



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: August 8, 2013 **REPORT NO. PC-13-091**

ATTENTION: Planning Commission, Agenda of August 15, 2013

SUBJECT: CHABAD TENTATIVE MAP - PROJECT NO. 228231. PROCESS FOUR

**OWNER/
APPLICANT:** Mr. Yonah Fradkin, President of Friends of Chabad Lubavitch
Mr. Marty Ohmstede, Leppert Engineering

SUMMARY

Issue(s): Should the Planning Commission approve the creation of a four lot subdivision of a 26.98-acre property containing an existing educational/administrative facility within the Scripps Miramar Ranch Community Plan area?

Staff Recommendation(s):

1. **APPROVE** Site Development Permit No. 1152738 and Planned Development Permit No. 1152951; and
2. **APPROVE** Tentative Parcel Map No. 816754.

Community Planning Group Recommendation: On May 2, 2013, the Scripps Miramar Ranch Planning Group voted 14-1-0 to recommend approval of this proposed project with no conditions.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 "Minor Alternations in Land Use Limitations". This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on July 2, 2013, and the opportunity to appeal that determination ended July 22, 2013.

Fiscal Impact Statement: None. The processing of this application is paid for through a deposit account established by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The existing facility does include on-campus housing (280 dwelling units) for the sole use of full-time enrolled students, married students and faculty. This applicant requested a waiver from the Inclusionary Housing requirements with the previously approved Substantial Conformance Review, which was approved by City Council in 2009. This proposed Tentative Map does not propose any change to the existing on-campus housing.

BACKGROUND

The 26.98 acre site is located at 10785 Pomerado Road, south of Pomerado Road and west of Avenida Magnifica, in the Scripps Miramar Ranch Community (Attachments 1 and 2). The Scripps Miramar Ranch Community Plan designates this site for Open Space (Attachment 3) and is zoned RS-1-8. The site contains existing educational and administrative facilities for the Chabad Hebrew Academy, which is adjacent to Alliant International University to the west, single family residential to the east, Pomerado Road to the north, and Regents of the University of California property to the south. The property is subject to Conditional Use Permit (CUP) No. 133-PC (Attachment 10), as amended, granted to United States International University (USIU). The original CUP No. 133-PC was granted in 1967 (Attachment 11) and amended in 1972.

On August 8, 1994, the City Council determined by Council Resolution No. R-284501 (Attachment 11) that Chabad's proposed facilities, of a kindergarten through twelfth grade private school, plus a "Yeshiva" (rabbinical seminary) accommodating a maximum of 800 full time students, is in substantial conformance as the use approved by City Council for the original CUP No. 133-PC for USIU.

On January 27, 2009, the City Council approved by Council Resolution Nos. R-304622 & R-304623 (Attachment 12) a request for Substantial Conformance which approved an expansion for high school, college and athletic facilities, and student faculty housing for the existing Chabad Educational Campus. This approval included a waiver from the Inclusionary Housing Regulations.

A Site Development Permit is required by the Land Development Code (Section 126.0502d) for the proposed subdivision map on a property containing Environmentally Sensitive Lands. A Tentative Parcel Map is required by the Land Development Code (Section 125.0410) for proposed subdivision. A Planned Development Permit has been requested pursuant to the Land Development Code (Section 126.0602b) for requested deviations to the Land Development Regulations.

DISCUSSION

Project Description:

The project proposes to subdivide the 26.98-acre property into four parcels, ranging in size from 2.82 acres to 17.18 acres. This tentative map proposal has been requested for financial purposes. Currently the existing loan encumbers the entire 26.98 acres. With this subdivision and partial reconveyance, the applicant will be able to obtain additional construction financing to make future improvements to the educational facility in conformance with existing approvals. This

project does not propose any form of physical change to the property or existing facilities. Due to the existing design of the facility, the applicant is requesting a deviation to the minimum lot frontage. The project fronts along Pomerado Road with a large entry driveway into the facility. The proposed lot design of the map has each parcel fronting on the entry driveway. The map design also requests a deviation for the reduction of the minimum side yard setback of 10 feet to 5 feet, in order to be consistent with the placement on the property of the existing buildings.

The property contains Environmentally Sensitive Lands in the northern and southern portions of the project site. Normally with a subdivision of land, Environmentally Sensitive Lands would be protected by the recordation of a Covenant of Easement. However, in this case, the City Council approved Substantial Conformance Review included a defined line of development area which delineated between the area to be developed and the area to remain undeveloped. Essentially, this was previously approved to protect the Environmentally Sensitive Lands and yet allow some degree of flexibility in building out previously approved phases of development. Staff has agreed to honor that prior approval and supports the requested deviation to the Environmentally Sensitive Lands Regulations in not requiring the recordation of the Covenant of Easement.

Conclusion:

A Tentative Map for the proposed four lot subdivision may be approved if the decision maker finds that the proposed division of land complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed subdivision and found it to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps and land use policies. Staff has determined that the required findings can be made and recommends approval of the project as proposed.

ALTERNATIVE

1. **Approve Site Development Permit No. 1152738, Planned Development Permit No. 1152951, and Tentative Map No. 816754, with modifications.**
2. **Deny Site Development Permit No. 1152738, Planned Development Permit No. 1152951, and Tentative Map No. 816754, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



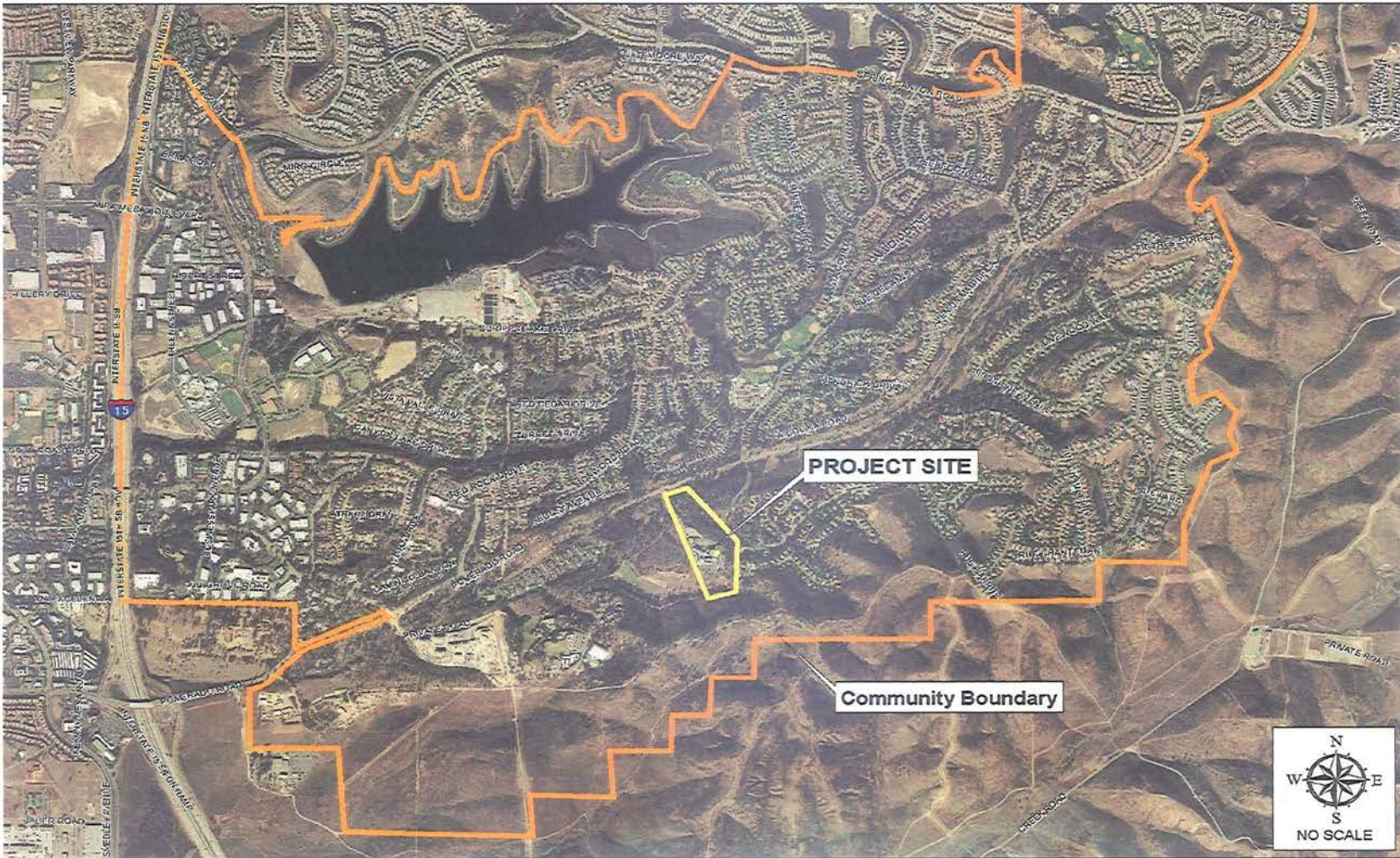
Mike Westlake
Acting Deputy Director
Development Services Department



Glenn Gargas
Development Services Department

Attachments:

1. Aerial Photograph
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Map Resolution with Findings
8. Draft Map Conditions
9. Map Exhibit-Tentative Map
10. Copy of Recorded Conditional Use Permit No. 133-PC
11. Copy of 1994 SCR Resolution
12. Copy of 2009 SCR Resolution
13. Community Planning Group Recommendation
14. Ownership Disclosure Statement
15. Project Chronology



Aerial Photo

CHABAD TENTATIVE MAP – 10785 POMERADO ROAD
PROJECT NO. 228231





Aerial Photo

**CHABAD TENTATIVE MAP - 10785 POMERADO ROAD
PROJECT NO. 228231**





Map data ©2013 Google - Edit in Google Map Maker Report a problem



Project Location Map

CHABAD TENTATIVE MAP – 10785 POMERADO ROAD
PROJECT NO. 228231

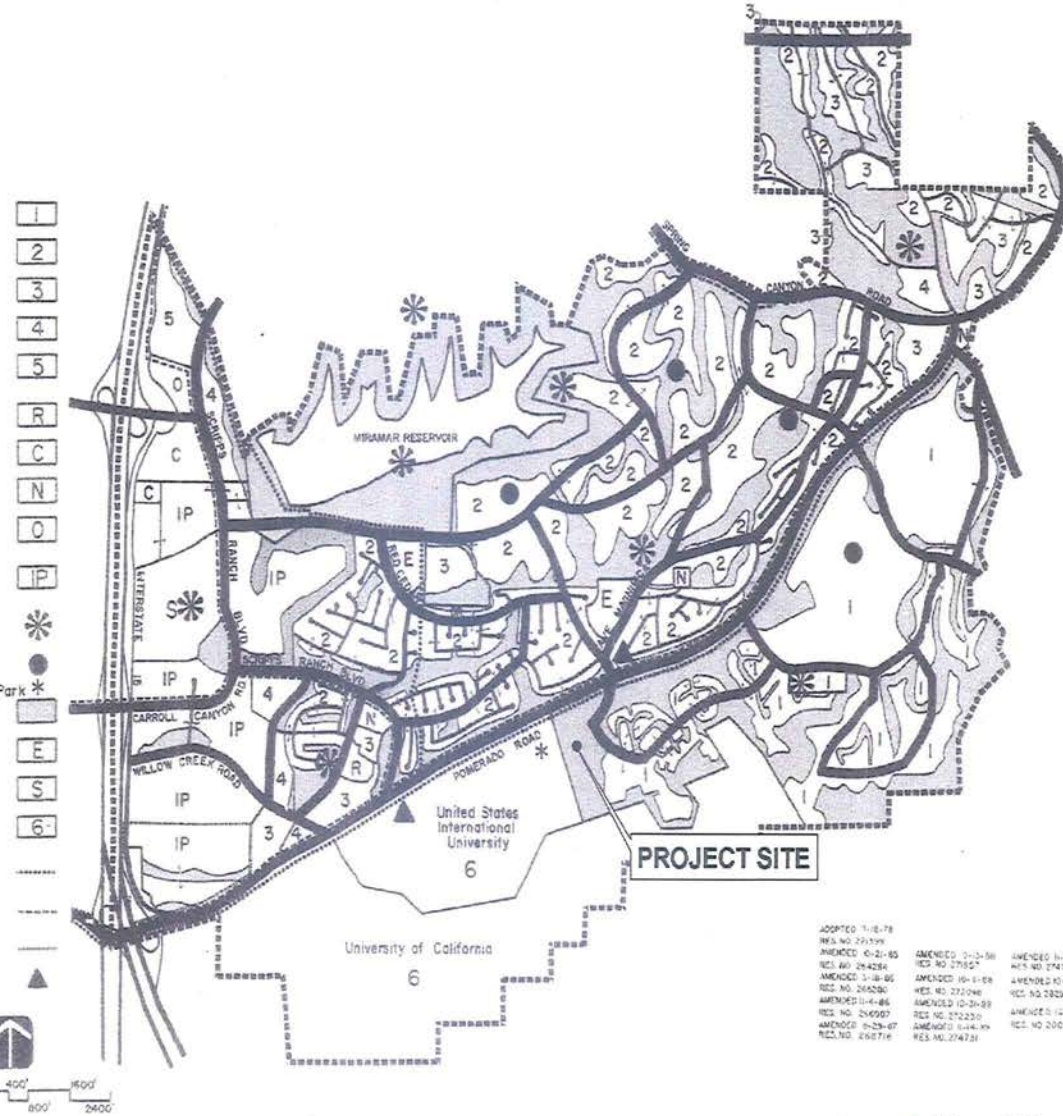




Land Use Map
CHABAD TENTATIVE MAP - 10785 POMERADO ROAD
PROJECT NO. 228231 Scripps Miramar Ranch

LEGEND

- Residential 0-3 DU/Net AC [1]
- Residential 3-5 DU/Net AC [2]
- Residential 5-10 DU/Net AC [3]
- Residential 10-15 DU/Net AC [4]
- Residential 15-29 DU/Net AC [5]
- Existing Commercial Recreation [R]
- Community Shopping [C]
- Neighborhood Shopping [N]
- Professional Offices [O]
- Industrial Park [IP]
- Park [*]
- Tot Lot [●]
- Resource Based Park [**]
- Open Space []
- Elementary School [E]
- Secondary School [S]
- University [6]
- Major Hiking Trail [---]
- Bikeway [---]
- County Boundary [---]
- Possible Fire Station Site [▲]



ADOPTED 1-18-78
 RES. NO. 271578
 AMENDED 0-21-85
 RES. NO. 244284
 AMENDED 7-18-85
 RES. NO. 246230
 AMENDED 11-4-86
 RES. NO. 246907
 AMENDED 10-28-87
 RES. NO. 246776
 AMENDED 11-21-88
 RES. NO. 271857
 AMENDED 10-11-89
 RES. NO. 272046
 AMENDED 10-24-89
 RES. NO. 272230
 AMENDED 11-14-89
 RES. NO. 274721
 AMENDED 11-21-89
 RES. NO. 274760
 AMENDED 10-24-93
 RES. NO. 283903
 AMENDED 10-19-93
 RES. NO. 286000-410



PROJECT DATA SHEET

PROJECT NAME:	Chabad Tentative Map – Project No. 228231	
PROJECT DESCRIPTION:	SDP/PDP & TM to subdivide a 26.98-acre property with an existing educational/administration facility to remain.	
COMMUNITY PLAN AREA:	Scripps Miramar Ranch	
DISCRETIONARY ACTIONS:	Site Development Permit, Planned Development Permit & Tentative Map.	
COMMUNITY PLAN LAND USE DESIGNATION:	Open Space	
<u>ZONING INFORMATION:</u>		
ZONE: RS-1-8 Zone		
HEIGHT LIMIT: 35-Foot maximum height limit.		
LOT SIZE: 20,000 square-foot minimum lot size – existing lot 26.98 acres.		
FLOOR AREA RATIO: 0.45 max. allowed		
FRONT SETBACK: 25 feet required – 401 feet existing		
SIDE SETBACK: 10 feet required – 5 feet existing		
STREETSIDE SETBACK: NA		
REAR SETBACK: 10 feet required – 557 feet existing		
PARKING: 671 parking spaces required – 684 existing.		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Residential (3 – 5 DU/AC) & Open Space; RS-1-14 Zone	Single Family Residence
SOUTH:	University; RS-1-8 Zone	Vacant
EAST:	Residential (0 – 3 DU/AC) & Open Space; RS-1-8 Zone	Single Family Residence
WEST:	University; RS-1-8 Zone	Vacant
DEVIATIONS OR VARIANCES REQUESTED:	Deviation to Lot Frontage, Side Yard Setback and the Environmentally Sensitive Lands Regulations.	

ATTACHMENT 4

<p>COMMUNITY PLANNING GROUP RECOMMENDATION:</p>	<p>The Scripps Miramar Ranch Community Planning Group voted 14-1-0 to recommend approval of the proposed project at their meeting on May 2, 2013.</p>
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PLANNING COMMISSION RESOLUTION NO. _____
SITE DEVELOPMENT PERMIT NO. 1152738 AND PLANNED DEVELOPMENT PERMIT NO.
1152951
CHABAD TENTATIVE MAP - PROJECT NO. 228231

WHEREAS, Friends of Chabad Lubavitch, Owner/Permittee, filed an application with the City of San Diego for a permit to subdivide their property into four parcels (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 1152738 & 1152951), on portions of a 26.98-acre property;

WHEREAS, the project site is located at 10785 Pomerado Road, in the RS-1-8 Zone, FAA Part 77 Notification Area Overlay Zone, the Airport Influence Area Overlay Zone, and the Residential Tandem Parking Overlay Zone, and with the Scripps Miramar Ranch Community Plan area;

WHEREAS, the project site is legally described as Parcel 2 of Parcel Map No. 7724;

WHEREAS, on August 15, 2013, the Planning Commission of the City of San Diego considered Site Development Permit No. 1152738 and Planned Development Permit No. 1152951, pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on July , 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305 (Minor Alternations in Land Use Limitations) and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated August 15, 2013.

FINDINGS:

Site Development Permit - Section 126.0504

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

The proposed four lot subdivision of a 26.98-acre property is for an existing educational/administrative facility approved under Conditional Use Permit No. 133-PC. The project site located in the RS-1-8 zone and is designated Open Space by the Scripps Miramar Ranch Community Plan. The educational facility is only allowed through the approved Conditional Use Permit. In January, 2009, the City Council found the proposed educational campus development to be in substantial conformance with the original CUP-133, which was first approved back in 1967. The 2009 Substantial Conformance Review (SCR) exhibit, SCR No. 421902, illustrates the limit of work for the development, which is less than that allowed by the original CUP. This Site Development Permit is not proposing any new development and, thus, will not adversely affect the Scripps Miramar Ranch Community Plan.

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

The proposed four lot subdivision of a 26.98-acre property is for an existing educational/administrative facility approved under Conditional Use Permit No. 133-PC. This project does not include any additional development of the property. This Site Development Permit proposes to divide one existing parcel into 4 development parcels in order to facilitate construction financing for future development of this educational facility. The Environmental Analysis Section of the City determined that the scope of this project was categorically exempt under the California Environmental Quality Act. This review included an analysis of potential impacts to public health, safety and welfare. Since no new development is being proposed with this project, the project will not have a detrimental impact on the health, safety, or welfare of the public. Future development of the site will comply with the regulations of CUP 133 and all the regulations of the Building and Municipal Codes.

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

The proposed four lot subdivision of a 26.98-acre property is to an existing educational / administrative facility approved under Conditional Use Permit No. 133-PC. This tentative map does not include any additional development of the property. The project site located in the RS-1-8 zone and is designated Open Space by the Scripps Miramar Ranch Community Plan. The educational facility is allowed through the approved Conditional Use Permit with approved SCR's.

This Site Development Permit is required due to the presence of environmentally sensitive lands on the property. The 2009 SCR exhibit, SCR No. 421902, illustrates the limit of work for the development. A deviation from the requirement to record a covenant of open space is requested due to the fact that the final phase of the development has not been designed yet. This Tentative Map design also includes a request to deviate from the required minimum street frontage, and side yard setback requirement. The ultimate project will maintain the limit of disturbance set forth on the 2009 SCR exhibit with potential future minor adjustments that will result in no net loss to the remaining environmentally sensitive lands.

Supplemental Findings--Environmentally Sensitive Lands

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

The project proposes to divide one existing parcel into 4 parcels in order to facilitate financing for future development of the educational facility. There is no additional development of this facility with this proposal. The proposed subdivision does not include any disturbance to environmentally sensitive lands. The Environmental Section of the City determined that the scope of this project was categorically exempt under the California Environmental Quality Act. This review included an analysis of potential impacts to environmentally sensitive lands. Since no new development is being proposed with this Site Development Permit, the project will not have a detrimental impact on environmentally sensitive lands. Future development of the site will

comply with the regulations of CUP 133 and all the regulations of the Building and Municipal Codes.

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

The project proposes to divide one existing parcel into 4-four parcels in order to facilitate financing for future development of the educational facility. There is no additional development of this facility with this proposal. The proposed subdivision does not include any disturbance to environmentally sensitive lands. The Environmental Section of the City determined that the scope of this project was categorically exempt under the California Environmental Quality Act. This review included an analysis of potential undue risk geologic and erosional forces, flood hazards, or fire hazards. Since no new development is being proposed with this Site Development Permit, the project will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards . Future development of the site will have to comply with the regulations of CUP 133 and all the regulations of the Building and Municipal Codes.

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

The project proposes to divide one existing parcel into 4-four parcels in order to facilitate financing for future development of the educational facility. There is no additional development of this facility with this proposal. The proposed project to subdivide the property does not include any disturbance to environmentally sensitive lands on the project site or to adjacent environmentally sensitive lands. The Environmental Section of the City determined that the scope of this project was categorically exempt under the California Environmental Quality Act. This review included an analysis of potential impacts to environmentally sensitive lands. Since no new development is being proposed with this project, the project will not have a detrimental impact on environmentally sensitive lands. Future development of the site will have to comply with the regulations of CUP 133 and all the regulations of the Building and Municipal Codes.

- 4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.**

The subject property has been removed from the Multi-Habitat Planning Area and is not subject to the requirements of the MSCP subarea plan.

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

The project site is located in Scripps Miramar Ranch, not adjacent to a public beach or local shoreline. This project is being proposed for financial purposes only and does not included any form of further development of the property. Therefore, the subdivision of this 26.98-acre property will not contribute to the erosion of public beaches or adversely impact any local shoreline sand supply

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

The project is not proposing any new development over and above what has already been approved by the City Council. The project proposes to divide one existing parcel into 4-four development parcels in order to facilitate financing for future development of the educational facility. The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305 "Minor Alternations in Land Use Limitations". As such, no mitigation measures are required.

Supplemental Findings--Environmentally Sensitive Lands Deviations

- 1. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.**

The project proposes to divide one existing parcel into 4-four parcels in order to facilitate financing for future development of the educational facility. There is no additional development of this facility with this proposal. The proposed subdivision does not include any disturbance to environmentally sensitive lands. The Environmental Analysis Section of the City determined that the scope of this project was categorically exempt under the California Environmental Quality Act. This review included an analysis of potential impacts to environmentally sensitive lands. Since no new development being proposed with this project, there are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands. Future development of the site will have to comply with the regulations of CUP 133 and all the regulations of the Building and Municipal Codes.

- 2. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.**

This Site Development Permit is required due to the presence of environmentally sensitive lands on the property. The 2009 SCR exhibit, SCR No. 421902, illustrates the limit of work for the development. A deviation from the requirement to record a covenant of open space is requested due to the fact that the final phase of the development has not been designed yet. This Tentative Map design also includes a request to deviate from the required minimum street frontage, and side yard setback requirement. The ultimate project will maintain the limit of disturbance set forth on the 2009 SCR exhibit with minor adjustments that will result in no net loss to the remaining environmentally sensitive lands. There is no additional development of the existing facilities with this proposed subdivision map project. These proposed deviations are the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

Planned Development Permit - Section 126.0604

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

In January, 2009, the City Council found the proposed educational campus development to be in substantial conformance with the original CUP, which was first approved back in 1967. The requested Planned Development Permit is simply intended to address deviations to the underlying

RS-1-8 zone, proposed by the four parcel subdivision, as a result of the existing development being clustered towards the center of the property with sole access off one existing main driveway. The property is being subdivided solely for future financing purposes. The project is not proposing any additional development of this facility, thus, it will not adversely affect the Scripps Miramar Ranch Community Plan.

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

The proposed four lot subdivision of a 26.98-acre property is for an existing educational/administrative facility approved under Conditional Use Permit No. 133-PC. This tentative map does not include any additional development of the property. The project proposes to divide one existing parcel into 4-four development parcels in order to facilitate financing for future development of this educational facility. The Environmental Analysis Section of the City determined that the scope of this project was categorically exempt under the California Environmental Quality Act. This review included an analysis of potential impacts to public health, safety and welfare. Since no new development is being proposed with this project, the project will not have a detrimental impact on the health, safety, or welfare of the public. Future development of the site will have to comply with the regulations of CUP 133 and all the regulations of the Building and Municipal Codes.

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

The Chabad Educational Campus was found to be in substantial conformance with the existing CUP by the City Council on January 27, 2009. This proposed project will grant deviations to allow the creation of individual parcels, around the existing campus buildings, for financing purposes of future phases for the existing Hebrew academy. The deviations requested are allowed by the Land Development Code and will not affect the design or character of the approved project.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 1152738 and Planned Development Permit No. 1152951 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1152738 and 1152951, a copy of which is attached hereto and made a part hereof.

Glenn R. Gargas
Development Project Manager

Development Services

Adopted on: August 15, 2013

Job Order No. 24001398

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

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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24001398

**SITE DEVELOPMENT PERMIT NO. 1152738 AND PLANNED DEVELOPMENT
PERMIT NO. 1152951
CHABAD TENTATIVE MAP - PROJECT NO. 228231
PLANNING COMMISSION**

This Site Development Permit and Planned Development Permit is granted by the Planning Commission of the City of San Diego to Friends of Chabad Lubavitch, a California Non-Profit Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0502 and 126.0602. The 26.98-acre site is located at 10785 Pomerado Road, in the RS-1-8 Zone, Airport Influence Area, FAA Part 77 and within the Scripps Miramar Ranch Community Plan area. The project site is legally described as Parcel 2 of Parcel Map No. 7724:

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to subdivide the property with existing educational and administrative facilities to remain into four parcels, with deviations to lot frontage and reduced side yard setback, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated August 15, 2013, on file in the Development Services Department.

The project shall include:

- a. To subdivide a 26.98-acre property into four parcels with existing educational / administrative facilities to remain;
- b. Deviations to lot frontage and reduced side yard setback;
- c. Existing Landscaping (planting, irrigation and landscape related improvements);
- d. Existing Off-street parking;

- e. 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 August 29, 2016.
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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon

Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.

8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

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

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

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

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be

responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

12. This permit shall conform to Tentative Map No. 816754, to the satisfaction of the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

13. Owner/Permittee shall maintain a minimum of six hundred seventy one (671) off-street parking spaces on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

14. The future build-out of the campus shall be reviewed in substantial conformance with the project scope and limit of work approved on Substantial Conformance Review (SCR) No. 421902, Project No. 123607.

15. Minor adjustment or modification to the previously approved development boundary, as shown on Exhibit 'A' for SCR No. 421902, may be considered in the future but shall result in "no net loss" to the Environmentally Sensitive Lands (ESL) located outside of the approved development area.

16. Significant modifications to the previously approved development boundary would require a new SCR processed in accordance with Process Four (Planning Commission as decision-maker) in accordance with permit condition number four of CUP 133, and/or an Amendment to the regulating Conditional Use Permit (CUP) and Site Development Permit (SDP).

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on August 15, 2013 by Resolution No. _____.

PLANNING COMMISSION RESOLUTION NUMBER R-_____

TENTATIVE MAP NO. 816754,
CHABAD TENTATIVE MAP - PROJECT NO. 228231.

WHEREAS, Friends of Chabad Lubavitch, Subdivider, and Leppert Engineering, Engineer, submitted an application to the City of San Diego for a tentative parcel map Tentative Parcel Map No. 816754 for the four lot subdivision, Chabad Tentative Map. The project site is located south of Pomerado Road and west of Avenida Magnifica, at 10785 Pomerado Road, in the RS-1-8 Zone, , the FAA Part 77 Notification Area Overlay Zone, the Airport Influence Area Overlay Zone, and the Residential Tandem Parking Overlay Zone within the Scripps Miramar Ranch Community Plan area.. The property is legally described as Parcel 2, Parcel Map No. 7724; and

WHEREAS, the Map proposes the subdivision of a 26.98-acre-site into four parcels; and

WHEREAS, on July 2, 2013, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act [CEQA] (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15305 (Minor Alternations in Land Use Limitations); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to Subdivision Map Act sections 66490 and 66491(b)-(f) and San Diego Municipal Code section 144.0220; and

WHEREAS, on August 15, 2013, the Planning Commission of the City of San Diego considered Tentative Parcel Map No.816754, and pursuant to San Diego Municipal Code section(s) 125.0440, and Subdivision Map Act section 66428, received for its consideration

written and oral presentations, evidence having been submitted, and testimony having been heard from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Parcel Map No. 816754:

- 1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code § 125.0440(a) and Subdivision Map Action §§ 66473.5, 66474(a), and 66474(b)).**

The proposed four lot subdivision of a 26.98-acre property that contains an existing educational / administrative facility approved under Conditional Use Permit No. 133-PC, which is to remain. This tentative map does not include additional development of the property. The project site is located in the RS-1-8 zone and is designated Open Space by the Scripps Miramar Ranch Community Plan. The educational facility is only allowed through the approved Conditional Use Permit. The proposed subdivision is consistent with the approved Conditional Use Permit No. 133-PC. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan.

- 2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

The proposed four lot subdivision would comply with the development regulations of the underlying RS-1-8 zone and all of the applicable development regulations of the Land Development Code. This project includes a request to deviate from the required minimum street frontage, and side yard setback requirement. Deviations to the applicable development regulations of the Land Development Code are permitted with a Planned Development Permit. There is no further development proposed within the scope of this Tentative Map. The deviations are considered minor, working with the existing development pattern of the facility under the circumstances and determined to be consistent with the purpose and intent of the RS-1-8 zone together with the purpose and intent of the Environmentally Sensitive Lands Regulations which clustered the development onto the more developable portion of the project site.

- 3. The site is physically suitable for the type and density of development (San Diego Municipal Code § 125.0440(c) and Subdivision Map Act §§ 66474(c) and 66474(d)).**

The proposed four lot subdivision of a 26.98-acre property is to a property containing an existing educational / administrative facility approved under Conditional Use Permit No. 133-PC, which is to remain. This tentative map does not include any additional development of the property. The project site is located in the RS-1-8 zone and is designated Open Space by the Scripps Miramar Ranch Community Plan. The educational facility is only allowed through the approved Conditional Use Permit. The proposed subdivision is consistent with the approved Conditional Use Permit No. 133-PC. Therefore, this project will not affect the existing and future surrounding land uses and the site is physically suitable for the type and density under the proposed tentative map project.

- 4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (San Diego Municipal Code § 125.0440(d) and Subdivision Map Act § 66474(e)).**

The proposed four lot subdivision of a 26.98-acre property is to an existing educational / administrative facility approved under Conditional Use Permit No. 133-PC. This tentative map does not include any additional development of the property. This project was determined to be categorically exempt under the California Environmental Quality Act. Therefore, since there is no proposed physical change to the property with this proposal, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- 5. The design of the subdivision or the type of improvement will not be detrimental to the public health, safety, and welfare (San Diego Municipal Code § 125.0440(e) and Subdivision Map Act § 66474(f)).**

The proposed four lot subdivision of a 26.98-acre property is to an existing educational / administrative facility approved under Conditional Use Permit No. 133-PC. This tentative map does not include any additional development of the property. This project was determined to be categorically exempt under the California Environmental Quality Act. Therefore, the design of the subdivision or the proposed improvements would not be detrimental to the public health, safety, and welfare.

- 6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of**

property within the proposed subdivision (San Diego Municipal Code § 125.0440(f) and Subdivision Map Act § 66474(g)).

The proposed four lot subdivision of a 26.98-acre property is to an existing educational / administrative facility approved under Conditional Use Permit No. 133-PC. This tentative map does not include any additional development of the property. The proposed subdivision would maintain the existing public rights-of-ways and general utility easements. Therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. **The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (San Diego Municipal Code § 125.0440(g) and Subdivision Map Act § 66473.1).**

The proposed subdivision of a 26.98-acre parcel into four lots for an existing educational facility does not include any additional development of the property, which will not impede or inhibit any future passive or natural heating and cooling opportunities. The design of the subdivision has taken into account the best use of the land to minimize grading and preserving environmentally sensitive lands. Past Conditional Use Permit approval, along with subsequent Substantial Conformance Review approval have been established for the future construction of the educational facility; however they do not impede or inhibit any future passive or natural heating and cooling opportunities. With the independent design of the proposed subdivision each structure will have the opportunity through building materials, site orientation, architectural treatments, placement and selection of plant materials to provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. **The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (San Diego Municipal Code § 125.0440(h) and Subdivision Map Act § 66412.3).**

The proposed four lot subdivision of a 26.98-acre property is to an existing educational / administrative facility approved under Conditional Use Permit No. 133-PC. This tentative map does not include any additional development of the property. The decision maker has reviewed the administrative record including the project plans, environmental documentation and public testimony to determine the effects of the proposed subdivision on the housing needs of the region and; that those needs are balanced against the needs for public services and the available fiscal and environmental resources and found that the proposed tentative map would affect or negatively impact the housing needs of the Scripps Miramar Community Plan area.

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

BE IT FURTHER RESOLVED, that based on the Findings hereinbefore adopted by the Planning Commission, Tentative Parcel Map No. 816754, hereby granted to Friends of Chabad Lubavitch, subject to the attached conditions which are made a part of this resolution by this reference.

By _____
Glenn R. Gargas, AICP
Development Project Manager
Development Services Department

ATTACHMENT: Tentative Map Conditions

Internal Order No. 24001398

PLANNING COMMISSION
CONDITIONS FOR TENTATIVE PARCEL MAP NO. 816754, CHABAD
TENTATIVE MAP - PROJECT NO. 228231

ADOPTED BY RESOLUTION NO. R-_____ ON AUGUST 15, 2013

GENERAL

1. This Tentative Parcel Map will expire August 29, 2016.
2. Compliance with all of the following conditions shall be completed and/or assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. Prior to the recordation of the Parcel Map, taxes must be paid on this property pursuant to Subdivision Map Act section 66492. To satisfy this condition, a tax certificate stating that there are no unpaid lien conditions against the subdivision must be recorded in the Office of the San Diego County Recorder.
4. This Tentative Parcel Map shall conform to the provisions of Site Development Permit No. 1152738 and Planned Development Permit No. 1152951.
5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding, against the City and/or any Indemnified Parties to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to promptly notify Subdivider of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City and/or any Indemnified Parties harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, City defends the action in good faith, and Subdivider is not required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. Prior to the recordation of the Final Parcel Map, taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
7. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
8. As a condition of approval of this parcel map, access rights to Pomerado Road will be relinquished.
9. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
10. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Map and covered in these special conditions will be authorized. All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

11. Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source shall be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
12. "California Coordinate System" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
13. A Final Parcel Map will be required due the additional lots proposed per the State of California Subdivision Map Act and the San Diego Municipal Code.

14. Prior to the recordation of the Parcel Map taxes must be paid or bonded for this property pursuant to section 66492 of the Subdivision Map Act. A current original tax certificate, recorded in the office of the San Diego County Recorder must be provided to satisfy this condition.
15. The Final Parcel Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WATER / WASTEWATER

16. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.
17. All proposed public water and sewer facilities, including services and meters, must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
18. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any water and sewer facilities.

PLANNING

19. The future build-out of the campus shall be reviewed in substantial conformance with the project scope and limit of work approved on Substantial Conformance Review (SCR) No. 421902, Project No. 123607.

20. Minor adjustment or modification to the previously approved development boundary, as shown on Exhibit 'A' for SCR No. 421902, may be considered by the Subdivider, but shall result in "no net loss" to the Environmentally Sensitive Lands (ESL) located outside of the approved development area, to the satisfaction of Development Services Department.
21. Significant modifications to the previously approved development boundary would require a new SCR processed in accordance with Process Four (Planning Commission as decision-maker) in accordance with permit condition number four of CUP No. 133-PC, and/or an amendment to the regulating Conditional Use Permit (CUP) and Site Development Permit (SDP).

TRANSPORTATION

22. Prior to Final Map Recordation, the subdivider shall provide a shared access agreement between Parcel 1, Parcel 2, Parcel 3 and Parcel 4 to use Chabad Center Driveway.
23. Prior to Final Map Recordation, the subdivider shall provide a shared access agreement between Parcel 2 and Parcel 3 for the use of the driveway between the two parcels.
24. Prior to Final Map Recordation, the subdivider shall provide a shared parking agreement between Parcel 1, Parcel 2, Parcel 3 and Parcel 4.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC § 1531 et seq.).
- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

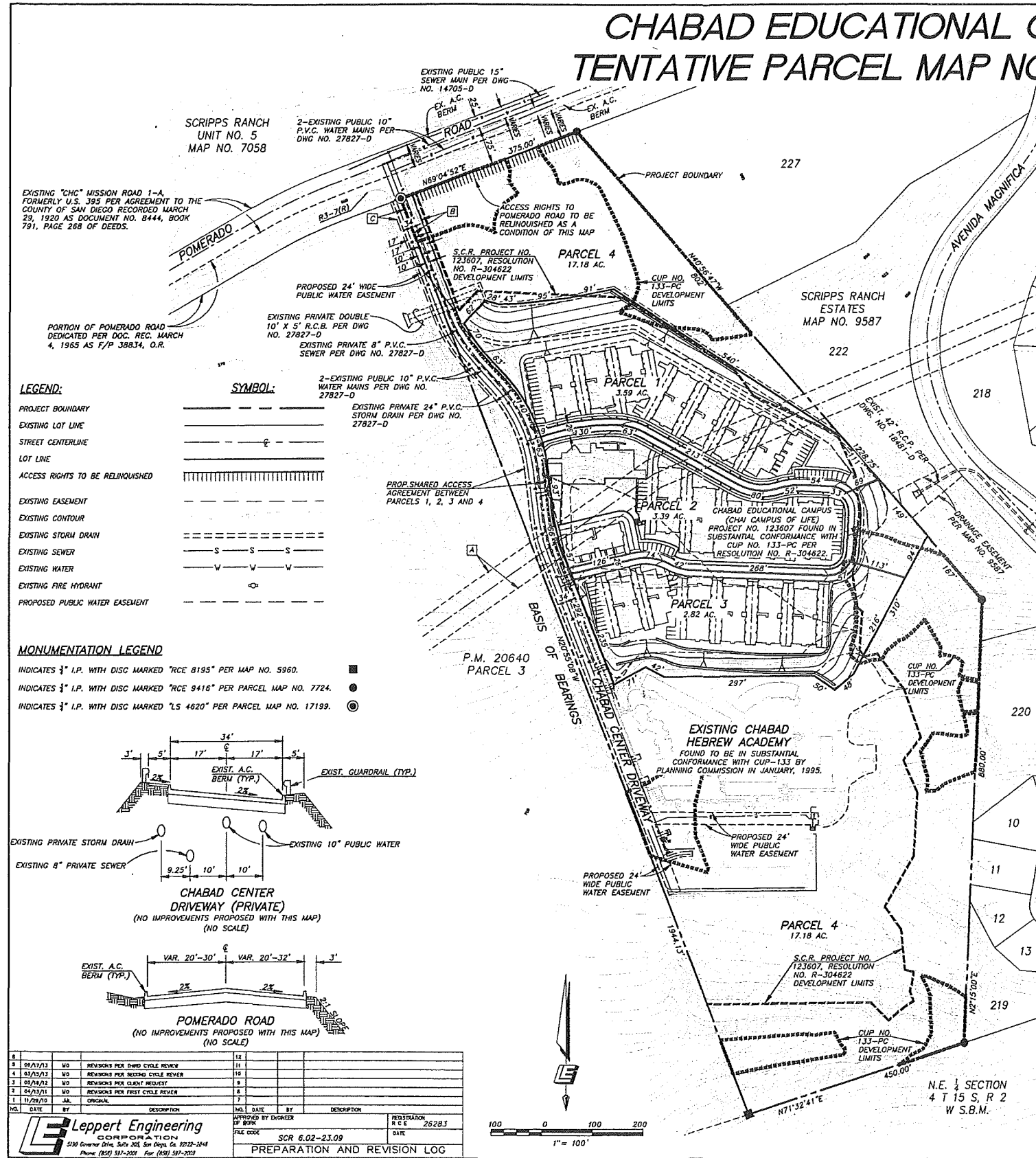
ATTACHMENT 8

- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within ninety days of the approval of this Tentative Map by filing a written protest with the San Diego City Clerk pursuant to Government Code sections 66020 and/or 66021.
- Where in the course of development of private property, public facilities are damaged or removed, the Subdivider shall at no cost to the City, obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer (San Diego Municipal Code § 142.0607).

Internal Order No. 24001398

Project No. 228231
TM No. 816754

CHABAD EDUCATIONAL CAMPUS TENTATIVE PARCEL MAP NO. 816754



LEGEND:

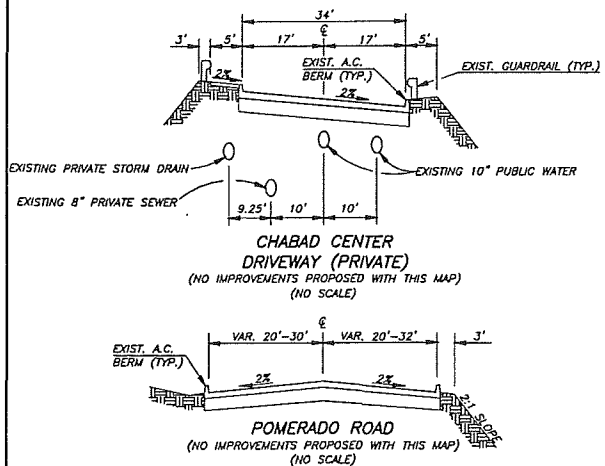
PROJECT BOUNDARY	---
EXISTING LOT LINE	---
STREET CENTERLINE	---
LOT LINE	---
ACCESS RIGHTS TO BE RELINQUISHED	
EXISTING EASEMENT	---
EXISTING CONTOUR	---
EXISTING STORM DRAIN	---
EXISTING SEWER	---
EXISTING WATER	---
EXISTING FIRE HYDRANT	⊕
PROPOSED PUBLIC WATER EASEMENT	---

MONUMENTATION LEGEND

INDICATES 3/4" I.P. WITH DISC MARKED "RCE 8195" PER MAP NO. 5960. ■

INDICATES 1/2" I.P. WITH DISC MARKED "RCE 9416" PER PARCEL MAP NO. 7724. ●

INDICATES 3/4" I.P. WITH DISC MARKED "LS 4620" PER PARCEL MAP NO. 17199. ⊙



NO.	DATE	BY	DESCRIPTION	NO.	DATE	BY	DESCRIPTION
1	04/17/13	WD	REVISIONS PER THIRD CYCLE REVIEW	11			
2	04/17/13	WD	REVISIONS PER SECOND CYCLE REVIEW	10			
3	02/14/12	WD	REVISIONS PER CLIENT REQUEST	9			
4	04/17/11	WD	REVISIONS PER FIRST CYCLE REVIEW	8			
5	11/29/10	JAL	ORIGINAL	7			

Leppert Engineering CORPORATION
 5190 Governor Drive, Suite 205, San Diego, CA 92122-2848
 Phone: (619) 597-2001 Fax: (619) 597-2003

PREPARED BY: SCR 6.02-23.09
 REGISTRATION NO. RCE 2628J
 DATE:

PURPOSE OF MAP:

1. AN EXISTING LOAN, WHICH WAS OBTAINED TO FINANCE THE CONSTRUCTION OF THE CHABAD HEBREW ACADEMY, CURRENTLY ENCUMBERS THE ENTIRE 26.98 ACRES. IN ORDER TO OBTAIN CONSTRUCTION FINANCING FOR THE CHABAD CAMPUS OF LIFE PROJECT, A RELEASE AND PARTIAL RECONVEYANCE OF THE EXISTING LOAN IS REQUIRED. THIS CAN ONLY BE ACCOMPLISHED BY SUBDIVIDING THE PROPERTY.
2. NO NEW DEVELOPMENT IS BEING PROPOSED WITH THIS MAP OVER WHAT HAS ALREADY BEEN APPROVED BY THE CITY.

REQUIRED PARKING:

1. PARKING REQUIRED PER CUP 133 PC = 671 SPACES.
2. PARKING REQUIRED PER CITY OF SD MUNICIPAL CODE = 665 SPACES.
3. PARKING PROVIDED WITH APPROVED PROJECT NO. 123607 = 684 SPACES.

BUILDING STATISTICS:

1. ALLOWABLE BUILDING COVERAGE PER CUP 133-PC (15%) = 176,288 SQ. FT.
2. BUILDING COVERAGE WITH APPROVED PROJECT NO. 123607 = 176,066 SQ. FT.
3. ALLOWABLE FLOOR AREA RATIO FOR RS-1-B ZONE = 0.45.
4. GROSS FLOOR AREA WITH APPROVED PROJECT NO. 123607 = 425,655 SQ. FT.
5. FLOOR AREA RATIO WITH APPROVED PROJECT NO. 123607 = 0.36.

EXISTING UTILITIES:

1. EXISTING PRIVATE 8" P.V.C. SEWER PER DWG NO. 27827-D.
2. TWO EXISTING PARALLEL PUBLIC 10" P.V.C. WATER MAINS PER DWG NO. 27827-D.
3. EXISTING PRIVATE 24" P.V.C. STORM DRAIN PER DWG NO. 27827-D.

OVERHEAD ELECTRICAL UTILITIES:

ALL ELECTRICAL UTILITIES ARE CURRENTLY UNDERGROUND. ALL NEW ELECTRICAL FACILITIES WILL BE INSTALLED UNDERGROUND.

EASEMENTS:

- A 60' WIDE ROAD AND UTILITY EASEMENT GRANTED TO THE UNITED STATES OF AMERICA PER DOC. REC. APRIL 19, 1965 AS INSTRUMENT NO. 89053, O.R.
- B ACCESS EASEMENT GRANTED TO ALLIANT INTERNATIONAL UNIVERSITY PER DOC. REC. NOVEMBER 19, 2007 AS FILE NO. 2007-0725927, O.R.
- C ACCESS EASEMENT GRANTED TO FRIENDS OF CHABAD LUBAVITCH SAN DIEGO PER DOC. REC. NOVEMBER 19, 2007 AS FILE NO. 2007-0725927, O.R.

THE FOLLOWING EASEMENT HAS NO LOCATION DEFINED IN SAID RECORD DOCUMENT AND CANNOT BE PLOTTED ON THIS MAP:

EASEMENT TO SAN DIEGO GAS AND ELECTRIC COMPANY PER DOC. REC. JULY 8, 1996 AS FILE NO. 1996-0339459, O.R.

PRIOR DEVELOPMENT APPROVALS:

- 1967 - CONDITIONAL USE PERMIT NO. 133-PC GRANTED TO UNITED STATES INTERNATIONAL UNIVERSITY (USIU).
- 1972 - CUP 133-PC AMENDMENT NO. 1 APPROVED.
- 1976 - CUP 133-PC AMENDMENT NO. 2 APPROVED.
- 1994 - RESOLUTION NO. R-384501 DETERMINES THAT CHABAD DOES NOT REQUIRE A NEW CONDITIONAL USE PERMIT.
- 1995 - SUBSTANTIAL CONFORMANCE REVIEW APPROVED BY PLANNING COMMISSION FOR CHABAD K-12 PRIVATE SCHOOL.
- 2003 - CUP 12245 GRANTED TO CHABAD FOR PRESCHOOL AND DAYCARE FACILITY. RECORDED NOV. 26, 2003 AS FILE NO. 2003-1418425.
- 2009 - RESOLUTION NO. R-304622 APPROVING SUBSTANTIAL CONFORMANCE REVIEW.
- 2009 - RESOLUTION NO. R-304623 APPROVING WAIVER OF INCLUSIONARY AFFORDABLE HOUSING REGULATIONS.
- 2010 - CUP 591219 APPROVING CHABAD HEBREW ACADEMY PRESCHOOL/DAYCARE PROJECT NO. 164949.

REQUIRED DEVELOPMENT APPROVALS:

- TENTATIVE PARCEL MAP (TPM)
- PLANNED DEVELOPMENT PERMIT (PDP)

PROPOSED DEVIATIONS TO THE RS-1-B ZONE:

- MINIMUM SIDE YARD SETBACKS ARE REDUCED FROM 10' TO 5'.
- MINIMUM STREET FRONTAGE FOR PARCELS 1, 2, AND 3.

ACCESS

- ACCESS TO ALL FOUR PARCELS SHALL BE BY WAY OF CHABAD CENTER DRIVE. AN EXISTING FULLY IMPROVED, 34-FOOT WIDE PRIVATE DRIVEWAY THAT INTERSECTS WITH POMERADO ROAD. A THREE-WAY TRAFFIC SIGNAL IS CURRENTLY OPERATING AT THIS INTERSECTION.
- AN ACCESS EASEMENT SHALL BE GRANTED TO PARCELS 1, 2, AND 3 TO OBTAIN ACCESS TO CHABAD CENTER DRIVEWAY.
- ACCESS RIGHTS TO POMERADO ROAD SHALL BE RELINQUISHED AS SHOWN HEREON.

ENGINEER:

LEPPERT ENGINEERING CORPORATION
 5190 GOVERNOR DRIVE, SUITE 205
 SAN DIEGO, CA 92122

BY: "FOR REVIEW PURPOSES ONLY" DATE: _____
 JOHN D. LEPPERT RCE 2628J



EXISTING LEGAL DESCRIPTION:
 PARCEL 2 OF PARCEL MAP NO. 7724, 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, AUGUST 18, 1978.

ASSESSOR'S PARCEL NO.:
 364-102-18-00

OWNER/APPLICANT:
 FRIENDS OF CHABAD LUBAVITCH SAN DIEGO INC.
 10785 POMERADO ROAD
 SAN DIEGO, CA 92131
 PHONE: (619) 547-0076

SITE ADDRESS:
 10785 POMERADO ROAD
 SAN DIEGO, CA 92131

ZONING INFORMATION:
 COMMUNITY PLAN: SCRIPPS MIRAMAR RANCH COMMUNITY PLAN AREA
 BASE ZONE: RS-1-B
 OVERLAYS: AIRPORT INFLUENCE AREA
 BRUSH ZONES
 BRUSH ZONES WITH 300 FT BUFFER
 RESIDENTIAL TANDEM PARKING
 SENSITIVE BIOLOGIC RESOURCES
 STEEP HILLSIDES
 100-YR FLOOD PLAIN
 GEOLOGIC HAZARD CATEGORIES:
 J2, S2, S3

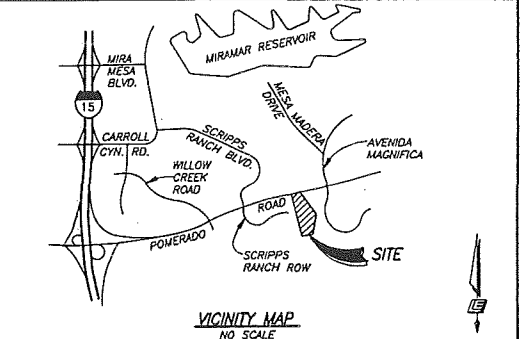
BENCHMARK:
 BRASS PLUG IN THE TOP OF INLET (WEST SIDE) ON WILLOW CREEK ROAD AT POMERADO ROAD (NORTHWEST CORNER)
 ELEVATION: 520.352 M.S.L.
 DATUM: MEAN SEA LEVEL (NGVD 29)
 SOURCE: SAN DIEGO VERTICAL CONTROL MANUAL

BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS MAP IS THE WESTERLY LINE OF PARCEL MAP NO. 7724 FILED IN THE OFFICE OF THE COUNTY RECORDER AUGUST 18, 1978, I.E. N20°55'08"W.

TOPOGRAPHY SOURCE:
 AERIAL SURVEY PERFORMED BY:
 SAN-LO AERIAL SURVEYS
 4875 WENWIDGE AVENUE
 SAN DIEGO, CA 92111
 DATE TAKEN: AUGUST 1999

GROSS SITE AREA:
 26.98 ACRES

DEVELOPMENT SUMMARY:
 1. EXISTING NUMBER OF PARCELS: 1
 2. PROPOSED NUMBER OF PARCELS: 4



PREPARED BY:
 NAME: LEPPERT ENGINEERING CORPORATION
 ADDRESS: 5190 GOVERNOR DRIVE, SUITE 205
 SAN DIEGO, CALIFORNIA 92122-2848
 PHONE #: (619) 597-2001

PROJECT ADDRESS:
 10785 POMERADO ROAD
 SAN DIEGO, CA 92131

PROJECT NAME:
 CHABAD EDUCATIONAL CAMPUS

SHEET TITLE:
 TENTATIVE PARCEL MAP (TPM) NO. 816754
 PLANNED DEVELOPMENT PERMIT (PDP) NO.
 SITE DEVELOPMENT PERMIT (SDP) NO.

REVISION 14:	_____
REVISION 13:	_____
REVISION 12:	_____
REVISION 11:	_____
REVISION 10:	_____
REVISION 9:	_____
REVISION 8:	_____
REVISION 7:	_____
REVISION 6:	_____
REVISION 5:	_____
REVISION 4:	06-17-13
REVISION 3:	03-15-13
REVISION 2:	05-16-12
REVISION 1:	04-13-11

ORIGINAL DATE: 10-29-10

SHEET 1 OF 1

PTS# 228231

Beight

RESOLUTION

*Part VII-13
1266-17372
2001 1001 M...
6-1-40
3-31-47*

CONDITIONAL USE PERMIT - CASE NO. 133-PC

WHEREAS, Conditional Use Permit No. 133-PC has been considered by the Planning Commission of the City of San Diego, California, and the Planning Commission has conducted a public hearing on this request of UNITED STATES INTERNATIONAL UNIVERSITY, Owner, to construct and operate a University with related incidental uses, located on the south side of Pomerado Road, approximately one mile east of U.S. Highway 395, being a portion of Sections 3 and 4, T15S, R2W, S.B.B.M., in the Interim R-1-5 zone; and

WHEREAS, the Planning Commission has made the following Findings of Fact in relation thereto:

1. That the proposed use at the particular location is desirable to provide a facility which will contribute to the general well-being of the community because it will satisfy a need for additional educational facilities.
2. That such use under the circumstances of this particular case will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because the conditions imposed will insure the University will be compatible with the surrounding development.
3. That the proposed use will comply with all governmental regulations and conditions specified in the Municipal Code for such use because of the conditions imposed.
4. That the granting of this conditional use will not adversely affect the master plan of the City or the adopted plan of any governmental agency because of the conditions imposed.

NOW, THEREFORE, BE IT RESOLVED, By the City Planning Commission of San Diego, California, that permission is hereby granted to UNITED STATES INTERNATIONAL UNIVERSITY, Owner, to construct and operate a University with related incidental uses at the above-mentioned location, under the following conditions:

1. The University shall be used for one or more self-contained campuses, including housing for students and faculty. The number of full-time or equivalent students on the property shall not exceed approximately 6,000 in addition to faculty and staff.
2. Prior to issuance of any building permit a tentative subdivision map shall be filed on the entire property and a final subdivision map or maps be recorded.
3. Prior to issuance of any building permit on any phase of development as shown by number on approved Exhibit "A", a plot plan for the entire phase shall be submitted to the Planning Commission for approval.
4. Prior to the issuance of any building permits, complete building plans, (including signs) shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" on file in the office of the Planning Department and the plot plan required in 3 above. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require a deviation.

5. Prior to occupancy of any building in any phase as noted by number on Exhibit "A", complete landscape plans including sprinkler systems for the entire phase shall be submitted to the Planning Director for approval.

6. Building Development Standards:

A. Buildings shall not cover more than 15 per cent of the total area of the property.

B. No building shall be closer than 50 feet to any property line.

C. No parking area, playfield or other facility or structure, except fences, access roads, drainage facilities, utilities, entrance gates and identification signs, shall be closer than 20 feet to any property line.

D. No fence along or within 20 feet of any property line shall exceed 6 feet in height.

E. Access roads into the property from Pomerado Road shall not exceed four in number, and their location and the design of the intersection with Pomerado Road shall be subject to approval by the City Engineer.

F. Entrance gates and identification signs shall not exceed one each at each approved entrance to Pomerado Road, and their size and design shall be subject to approval by the Planning Director.

G. A public sewer system and a public water system shall be installed at the applicant's expense at the direction of the Utilities Director.

7. Parking Development Standards:

A. Automobile parking on the property shall be provided at a minimum ratio of 4 spaces for each 9 resident students and 1 space for each 1 non-resident student. The minimum ratio for faculty and staff shall be 1 space for each faculty and staff. The basis for determining the number of parking spaces required at any time shall depend upon the number of students enrolled and faculty-staff employed at the time of start of construction of any particular phase. The ratio for parking requirements may be reviewed and modified by the Planning Commission prior to the construction of any particular phase.

B. Parking spaces and aisles shall conform to Planning Department standards except as may be modified by the City Engineer to allow for smaller parking spaces for compact cars.

C. Required parking areas shall be provided on the subject property in the approximate locations shown on Exhibit "A".

D. Parking areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent, and each parking space shall be adequately marked including wheel stops within designated parking lots.

8. Street Development Standards:

A. The improved paved width of the primary circulation streets with parking lanes shall be 40 feet; of secondary streets with parking lanes, 36 feet.

B. The improved paved width of primary and secondary circulation streets and service roads without parking lanes shall be as determined by the City Engineer.

C. The type of improvements shall be determined by the City Engineer.

D. A primary street from Pomerado Road shall be installed within three years of the effective date of this permit.

E. A primary or secondary street shall be installed to provide street frontage for each phase prior to occupancy of any building constructed in that phase.

9. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

10. Construction and operation of the proposed use shall comply at all times with the regulations and requirements of this and other governmental agencies.

If any condition of this grant is violated, or if the same be not complied with in every respect, this conditional use permit shall be subject to revocation; provided, however, that within ten days after being notified in writing by the City that a condition has been violated and that subject conditional use permit is null and void an appeal may be filed with the Planning Commission to show cause why subject permit should be reinstated.

That permission granted by this Conditional Use Permit shall become effective and final on the eleventh day after it is filed in the Office of the City Clerk, unless a written appeal is filed within ten (10) days after such filing in the Office of the City Clerk.

Any Conditional Use Permit, or extension of time, granted by the City shall be null and void, and shall be revoked automatically one year after its effective date, unless the use and/or construction permitted is commenced before said time expires, in accordance with Municipal Code Section 101.0506.

CITY PLANNING COMMISSION
City of San Diego, California

By J. R. Quivey
J.R. Quivey, Senior Planner

DATE: March 15, 1967

FILED IN OFFICE OF CITY CLERK

March 16, 1967

RIGHT OF APPEAL EXPIRES 10 DAYS AFTER ABOVE DATE.

CONDITIONAL USE PERMIT NO. 133-PC

PART 2 - EXHIBIT "A"

ESTIMATED CAPACITY OF PROJECTED FACILITIESUNITED STATES INTERNATIONAL UNIVERSITYCAMP ELLIOTT CAMPUSWest Portion of Campus

- Phase 1. Women's Physical Education facilities to accommodate from 1,000 to 1,500 students (gymnasium, playing fields, tennis courts).
2. Residence Halls to accommodate 1,250 persons with related facilities including lounges and pools, etc.
3. Administration facilities to accommodate a staff of 50 persons.
4. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, and related facilities.)
5. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,050 students and related faculty offices.
6. Classroom facilities to accommodate from 300 to 400 students with related faculty offices.
7. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related faculty.
8. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
9. Chapel to accommodate 1,000 persons.
10. Dining Hall and Student Commons to accommodate the needs of a student body of 3,000.
11. Classroom facilities to accommodate from 600 to 800 students with related faculty offices.
12. Auditorium to accommodate 1,200 persons.
13. Maintenance and shop facilities to serve a campus of 3,000 students.
14. Residence Halls to accommodate 1,250 persons with related facilities including lounge and pool, etc.
15. Men's Physical Education field house to accommodate up to 3,000 students together with playing fields and related outdoor facilities for 1,500 students.

East Portion of Campus

- Phase 16. Men's Physical Education playing field and related outdoor facilities for 1,500 students.
17. Women's Physical Education facilities to accommodate 1,500 students (gymnasium, playing field and related facilities).
18. Residence Halls to accommodate 1,250 persons with related facilities including lounges and pool, etc.
19. Science classroom, laboratory and lecture hall facilities to accommodate from 650 to 1,000 students and related faculty offices.
20. Library facilities to accommodate the needs of a student body enrollment of 3,000 students (450,000 volumes, audio-visual equipment, etc.)
21. Fine Arts facilities to accommodate from 200 to 300 students (outdoor drama area, classroom and workshop building) and related faculty.
22. Student Commons and Dining Hall facilities to accommodate 3,000 students.
23. Chapel to accommodate 800 persons.
24. Classroom facilities to accommodate from 1,500 to 2,000 students with related faculty offices.
25. Maintenance facilities and shop to serve campus of 3,000 students.
26. Research center with research laboratories, offices and library to accommodate a staff of 100 persons.
27. Administration facilities to accommodate a staff of 50 persons.
28. Residence Halls to accommodate 600 persons with related facilities including lounges and pool, etc.
29. Residence Halls to accommodate 650 persons with related facilities including lounges and pool, etc.
30. Educational training center with facilities to accommodate 300 students.
31. Married student housing to provide residences for 300 married students and their families.
32. Faculty housing to provide residential accommodations for 50 families.

(R-95-292)
Corrected copy

RESOLUTION NUMBER R- 284501

ADOPTED ON AUG 08 1994

WHEREAS, in March 1967, the Planning Commission approved a conditional use permit (CUP) for United States International University (USIU) to construct a campus on approximately 435 acres in the Scripps Ranch area for a maximum of 6,000 full time equivalent students; and

WHEREAS, USIU thereafter constructed and has operated a university on a portion of the CUP area; and

WHEREAS, an approximately 27-acre portion of the CUP area has gone into separate ownership from USIU and Friends of Chabad-Lubavich San Diego, Inc. (Chabad) has indicated its intent to purchase the approximately 27-acre parcel and develop and operate a kindergarten through twelfth grade private school and a rabbinical seminary; and

WHEREAS, Chabad has indicated that it plans to develop buildings on the property in substantially the same manner as was approved for the USIU facilities on the approximately 27-acre parcel; and

WHEREAS, the USIU facilities approved for the parcel included a law school and other university educational facilities; and

WHEREAS, Chabad and USIU intend to record an agreement as to the allocation of students between the 27-acre parcel portion of the CUP and the balance of the acreage; and

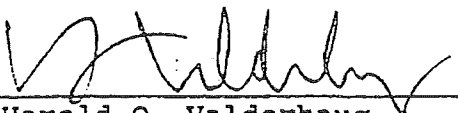
WHEREAS, Chabad approached City staff and the City Manager to seek a determination that its proposed facilities, i.e., a kindergarten through twelfth grade private school plus a "Yeshiva" (rabbinical seminary) accommodating a maximum of 800 full time equivalent students is in substance the same use previously approved under the CUP, therefore negating any need for a new CUP or CUP amendment; and

WHEREAS, the City Attorney supports a determination that the proposed Chabad use is substantively the same as the university use approved under the USIU conditional use permit provided; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that having heard all public testimony relating to the above proposal and having reviewed the City Manager's report, the City Council hereby determines that the use as described in the Manager's report which is proposed by Chabad is in fact substantively the same as the university use approved by the City and that therefore no new conditional use permit or amended conditional use permit will be required for such proposed development and use.

APPROVED: JOHN W. WITT, City Attorney

By



 Harold O. Valderhaug
 Chief Deputy City Attorney

HOV:ps
 08/05/94 COR.COPY
 Or.Dept:Mgr.
 R-95-292
 Form=r-t

RESOLUTION NUMBER R-304622

DATE OF FINAL PASSAGE JANUARY 27, 2009

A RESOLUTION STATING THAT THE CHABAD
EDUCATIONAL CAMPUS, PROJECT NO. 123607, IS IN
SUBSTANTIAL CONFORMANCE WITH CONDITIONAL USE
PERMIT NO. 133-PC.

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee, filed an application with the City of San Diego for a substantial conformance review to expand and develop Chabad's existing campus with a high school, college, sport facilities, and 280 on-campus housing units on an approximately 27-acre site known as the Chabad Educational Campus Substantial Conformance Review project, located at 10785 Pomerado Road, and legally described as Parcel 2, of Parcel Map No. 7724, in the County of San Diego, State of California, filed in the Office of the County Recorder of San Diego, August 18, 1978, in the Scripps Miramar Ranch Community Plan area; and

WHEREAS, an approximately 27-acre portion of the Conditional Use Permit [CUP] area is in separate ownership from United States International University [USIU] and Friends of the Chabad Lubavitch San Diego, Inc. has indicated its intent to expand the existing Chabad Campus to develop and operate a high school, college, sport facilities, and on-campus housing units consisting of two institutional use buildings, a two-story university building, a sports complex building, sports field, tennis court, swimming pool/spa, and 280 housing units with below grade parking structures for students and faculty of Chabad; and

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., has indicated that it plans to construct within the same development footprint in substantially same manner as was approved for the USIU facilities on the approximately 27 acre parcel; and

WHEREAS, the USIU facilities approved for the parcel included academic facilities, housing for students and faculty, off-street parking, physical educational playing fields and related outdoor facilities, and other incidental accessory uses; and

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee, has entered into a Memorandum of Understanding with the Scripps Ranch Planning Group, as herein approved Exhibit "A," whereby Owner/Permittee agrees to use best efforts to implement twenty-six items in exchange for the Planning Group's recommendation to approve the Chabad Educational Campus Substantial Conformance Review project; and

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee, shall record a grant deed restriction upon the property stipulating that should the use of the on-campus housing be changed to non-campus uses, the full multi-family residential Facilities Benefit Assessment rate shall go into effect and Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee shall in addition pay \$2.0 million in penalties for the conversion; and

WHEREAS, Friends of the Chabad Lubavitch San Diego, Inc., Owner/Permittee, shall pay \$3.9 million into the community's Facilities Benefit Assessment; and

WHEREAS, Conditional Use Permit No. 133-PC Amendment requires Planning Commission to approve a plot plan for the entire phase prior to issuance of any building permit; and

WHEREAS, on August 8, 1994, the Council of the City of San Diego, determined Chabad's kindergarten through twelfth grade plus 'Yeshiva' (rabbinical seminary) accommodating a maximum of 800 full time students is in fact substantively the same university as approved under the USIU Conditional Use Permit and therefore, the Chabad Educational Campus, an approximately 27-acre site at 10785 Pomerado Road, is vested under USIU Conditional Use Permit No. 133-PC Amendment; and


WHEREAS, on September 18, 2008, the Planning Commission of the City of San Diego considered the substantial conformance of the proposed Chabad Educational Campus with Conditional Use Permit No. 133-PC as amended, and pursuant to Resolution No. 4451-PC voted to recommend City Council approval of the substantial conformance; 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 was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on January 27, 2009, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT FURTHER RESOLVED, that the proposed Chabad Educational Campus, as shown on the approved Substantial Conformance Review Exhibit "A," is in substantial conformance with Conditional Use Permit No. 133-PC as amended.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

SRE:KB:pev
10/10/08
05/05/09 COR.COPY
Or.Dept:DSD
R-2009-450
MMS #6893

Passed by the Council of The City of San Diego on JAN 27 2009, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 27 2009.

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By  Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 304622

RESOLUTION NUMBER R-304623

DATE OF FINAL PASSAGE JANUARY 27, 2009

A RESOLUTION APPROVING WAIVER FROM THE
REQUIREMENTS OF THE INCLUSIONARY AFFORDABLE
HOUSING REGULATIONS ORDINANCE – CHABAD
EDUCATIONAL CAMPUS – PROJECT NO. 123607.

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

WHEREAS, pursuant to San Diego Municipal Code Section 142.1305(e), Friends of Chabad Lubavitch San Diego, Inc. requests a Wavier from the application of the Inclusionary Affordable Housing Regulations Ordinance for its proposal to construct 280 units of on-campus housing for students, married students and faculty, in support of the build-out and completion of its educational campus consistent with City Council Resolution Numbers R-284501 and R-304622 and Conditional Use Permit No. 133-PC; and

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

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

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

WHEREAS, 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 was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on January 27, 2009, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it agrees with following conclusions with respect to the Waiver from the requirements of the Inclusionary Affordable Housing Regulations Ordinance and finds that there is no reasonable relationship between the impact of the Chabad development and the inclusionary requirement of the Ordinance:

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

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

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

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

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

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

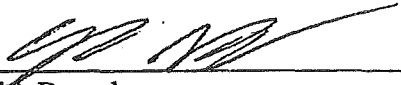
6. Friends of Chabad Lubavitch San Diego, Inc. has agreed to the placement of a deed restriction on the Chabad property that would require compliance with the Inclusionary Affordable Housing Regulations Ordinance if the on-campus student housing is ever converted to anything other than student housing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

BE IT FURTHER RESOLVED, that the Waiver from the requirements of the Inclusionary Affordable Housing Regulations Ordinance for the Chabad Educational Campus,

Project No. 123607, is granted to Friends of Chabad Lubavich San Diego, Inc., Owner/Permittee,
under the terms and conditions set forth in the Waiver incorporated herein by reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Keith Bauerle
Deputy City Attorney

SRE:KB:pev
10/10/08
05/05/09 COR.COPY
Or.Dept:DSD
R-2009-451
MMS #6893

Passed by the Council of The City of San Diego on JAN 27 2009, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

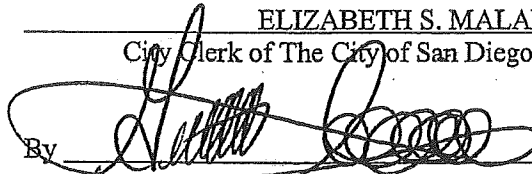
Date of final passage JAN 27 2009

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 304623

Scripps Miramar Ranch Planning Group

<http://www.scrippsranchplanning.blogspot.com>

MEETING AGENDA

Thursday, May 2, 2013 at 7:00 p.m.

Scripps Ranch Community Library - Community Room
10301 Scripps Lake Drive, San Diego, CA 92131

(858) 538-8158

- I. Welcome!
 - A. Call to order: 7:02pm
 - B. Roll Call: Scott Hilberg, Todd Phillips, Bob Petering, John Lyons, Marc Sorensen, Tamar Silverstein, John Lowe, Karen Ringel, Gwen Bandt, Mike Asaro, Bob Ilko, Wally Wulfeck, Elizabeth Hansen, Gordon Boerner, Stan Williams, Dan Buell,
Absent: Julie Ellis, Marvin Miles, Bob Petering, Paul Vaughan,
 - C. Modifications to Agenda: Olive Trees in Scripps Ranch added to agenda

- II. Non-Agenda Public
Comment (None)

- III. Announcements
 - A. Councilman Mark Kersey (T. Vinson)
Ongoing Council meetings concerning budgets, Fires have started in Southern Cal, be aware of defensible space, new policy for project requests from communities and training to be included in the CIP to begin in July each year.
 - B. Congressman Scott Peters (S. Benton) Not present
 - C. Assembly member Brian Maienschein
 - i. AB8186 to help spouses with license from other states grant 18 month extension of license to remain employed and give
 - ii. AB8216 Foster children in high school –many aren't graduating with a diploma due to moving, trying to use CA standard for high school diploma instead of individual school requirements.
 - iii. AB846 5wants to require Criminal Background Checks for Youth Sports Team Coaches, Adult supervisors, etc.
 - D. Miramar Ranch North Planning Committee (D. Steiner) No update
 - E. MCAS Miramar Update (J. Lias)
Air show is still on although the Blue Angels will not be present
 - F. CalTrans Update (G. Fong) Not present

- IV. Information Reports, Presentations & Discussion
 - A. YMCA update and introduction of new Executive Director –
Mark Thompson/Claudia
A daycamp will be starting soon ,sports camps have been going on all year. Looking at conceptual designs, fundraising. Suggestion to add YMCA information on SRCA website and newsletter. Will have to find a new location for sports teams.
 - B. Chairperson's Report (W. Wulfeck)

- i. COW training required online or in class, see handout for times/date.
 - ii. Ilko and Wulfeck attended Planning Commission on 11 April 13 in support of The Glen at Scripps Ranch, vote passed unanimously to define this project as institutional.
 - iii. Civic San Diego (formerly CCDC) is looking to circumvent Community Plans in order to expedite projects, learn more about this and more at VOSD.com
 - iv. Councilman Kersey Library meeting was successful and attended by Ilko/Wulfeck.
- C. Possible SRPG Position on Watermark

Watermark is not under the SRPG area but will be impacted by traffic. The SRCA submitted 75 comments to the plan. Since this is a regional shopping center the question was raised if SRPG want to take a position on this project? The SRPG Rec Council unanimously came out with a position, that perhaps Watermark can support our parks and would need SRPG's support for it. The project encompasses a Title change and land zoning change, and will take the traffic flow from 6400 cars to 21,000 cars per day, (Kaiser ADT's was about 17,000 cars per day). This project would impact significantly on traffic in Scripps Ranch. The comment period has closed on the EIR, but SRPG can still take up a position. Add to June and or July agenda, request a presentation at SRPG asap.

D. Olive Trees (B. Ilko) SRCA hired a third party, certified arborist found 61 Olive trees within 4 groves, where the Olive Trees were identified by age and monetary value. The groves are located mainly on the right side of the street near the old Vons across from Starbucks (Aviary Drive). Preservation Grove status may be awarded to these trees. The next step is Forest Advisory Board meeting on 13 May 13 for a recommendation, then to the City Arborists and a couple others whom will be making the final decision. We'll schedule SRPG action on the next agenda, to get support for this project.

V. Action Items

A. Fairbrook Rd. Traffic Calming (Ken Derry)

Propose to add a traffic calming device just east of new development to help control traffic flow going down Fairbrook Road. The 17 new homes will become a part of the current Chantemar HOA. Speed survey has been requested. 14 homes have been sold, 3 remain up for sale.

Motion/2nd: Lyon/Phillips 'to form a Adhoc subcommittee to study the data from the traffic study' Discuss Speed mitigation, possible or not 4 way stop sign, clarify that no speed humps allowed, and other pertinent issues.

Vote: yes=Unanimous 15-0-0 Volunteers Ilko, Ringel, K. Derry, J. Lyons

B. Speed Increase on Stonebridge Parkway

Results of traffic survey went to all SRPG members, recommendation came in that the speed limit be raised to 45mph due to majority of cars were going faster than posted limit (85% were going 51mph) this data was generated in 2009. If we don't raise the limit, it can not be radar enforced.

Motion/2nd: Ilko/Sorensen 'to form an Adhoc committee'.

Vote: yes=Unanimous 15-0-0 Volunteers, Sorensen, Ilko, Jan Kane, Kim Knox, Gina Manos

Would like to know traffic generation data now vs. in 2009 even though a traffic study is just a sampling of only 100 cars, SRPG will request a delay in order to get input from the community.

C. Chabad Tentative Map

Number of units will be reduced from 280 units to 228 units of 1, 2, and 3 bedroom units. ~460 bedrooms in first phase which is 80% 2bedrooms, 10% 1bedroom, 10% 3 bedrooms.

Vote: Yes = 14-1-0 Passed

Motion/2nd: Ilko/Silverstein





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

Ownership Disclosure Statement

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

Chabad Educational Campus

Project No. For City Use Only

228231

Project Address:

10785 Pomerado Road, San Diego, CA 92131

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. 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.

Additional pages attached Yes No

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Name of Individual (type or print): _____

Owner Tenant/Lessee Redevelopment Agency

Street Address: _____

City/State/Zip: _____

Phone No: _____ Fax No: _____

Signature : _____ Date: _____

Project Title: Chabad Educational Campus	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, 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 names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. 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. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
Friends of Chabad Lubavitch San Diego, Inc.

Owner Tenant/Lessee

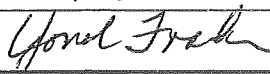
Street Address:
10785 Pomerado Road

City/State/Zip:
San Diego, CA 92131

Phone No: _____ Fax No: _____
(858) 547-0076

Name of Corporate Officer/Partner (type or print):
YONAH FRAOKIN

Title (type or print):
PRESIDENT

Signature :  Date: 11/30/2010

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : _____ Date: _____

CHABAD TENTATIVE MAP
Project No. 228231
Project Chronology

Date	Action	Description	City Review Time	Applicant Response
1/03/11	Applicant submits initial plans/Deemed Complete	Project plans distributed for City staff review.	1 day	
2/28/11	First Assessment Letter	First Assessment Letter identifying required approvals and outstanding issues provided to applicant.	1 Month 25 Days	
4/25/11	Resubmitted revised plans	Distributed plans for staff review.		1 Month 25 Days
5/26/11	Second Assessment Letter	Letter identifying remaining issues.	1 Month 1 Day	
3/19/13	Resubmitted revised plans	Distributed plans for staff review.		21 Months 19 Days
5/29/13	Issues Resolved	Issues cleared – need CEQA Determination.	1 Month 10 Days	
7/02/13	CEQA Exemption	CEQA Determination made.	1 Month 3 Days	
8/15/13	Planning Commission Hearing	Public Hearing	1 Month 12 Days	
TOTAL STAFF TIME		Averaged at 30 days per month	6 Months 21 Days	
TOTAL APPLICANT TIME		Averaged at 30 days per month		23Months 14 Days
TOTAL PROJECT RUNNING TIME			30 Months, 5 Days	