided for use by staff in preparation of meals for residents. Back-of-house support areas would be provided for dry food storage, refrigerated food, and frozen food. Laundry and housekeeping areas would be provided for staff use. An administrative area for business administration and admission activities will be required, as well as a reception area and restroom for visitors. A medical records storage area, as well as locked medications storage area would also be provided.

Recreation areas would consist of exterior walking areas specifically designed for exercise in a looped system for maximizing interest and physical activity as well as seating and reading areas. The project also includes community gardening areas for residents to grow vegetables, flowers, and plants for use within the community. Internally, the facility will include areas for physical and mental exercising, crafting, arts, cards, programs with adjacent Church day care, etc. Recreational facilities and opportunities are key features of the project and are intended to stimulate seniors both physically and mentally.

Site Description

The site is 3.97 acres and is bordered by a Church to the west, a Church to the north (under construction), and single-family residential community on minimum 6,000 SF lots to the south, and open space to the east.

Zoning/Permitting

The property is zoned AR-1-1 within Subarea II of the Proposition A Lands. The City has determined that the class of use falls within the Reasonable Accommodations Regulations of the Municipal Code

(131.0466). The Reasonable Accommodations Regulations allow for the proposed project to be developed on the property even though the City's separately regulated use zoning (141.0413(a)) does not permit Nursing Home Facility for assisted living/memory care as an allowed use in Proposition A lands. Nursing Home Facilities are permitted with a CUP in non-Proposition A lands under the City's current AR-1-1 agricultural zone and were permitted with a CUP in the A-1 zone that existed in the municipal code at the time Proposition A was approved.

When Proposition A was approved by the voters of San Diego in 1985, it provided that "provisions restricting development in the Future Urbanizing Area shall not be amended, unless either action is approved by a majority vote of the people voting on the change or amendment at a citywide election thereon". Therefore, the City Council's action in 1992 to remove "Hospitals, Intermediate Care and Nursing Homes" uses permitted on Proposition A lands with a Conditional Use Permit as allowed under the Municipal Code in 1985 is unnecessarily stricter than the A-1 zoning voters approved and stricter than the requirements for development of traditional housing units in the Proposition A lands. A Conditional Use Permit (CUP) for the proposed project will be processed along with the request for Reasonable Accommodations.

The Reasonable Accommodations requests are consistent with City guidance regarding application of the Federal Fair Housing Act Amendment, noting "[t]he Act is intended to prohibit the application of special restrictive covenants, and conditions or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community" and that flexibility and care is needed anytime the City places restrictions on residential care facilities that are not placed on other types of living arrangements.

To the extent a density metric is applied to a Nursing Home Facility for assisted living/memory care in order to avoid discrimination against the disabled housing, a reasonable accommodation is needed to increase the density to allow a feasible project because even if a regulation is evenly applied to all housing types in the Proposition A lands, the City must consider a reasonable accommodation for disabled housing if the effect of the zoning regulation is to preclude disabled housing. Here, the Nursing Home Facility for assisted living/memory care would be precluded if only a few units per acre were permitted.

Operations/Services/Staffing

The California Department of Social Services is the regulatory agency having jurisdiction over the proposed project, which would be licensed as a Residential Care Facility for the Elderly (RCFE). Staff would be on duty 24 hours per day/7 days per week. Staff provides supervision, personal care, and oversight to residents, in a secured environment, including the preparation and serving of 3 meals per day, plus snacks, in a common dining area(s). Staff assists residents with their activities of daily living, including, but not limited to, bathing, toileting, dressing, eating, and walking.

Staff includes registered nurses (RNs), certified nursing assistants (CNAs), chefs, dietary staff, housekeepers, building engineer, activities coordinator, van driver, and groundskeepers. The approximate staffing by work shifts is indicated below.

7:00 AM – 3:00 PM	25-30 staff
3:00 PM – 11:00 PM	16-20 staff
11:00 PM – 7:00 AM	8-10 staff