

(R-2009-525) 335A
COR. COPY.4 11/18/08
MEET

RESOLUTION NUMBER R- 304442

DATE OF FINAL PASSAGE NOV 18 2008

WHEREAS, on February 8, 2008, ASN Mission Gorge LLC, A Delaware Limited Liability Company submitted an application to Development Services Department for a Community Plan Amendment, Rezone, Easement Abandonment, Vesting Tentative Map, and Site Development Permit; and

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

WHEREAS, the issue was heard by the City Council on NOV 18 2008; and

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

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Environmental Impact Report No. 142570 / SCH No. 2008021145; NOW, THEREFORE,

BE IT RESOLVED, by the City Council that it be, and it is hereby certified, that Environmental Impact Report No. No. 142570 / SCH No. 2008021145, in connection with the Community Plan Amendment, Rezone, Easement Abandonment, Vesting Tentative Map, and Site Development Permit / Project No. 142570 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Administrative Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego

as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council.

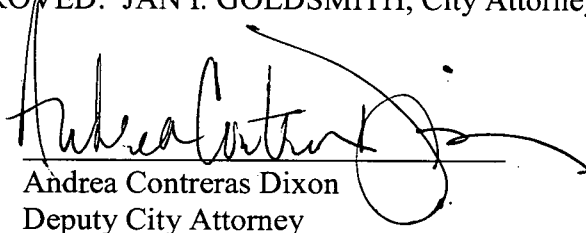
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code Section 21081 and Administrative Code Section 15091, the City Council hereby adopts the Findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Administrative Code Section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Andrea Contreras Dixon
Deputy City Attorney

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R-2009-525
MMS#5977

ATTACHMENT(S): Exhibit A, Findings
Exhibit B, Statement of Overriding Considerations
Exhibit C, Mitigation Monitoring and Reporting Program

EXHIBIT A

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA, Section 21081) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects unless such public agency makes one or more of the following findings:

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

CEQA Guidelines Section 15091(b) also requires that the findings be supported by substantial evidence in the record. Pursuant to CEQA Guidelines Section 15384, substantial evidence means enough relevant information and/or reasonable inferences based upon facts have been provided that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicated on facts, and expert opinion supported by facts.

CEQA Guidelines further require the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (CEQA Guidelines, Section 15093(a)). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the final EIR and /or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record, and does not substitute for, and shall be in addition to, findings required pursuant to Section 15091 (CEQA Guidelines, Sections 15093(b) and (c)).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decision making body. The Environmental Analysis Section does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

**Candidate Findings and Statement of Overriding Considerations
Regarding the Final Environmental Impact Report for
Archstone - Mission Gorge
Community Plan Amendment, Rezone, Easement Abandonment,
Site Development Permit, and Vesting Tentative Map
(September 24, 2008)**

INTRODUCTION

The City of San Diego proposes to approve the Archstone - Mission Gorge Community Plan Amendment/General Plan Amendment, Rezone, Site Development Permit, and Vesting Tentative Map. Approval of the project Final Environmental Impact Report (FEIR) would include adoption of Findings for each of the project's significant impacts and adoption of a Statement of Overriding Considerations for the significant unmitigable impact of Traffic/Circulation.

The California Environmental Quality Act of 1970 (CEQA) (Public Resources Code §21000 *et seq.*) and the State CEQA Guidelines (Title 14 of the California Code of Regulations §15000 *et seq.*, as amended) provided that:

[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

- (a) The Public agency makes one or more of the following findings with respect to each significant effect:*
- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can and should be, adopted by that other agency.*
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained works, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
- (b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. [Public Resources Code §21081]*

PROJECT DESCRIPTION AND PURPOSE

The 10.22-acre Archstone – Mission Gorge project site is located in the Navajo Community Plan Area of the city of San Diego at the southwest corner of Mission Gorge Road and Old Cliffs Road (Assessor's Parcel Number 458-030-17-00). The project applicant, Archstone-Smith, proposes to discontinue the on-site 119-space Mission Valley Village Mobile Home Park and construct a 444-unit multi-family rental condominium complex consisting of two-, three-, and

four-story residential buildings wrapped around a 5.5-level, 796-stall parking structure, six themed common courtyards, a common recreation area including a fitness facility and pool plaza, a north-south public pedestrian/bicycle trail providing linkage to a future regional trail system, on-site water, sewer and drainage facilities, and an 8,000-square-foot commercial leasing space with associated 13-stall surface parking lot. Twenty percent of the total proposed 444 units would be set aside for affordable housing per agreement with the City's Housing Commission. Development of the Archstone – Mission Gorge project would be phased to accommodate two conditions related to access and circulation. Phase 1 would include buildout of the proposed rental condominium complex, including construction of all proposed residential and public amenity structures and associated landscaping and infrastructure. Primary public access would be provided at the Greenbrier Avenue/ Mission Gorge Road intersection and emergency-only access would be provided via a private driveway and fire lane off Mission Gorge Road at the northeast corner of the project site. Signalization of the Greenbrier Avenue/Mission Gorge Road intersection, and widening of a portion of Mission Gorge Road, would also be built as part of Phase 1. Phase 2 would involve reconfiguration of the Phase 1 fire lane along the northern project boundary to accommodate a public roadway and connection to the north, and would occur only when or if the property to the north is developed.

Implementation of the proposed Archstone – Mission Gorge project would require an amendment to the Navajo Community Plan (CP) to remove the Mobile Home Park Overlay Zone (MHPOZ) from the project site and associated revisions to the CP text. Other required discretionary actions include a Rezone (to remove the project site from the MHPOZ), Site Development Permit (to permit deviations from development regulations and because the project includes environmentally sensitive lands/floodplain) and Vesting Tentative Map (to allow condominium development and public infrastructure improvements).

The primary objectives of the Archstone – Mission Gorge project include:

- Provide maximum density residential development that is in accordance with the overall objectives of the adopted Navajo Community Plan land use designation of Multi-Family Residential and underlying Base Zone of RM-3-7, without the temporary mobile home park overlay.
- Provide affordable multi-family residential housing that exceeds the goals and objectives of the City of San Diego's Inclusionary Affordable Housing Regulations by providing on-site units.
- Help the City of San Diego address its shortage of housing for workers in the economically diverse industries of Mission Gorge and Mission Valley.
- Provide a project design that reflects the positive qualities of the adjacent San Diego River and associated Multi-Habitat Planning Area in a multi-family development.
- Implement the City of Villages strategy and smart growth principles through the provision of high-density residential units in an already urbanized location adjacent to existing public transportation, employment, and other public infrastructure and services, and through development of a centralized community with on-site recreational amenities and links to off-site regional natural areas.
- Implement reasonable, sustainable building practices.

- Integrate land use and design with the Grantville Redevelopment Project Area plans through provision of pedestrian, bicycle, and vehicular connectivity, and through provision of compatible land use and architectural and landscape design.

ISSUES ADDRESSED IN THE FINAL EIR (FEIR)

The FEIR, incorporated herein as referenced, focused on issues determined to be potentially significant by the City of San Diego. The issues addressed in the EIR include land use, visual effects and neighborhood character, traffic circulation and access, air quality, public utilities, cultural resources, noise, biological resources, water quality, hydrology, geology and soils, population and housing, public services, and public health and safety/hazardous materials. After analysis, significant impacts requiring mitigation were identified for the environmental issues of land use, traffic/circulation, air quality, solid waste public utilities, cultural resources, noise, and biological resources. For all of the environmental issues analyzed in the FEIR, all significant issues except for Traffic/Circulation can be avoided or reduced to below significance through implementation of the recommended mitigation measures. Direct (near-term 2010) and indirect/cumulative (horizon 2030) impacts to local intersections would be reduced to below significance through implementation of the recommended mitigation measures. However, direct (near-term 2010) and indirect/cumulative (horizon 2030) impacts to several local roadway and arterial segments would only be partially mitigated through implementation of the recommended mitigation measures. Complete mitigation of direct/ and indirect/cumulative impacts to these local roadway and arterial segments would not be feasible. Thus Traffic/Circulation impacts are considered to be significant and unmitigable.

California Environmental Quality Act Findings

FINDINGS PURSUANT TO §21081(a)(1) AND §15091(a)(1)

The City, having reviewed and considered the information contained in the FEIR, finds pursuant to Public Resource Code §21081(a)(1) and State CEQA Guidelines §15091(a)(1), that the following findings regarding the significant land use, traffic intersection, air quality, public utilities, cultural resources, noise, and biological resources effects of the proposed project are adopted, as follows:

- (1) *Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the FEIR (Project No. 14250/SCH No. 2008021145) as described below:*

A. LAND USE

Potentially Significant Effect

The proposed project would potentially conflict with the provisions of the City's Multiple Species Conservation Program Subarea Plan by creating indirect significant short- and long-term impacts to the adjacent Multiple Habitat Preserve Area (MHPA) associated with the San Diego River.

Facts in Support of Finding (1)

The project's potentially significant indirect short- and long-term impacts to the adjacent MHPA would be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.1.5.3 of the FEIR. Implementation of this mitigation would require the project to incorporate design features consistent with the City's MHPA Land Use Adjacency Guidelines. A qualified biologist would verify that these impact-avoiding design features have been included in the project's final plans. The impact-avoiding design features required in the mitigation measure include: education of construction personnel about sensitive adjacent habitat, limiting of grading to the extent feasible, monitoring of construction activities to ensure that grading does not extend beyond the limits approved and encroach upon biologically sensitive areas, containing construction debris to the established limits of grading, additionally constraining construction if construction occurs during the breeding season of the least Bell's vireo, disallowing use of invasive plant species in project landscaping, shielding nighttime lighting, and maintaining natural drainage patterns. Implementation of these measures would be assured through incorporation into the project's MMRP.

B. TRAFFIC CIRCULATION

Potentially Significant Effect

The proposed project would create significant direct near-term (2010) impacts and indirect/cumulative horizon (2030) impacts to one local intersection: Mission Gorge Road/Greenbrier Avenue (the project access).

Facts in Support of Finding (1)

The project's significant direct near-term and indirect/cumulative impacts to the project access intersection of Mission Gorge Road and Greenbrier Avenue would be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.2.3.3 of the FEIR. Implementation of this mitigation would require the project to improve this

intersection by installing a signal, providing a median break to facilitate full access to the project driveway, providing a 250-foot left-turn pocket along the eastbound Mission Gorge Road approach/left turn into the project driveway, and by providing one inbound and one outbound lane along the project driveway with a throat length of 200 feet to sufficiently accommodate queues during peak hours. Implementation of these measures would be assured through incorporation into the project's MMRP.

C. AIR QUALITY

Potentially Significant Effect

The proposed project would create a significant direct, short-term construction air quality violation. Maximum daily construction emissions of reactive organic gases (ROG), alternately referred to as volatile organic compounds (VOC), would exceed applicable thresholds. Maximum daily construction emissions of all other criteria pollutants would be less than the applicable thresholds.

Facts in Support of Finding (1)

The project's significant direct, short-term construction impacts to air quality would be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.3.4.3 of the FEIR. Implementation of this mitigation would require the project applicant, prior to issuance of grading or building permits by the City of San Diego, to implement and record on final grading and construction plans the condition that the VOC content of the exterior architectural coating/paint shall contain a VOC content no greater than 90 grams per liter; and the VOC content of the interior architectural coating/paint shall contain a VOC content no greater than 50 grams per liter. Given these low-VOC contents, maximum daily construction emissions associated with the architectural coatings phase of construction would be less than the applicable ROG threshold. Implementation of this measure would be assured through incorporation into the project's MMRP.

D. PUBLIC UTILITIES (SOLID WASTE)

Potentially Significant Effect

The proposed project's generation of large amounts of solid waste (through demolition, construction, and operation) would be potentially significant until implementation of a Waste Management Plan (WMP) to reduce solid waste generation by 50 percent is verified by City staff.

Facts in Support of Finding (1)

The project's potentially significant solid waste impacts would be mitigated to below a level of significance through implementation and verification of the project WMP as directed in the Mitigation Measure identified in Section 4.4.5.3 of the FEIR. Implementation of this mitigation would require the project applicant, prior to City issuance of any construction permit, to receive verification from the City Assistant Deputy Director Environmental Designee that all the requirements of the Refuse and Recyclable Materials Storage Regulations, and all of the requirements of the WMP, are shown and noted on the appropriate construction documents. As stated in the FEIR mitigation, the WMP is required to strive for a goal of 50 percent waste reduction and to address: how the project will aim to reduce generation of waste, tons of waste anticipated to be generated, material type of waste to be generated, source separation techniques for waste generated, how materials will be reused on site, name and location of recycling/reuse facilities where waste will be taken if not reused on-site, a "buy recycled" program, a plan of

how waste reduction and recycling goals will be communicated to subcontractors, specific performance measures to be assessed upon completion of the project, and a timeline for each of the three main phases of the project (demolition, construction, operation) that includes progress and final inspections by City staff. Implementation of these measures would be assured through incorporation into the project's MMRP.

Since the project would not increase the residential density allowed under the current RM-3-7 zone and the Navajo Community Plan land use designation, implementation of the WMP that strives to reduce waste by 50 percent and compliance with the City's Recycling Ordinance (effective January 1, 2009 for multi-family development 50 units or more) and Construction and Demolition Recycling Ordinance (July 2008) would mitigate both direct and cumulative impacts to a level below significance.

E. CULTURAL/HISTORICAL RESOURCES

Potentially Significant Effect

Grading for the proposed project could potentially uncover significant subsurface prehistoric/historic resources, given location of the project site in an area rich in cultural resources. The potential loss of subsurface cultural resources due to project grading would be a significant impact.

Facts in Support of Finding (1)

The project's potentially significant cultural resources impacts would be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.5.3.3 of the FEIR. Implementation of this mitigation would require the project applicant to conduct a construction monitoring program that includes the presence of a qualified archaeological monitor and a Native American monitor during construction in the western portion of the project site. As stated in the FEIR mitigation, Requirements for Archaeological Monitoring and Native American Monitoring are required to be noted on the appropriate construction documents and verified by the City Assistant Deputy Director Environmental Designee prior to issuance of any construction permits. The monitoring program, as outlined in the FEIR mitigation, requires the resource monitor to report on construction activity, cease construction and report any resource discoveries, determine the significance of any discoveries, and process and document any significant discoveries. Implementation of the monitoring program/mitigation measures would be assured through incorporation into the project's MMRP.

F. NOISE

Potentially Significant Effect

Noise from traffic on Mission Gorge Road would have the potential to cause interior noise levels in the residential buildings on the eastern half of the project site to exceed 45 dB(A) CNEL, thus comprising a significant direct impact.

Facts in Support of Finding (1)

The project's potentially significant interior noise impacts would be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.6.5.3 of the FEIR. Implementation of this mitigation would require the project applicant, prior to the issuance of building permits for the residential units at the eastern half of the project site, to submit a detailed acoustical analysis to document that interior noise levels would be below the 45 dB(A) CNEL standard. As stated in the FEIR mitigation, the interior acoustical analysis is required to consider all habitable rooms of the affected residential units. In addition, because

windows would likely need to be closed in order to achieve the necessary exterior to interior noise reduction, the design of the affected residential units would include a ventilation or air conditioning system to provide a habitable interior environment when windows are closed. Implementation of these measures would be assured through incorporation into the project's MMRP.

G. BIOLOGICAL RESOURCES

Potentially Significant Effect

The proposed project would create potentially significant construction and indirect impacts to two sensitive wildlife species (least Bell's vireo and Cooper's hawk) and to adjacent sensitive habitat within the MHPA associated with the San Diego River.

Facts in Support of Finding (1)

The project's potentially significant impacts to sensitive species would be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.7.4.3 of the FEIR. Implementation of this mitigation measure would require the project applicant, prior to the issuance of any grading permits, to have a qualified biologist conduct pre-construction surveys for least Bell's vireo and Cooper Hawk and to submit a letter report to the City's Mitigation, Monitoring and Coordination on the results of the survey; and to limit construction activity to the non-breeding season or to monitor noise and other construction activity if construction occurs during the breeding season.

The project's potentially significant impacts to the adjacent MHPA would be mitigated to below a level of significance with implementation of the Mitigation Measure identified in Section 4.1.5.3 of the FEIR, discussed above under A. Land Use. Implementation of this mitigation would require the project to incorporate design features consistent with the City's MHPA Land Use Adjacency Guidelines.

Implementation of these measures would ensure that potential impacts to sensitive biological species and sensitive habitat/adjacent MHPA would be avoided or reduced to below a level of significance, and would be assured through incorporation into the project's MMRP.

FINDINGS PURSUANT TO §21081(a)(3) AND §15091(a)(3)

The City, having reviewed and considered the information contained in the FEIR, finds pursuant to Public Resource Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), that the following findings regarding significant traffic roadway segment effects and alternatives to the proposed project are adopted, as follows:

- (3) *Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained works, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 14250/SCH No. 2008021145) as described below*

Infeasibility of Mitigation for Significant Impacts:

A. TRAFFIC CIRCULATION

Potentially Significant Effect

The Archstone - Mission Gorge FEIR concluded that the project would have significant impacts at several local roadways and arterial segments in either the near term, horizon year 2030, or both.

Near Term (2010)

The proposed project would create significant direct near-term (2010) impacts to six roadway segments:

- Friars Road between Rancho Mission Road and I-15 NB Ramps
- Friars Road between I-15 NB Ramps and I-15 SB Ramps
- Mission Gorge Road between Friars Road and Rainier Avenue
- Mission Gorge Road between Twain Avenue and Mission Gorge Place
- Mission Gorge Road between Mission Gorge Place and Fairmount Avenue
- Mission Gorge Road between Fairmount Avenue and I-8 WB Ramps

Horizon (2030) without Tierrasanta Boulevard and Santo Road Extensions

The proposed project would create significant indirect/cumulative impacts to thirteen local roadway segments and two arterial segments under the Horizon 2030 traffic scenario without the Tierrasanta Boulevard and Santo Road extensions:

- Mission Gorge Road between Greenbrier Avenue and Zion Avenue
- Mission Gorge Road between Zion Avenue and Friars Road
- Friars Road between Mission Gorge Road and Riverdale Street
- Friars Road between Riverdale Street and Santo Road
- Friars Road between Santo Road and Rancho Mission Road
- Friars Road between Rancho Mission Road and I-15 NB Ramps
- Friars Road between I-15 NB Ramps and I-15 SB Ramps
- Mission Gorge Road between Friars Road and Rainier Avenue
- Mission Gorge Road between Rainier Avenue and Vandever Avenue
- Mission Gorge Road between Vandever Avenue and Twain Avenue
- Mission Gorge Road between Twain Avenue and Mission Gorge Place
- Mission Gorge Road between Mission Gorge Place and Fairmount Avenue
- Mission Gorge Road between Fairmount Avenue and I-8 WB Ramps
- Mission Gorge Road between Zion Avenue and Friars Road (AM) (arterial segment)
- Friars Road between Santo Road and Rancho Mission Road (PM) (arterial segment)

Horizon (2030) with Tierrasanta Boulevard and Santo Road Extensions

The proposed project would create significant indirect/cumulative impacts to twelve local roadway segments and one arterial segment under the Horizon 2030 traffic scenario with the Tierrasanta Boulevard and Santo Road extensions:

- Mission Gorge Road between Greenbrier Avenue and Zion Avenue
- Mission Gorge Road between Zion Avenue and Friars Road
- Friars Road between Mission Gorge Road and Riverdale Street
- Friars Road between Riverdale Street and Santo Road
- Friars Road between Santo Road and Rancho Mission Road
- Friars Road between Rancho Mission Road and I-15 NB Ramps
- Mission Gorge Road between Friars Road and Rainier Avenue
- Mission Gorge Road between Rainier Avenue and Vandever Avenue

- Mission Gorge Road between Vandever Avenue and Twain Avenue
- Mission Gorge Road between Twain Avenue and Mission Gorge Place
- Mission Gorge Road between Mission Gorge Place and Fairmount Avenue
- Mission Gorge Road between Fairmount Avenue and I-8 WB Ramps
- Mission Gorge Road between Zion Avenue and Friars Road (AM) (arterial segment)

Facts in Support of Finding (3)

The project's significant direct near term and indirect/cumulative horizon year 2030 impacts to several roadway and arterial segments could be mitigated to below a level of significance with implementation of a Mitigation Measure identified in Section 4.2.3.3 of the FEIR.

Implementation of this mitigation would require widening Friars Road between Rancho Mission Road and I-15 SB Ramps to four lanes in each direction (instead of the current three lanes in each direction) and widening Mission Gorge Road between Friars Road and I-8 WB Ramps to three lanes in each direction (instead of the current two lanes in each direction). These measures would be expected to provide additional capacity and reduce roadway and arterial impacts to less than significant levels under near term and horizon 2030 conditions. However, as concluded in Section 4.2.3.3 of the FEIR, these measures would be infeasible due to either or both of the following reasons:

- Improving Friars Road and Mission Gorge Road in the affected areas would cost millions of dollars, largely because the mitigation would correct existing serious deficiencies. Because the mitigation would be very costly, yet largely correct existing problems, it would be disproportionate to the impact of the project.
- Because of the presence of various right-of-way and other physical constraints in the vicinity of the I-15/Friars Road interchange and on Mission Gorge Road between Friars Road and I-8 WB Ramps, it would not be reasonable to undertake these improvements. Doing so would require the potential removal of businesses in this location and grading that could potentially disturb subsurface cultural resources.

For significant direct near term and indirect/cumulative horizon year 2030 roadway and arterial impacts, implementation of the Mitigation Measure identified as feasible in Section 4.2.3.3 of the FEIR would provide partial mitigation and would be obtained by the following two conditions of project approval:

1. The project shall contribute \$581,351 toward the cost of the Alvarado Canyon Road Realignment Project (T_12 of the current Navajo Community Public Facilities Financing Plan).
2. The applicant shall provide and maintain a private shuttle connecting the project to the trolley station and nearby retail services. Consequently, the City and the project applicant shall coordinate to provide this ridesharing service, which should be satisfactory to both parties. The ridesharing service will be limited to the peak hours from 6 A.M. through 10 A.M. in the morning, and 3 P.M. through 7 P.M. in the evening.

Implementation of these project conditions would be assured through incorporation into the project's MMRP and would reduce project roadway impacts, but not to below a level of significance. Therefore, direct near term and indirect/cumulative horizon year 2030 roadway and arterial impacts are considered to be significant and unmitigable.

Infeasibility of Project Alternatives to Reduce or Avoid Significant Impacts:

The FEIR for the Archstone - Mission Gorge project examined several project alternatives in terms of their ability to meet the primary objectives of the proposed project, and eliminate or further reduce its significant environmental effects. These project alternatives are summarized below.

A. NO PROJECT/RETAIN MOBILE HOME PARK ALTERNATIVE

The No Project/Retain Mobile Home Park Alternative would maintain the site as an 119-space mobile home park and be equivalent to the existing environmental setting.

Potentially Significant Effects

Due to the fact that the project site was developed for mobile home park use approximately 50 years ago, prior to many recent/current land use development requirements, existing daily operation of the mobile home park results in impacts to biological resources, geology/soils, hydrology/water quality, and solid waste disposal that would be avoided through current design techniques or mitigation measures incorporated into the proposed project. The continued use of the site as a mobile home park would, however, without any further grading, avoid the proposed project's potential significant impacts to subsurface cultural resources, construction/demolition waste generation, and emission of toxic air contaminants that would occur with the proposed project.

Facts in Support of Finding (3)

This alternative would not meet many of the objectives of the proposed project (refer to Project Description and Purpose for a list of proposed project objectives). This alternative would not maximize residential density, provide regulated affordable housing, help the City address its housing shortage, implement the City of Villages maximized residential density concept, or utilize current energy and water efficiency technologies and stormwater pollution protection practices reflective of a more sustainable development. For these reasons, the No Project/Retain Mobile Home Park Alternative would not be considered the environmentally superior alternative and would also be considered infeasible.

B. NO PROJECT/REDEVELOP WITH MULTI-FAMILY RESIDENTIAL ALTERNATIVE

The No Project/Redevelop With Multi-Family Residential Alternative would assume future redevelopment of the site with a maximum of 444 multi-family units as allowed by the underlying land use designation in the Navajo Community Plan (Multi-Family Residential, medium-high density) and underlying zone (RM-3-7). As with the proposed project, however, this alternative would require a Community Plan Amendment and Rezone to remove the Mobile Home Park Overlay. While the total number of dwellings allowed under this alternative is similar to the proposed project, the design of this alternative is speculative and cannot be assumed to incorporate some of the objectives of the proposed project regarding sustainable development and affordable housing.

Potentially Significant Effects

This alternative would generally result in the same level of impacts as the proposed project. Short-term construction impacts associated with air contaminant emissions, disruption of as yet unknown subsurface cultural resources, and solid waste generation would occur similar to the proposed project. Significant long-term traffic, solid waste generation, noise, and MHPA

adjacency impacts similar to the proposed project would also occur. Given the speculative nature regarding the design of this alternative, implementation of this alternative would potentially result in greater impacts to community character/aesthetics and global warming compared to the proposed project. The proposed project, given the character of its proposed landscaping and architectural design, and incorporation of sustainable design elements, would not result in significant aesthetics or global warming impacts. It would also be speculative as to whether this alternative would provide the same degree of affordable housing as the proposed project (i.e. 20 percent on-site), as it would only be required to provide 10 percent either on-site or off-site via in-lieu of fees.

Facts in Support of Finding (3)

While this alternative would generally result in the same level of impacts as the proposed project for those project impacts identified as significant, it would potentially result in greater environmental effects to community aesthetics and global warming (impacts considered not significant under the proposed project). Because of this, the No Project/Redevelop With Multi-Family Residential Alternative would not serve to feasibly reduce or avoid significant impacts. Furthermore, while the No Project/Redevelopment With Multi-Family Residential Alternative would meet many of the objectives of the proposed project (refer to Project Description and Purpose for a list of proposed project objectives), in regard to the project objectives of providing affordable housing and sustainable development, it may meet these objective to a lesser extent. Unlike the proposed project, which commits 20 percent of proposed on-site units to be set aside for low/moderate income residents, current regulations require only 10 percent to be provided on- or off-site. In addition, some of the sustainable features incorporated into the proposed project design exceed mandated energy and water efficiency technologies and cannot be assumed to comprise the design of this alternative.

C. REDUCED PROJECT ALTERNATIVE

This alternative would reduce the number of units to a level that would avoid significant unmitigated traffic impacts associated with the proposed project. In order to accomplish this, the number of units would be reduced from 444 to 200, resulting in a density of 19.5 dwelling units per acre (du/acre), below the multi-family residential land use designation of 30–43 du/acre identified for the project site by the Navajo Community Plan.

Potentially Significant Effects

The Reduced Project Alternative would result in the elimination of the significant, unmitigated roadway impacts associated with the proposed project. Given that there would be approximately a 55 percent reduction in the number of units with this alternative, impacts related to air quality, traffic/circulation, and utilities would be correspondingly reduced, but still considered significant. While the extent or character of impacts would be reduced under this alternative, only for traffic impacts would the level of significance be reduced from significant to not significant compared to the proposed project. Nonetheless, due to the elimination of the significant unmitigated traffic impact, the Reduced Project Alternative would be considered the environmentally superior alternative.

Facts in Support of Finding (3)

This alternative would fall short of a number of the project's objectives including: the provision of affordable multi-family residential housing that exceeds the goals and objectives of the City of San Diego's Inclusionary Affordable Housing Regulations, by providing 20 percent on-site affordable units; assisting the City of San Diego in addressing its shortage of housing for

workers in the economically diverse industries of Mission Gorge and Mission Valley; and implementing smart growth principles and sustainable development practices through the provision of sustainably designed, high-density residential units in an already urbanized location adjacent to existing public transportation, employment, and other public infrastructure and services. Economic and social considerations thus render this alternative infeasible.

D. ALTERNATIVES CONSIDERED BUT REJECTED

Alternative Land Use

This alternative would involve the extension of the commercial corridor along Mission Gorge Road and redevelop the project site with a commercial or industrial use. While commercial or industrial uses would be similar to nearby uses, this alternative was rejected because: commercial/industrial use would not be consistent with either the land use designation (Multi-Family Residential, medium-high density) or zoning (RM-3-7) of the site; commercial/industrial development would not be compatible with existing residential uses in the immediate project vicinity, or with planned land uses within the Grantville Redevelopment Project area; and commercial/industrial development would not meet the project or City objectives of addressing the housing shortage and increasing supply of affordable housing.

Alternative Project Locations

CEQA requires that only locations that would avoid or substantially lessen any of the significant effects of the proposed project, and meet project objectives, need be considered for inclusion in the EIR. In order to accomplish the objectives of the proposed project, it would be necessary to identify an alternative infill site of comparable size (approximately 10 acres) in proximity to Mission Gorge or Mission Valley, which is appropriately designated and zoned for medium high density residential use and close to transit. While there may be sites that meet these criteria, they are not in the applicant's ownership, and may potentially generate significant environmental impacts greater to those identified for the proposed project. For these reasons, alternative project locations were not considered further.

Project Access Alternative

This alternative would provide right-turn only access at Greenbrier Avenue with right turns in/out of the project driveway without a median break along Mission Gorge Road at Greenbrier Avenue, in order to lessen impacts on Mission Gorge Road. Under this alternative, traffic along the northbound Greenbrier Avenue and southbound project access approaches would be controlled by a stop sign. The east-west traffic on Mission Gorge Road would be uncontrolled. As examined in the traffic report, this scenario would result in unsafe operations at the intersection of Mission Gorge Road/Greenbrier Avenue/main project access and would also result in an inconvenience for project site motorists with respect to access. Eastbound-destined project site motorists would need to use the signalized intersection of Mission Gorge Road/Zion Avenue to make U-turns and to head east on Mission Gorge Road, which may result in increased delays at the intersection of Mission Gorge Road/Zion Avenue. Similarly, inbound motorists traveling from the west would need to make U-turns at the signalized intersection of Mission Gorge Road/Old Cliffs Road to access the project site. Motorists making U-turns at the signalized intersection of Mission Gorge Road/Old Cliffs Road would also be adversely affected. The 160 additional eastbound U-turns generated from this project alternative at Mission Gorge Road/Old Cliffs Road would significantly deteriorate the signal operations at this intersection. For these reasons, the project access alternative was rejected.

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA (Public Resources Code, §21081(b)) prohibits approval of a project with significant, unmitigable adverse impacts resulting from infeasible mitigation measures or alternatives unless the lead agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. The lead agency is required to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project.

The Archstone – Mission Gorge project would have significant, unmitigable, adverse Traffic/Circulation impacts, as described above in the Findings. However, the City Council finds that those impacts are outweighed by the following specific overriding economic, legal, social, technological, or other benefits of the project.

A. TRAFFIC CIRCULATION

Unavoidable Significant Effect

A thorough analysis of environmental impacts caused by the proposed project has been performed and mitigation to reduce project impacts has been proposed where feasible, but would not reduce direct near term or indirect/cumulative Traffic/Circulation roadway impacts to a level that is less than significant

Overriding Considerations

The City Council, having considered all of the foregoing, finds that any of the following economic, social, technological, and other benefits of the project outweigh and make acceptable the aforesaid significant, unmitigable effects on the environment:

- The project applicant has agreed to set aside 20 percent of the total dwelling units on-site for low- and moderate-income tenants, thereby providing the social benefit of affordable housing and diverse housing type.
- The project will provide increased housing density in an urbanized area with transit opportunities, thus allowing future residents to minimize reliance on the automobile and providing needed densities to support local public transit.
- The project implements the City of Villages Strategy contained in the recently adopted update to the General Plan that seeks to redirect future population growth to infill locations within existing urban areas such as the project site; thereby precluding environmental effects typically associated with suburban development.
- The project implements goals of the current Housing Element which calls for, among other things, increased housing supply through development of multi-family housing. The Housing Element states that the City of San Diego currently has a very limited supply of land designated and zoned for multi-family housing. Because the project would remove an overlay that limits optimal utilization of the project site in accordance with the underlying multi-family land use designation, project implementation would allow multi-family development on land designated for multi-family housing but occupied by single-family mobile homes.
- The project will benefit public safety by removing housing from a floodplain.

- The project will include construction of a safe public pedestrian/bicycle trail that would connect to a regional trail system, and ample on-site bicycle parking and storage, thereby providing opportunities for increased non-automotive mobility and public health benefits.
- The project will provide six courtyards on-site; each designed to reflect the biology and history of the nearby San Diego River. These courtyards will be linked to each other by walkways, to the regional trail described above, and to Mission Gorge Road, thus encouraging individuals to walk to nearby community amenities and reduce traffic and congestion.
- The project will also provide and maintain a private shuttle connecting the project site to the trolley station and nearby retail services.
- The project will improve traffic safety and circulation at the intersection of Mission Gorge Road and Greenbrier Avenue, and will enhance the streetscape of Mission Gorge Road along the project frontage.
- The project will include several sustainable building features consistent with the voluntary goals of the Conservation Element regarding climate change and sustainable development. Sustainable project features include: pre-wiring of common area rooftops for alternative energy systems; extensive use of native plant landscaping; installation of energy-efficient appliances and fixtures; biofiltration, pervious pavers and other stormwater pollution prevention practices; water conservation strategies, and use of recycled water for project landscaping. These measures would reduce the project's total carbon footprint, improve local water quality, and reduce consumption of non-renewable resources, thus benefiting the community as a whole.

Based on these considerations, the City Council has determined that the project should be implemented in spite of the significant unavoidable adverse Traffic/Circulation impacts identified in the FEIR and notwithstanding the Reduced Project Alternative that would avoid significant impacts to Traffic/Circulation.

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

COMMUNITY PLAN AMENDMENT, REZONE, EASEMENT ABANDONMENT; VESTING TENTATIVE MAP and SITE DEVELOPMENT PERMIT

PROJECT NO. 142570

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. 142570 / SCH No. 2008021145) shall be made conditions of Community Plan Amendment, Rezone, Easement Abandonment, Vesting Tentative Map, and Site Development Permit as may be further described below.

GENERAL

GENERAL REQUIREMENTS

1. Prior to issuance of any construction permit the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that Mitigation Measures for the **Archstone Mission Gorge (Project No. 142570)** that addresses potentially significant impacts to *Air Quality, Biological Resources, Land Use (Biological Resources/MHPA), Historical Resources (Archaeology), and Transportation/Circulation* have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Project Consultant (Biologist and Archaeologist), Applicant and other parties of interest.
3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.
4. Pursuant to Section 1600 et seq. of the State of California Fish & Game Code, evidence of compliance with Section 1602 is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

AIR QUALITY

A. PLAN CHECK

1. Prior to issuance of grading or building permits by the City of San Diego, the project applicant shall implement and record on final grading and construction plans the condition that the VOC content of the exterior architectural coating shall have a VOC content no greater than 90 grams per liter and the VOC content of the interior architectural coating shall have a VOC content no greater than 50 grams per liter.

BIOLOGICAL RESOURCES

LEAST BELL'S VIREO (State Endangered/Federally Endangered)

1. Prior to the issuance of any grading permit (FOR PUBLIC UTILITY PROJECTS: prior to the preconstruction meeting), the City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

NO CLEARING, GRUBBING, GRADING, OR OTHER CONSTRUCTION ACTIVITIES SHALL OCCUR BETWEEN MARCH 15 AND SEPTEMBER 15, THE BREEDING SEASON OF THE LEAST BELL'S VIREO, UNTIL THE FOLLOWING REQUIREMENTS HAVE BEEN MET TO THE SATISFACTION OF THE CITY MANAGER:

- A. A QUALIFIED BIOLOGIST (POSSESSING A VALID ENDANGERED SPECIES ACT SECTION 10(a)(1)(A) RECOVERY PERMIT) SHALL SURVEY THOSE WETLAND AREAS THAT WOULD BE SUBJECT TO CONSTRUCTION NOISE LEVELS EXCEEDING 60 DECIBELS [dB(A)] HOURLY AVERAGE FOR THE PRESENCE OF THE LEAST BELL'S VIREO. SURVEYS FOR THIS SPECIES SHALL BE CONDUCTED PURSUANT TO THE PROTOCOL SURVEY GUIDELINES ESTABLISHED BY THE U.S. FISH AND WILDLIFE SERVICE WITHIN THE BREEDING SEASON PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. IF THE LEAST BELL'S VIREO IS PRESENT, THEN THE FOLLOWING CONDITIONS MUST BE MET:

- I. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CLEARING, GRUBBING, OR GRADING OF OCCUPIED LEAST BELL'S VIREO HABITAT SHALL BE PERMITTED. AREAS RESTRICTED FROM SUCH ACTIVITIES SHALL BE STAKED OR FENCED UNDER THE SUPERVISION OF A QUALIFIED BIOLOGIST; AND
- II. BETWEEN MARCH 15 AND SEPTEMBER 15, NO CONSTRUCTION ACTIVITIES SHALL OCCUR WITHIN ANY PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES WOULD RESULT IN NOISE LEVELS EXCEEDING 60 dB(A) HOURLY AVERAGE AT THE EDGE OF OCCUPIED LEAST BELL'S VIREO OR HABITAT. AN

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

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

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

- B. IF LEAST BELL'S VIREO ARE NOT DETECTED DURING THE PROTOCOL SURVEY, THE QUALIFIED BIOLOGIST SHALL SUBMIT SUBSTANTIAL EVIDENCE TO THE CITY MANAGER AND APPLICABLE RESOURCE AGENCIES WHICH DEMONSTRATES WHETHER OR NOT MITIGATION MEASURES SUCH AS NOISE WALLS ARE NECESSARY BETWEEN MARCH 15 AND SEPTEMBER 15 AS FOLLOWS:
- I. IF THIS EVIDENCE INDICATES THE POTENTIAL IS HIGH FOR LEAST BELL'S VIREO TO BE PRESENT BASED ON HISTORICAL RECORDS OR SITE CONDITIONS, THEN CONDITION A.III SHALL BE ADHERED TO AS SPECIFIED ABOVE.
- II. IF THIS EVIDENCE CONCLUDES THAT NO IMPACTS TO THIS SPECIES ARE ANTICIPATED, NO MITIGATION MEASURES WOULD BE NECESSARY.

COOPER'S HAWK (RAPTOR)

I. Pre-Construction

A. Pre-Grading Survey

1. If project grading is proposed during the raptor breeding season (February 1-September 15), the project biologist shall conduct a pre-grading survey for active raptor nests in within 300 feet of the development area and submit a letter report to Mitigation, Monitoring, and Coordination (MMC) prior to the preconstruction meeting.
- a. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the Assistant Deputy Director (ADD) Environmental Designee. Mitigation requirements determined by the project biologist and the ADD Environmental Designee shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
- b. If no nesting raptors are detected during the pre-grading survey, no mitigation is required.

LAND USE (BIOLOGICAL RESOURCES/MHPA)

1. Prior to the issuance of any grading permits and/or the first pre-construction meeting, the owner/permittee shall submit evidence to the ADD of the Entitlements Division verifying

that a qualified biologist has been retained to implement the biological resources mitigation program as detailed below:

- A. Prior to the first pre-construction meeting, the applicant shall provide a letter of verification to the ADD of the Entitlements Division stating that a qualified Biologist, as defined in the City of San Diego Biological Resource Guidelines (BRG), has been retained to implement the revegetation plan.
- B. At least thirty days prior to the pre-construction meeting, a second letter shall be submitted to the MMC section, which includes the name and contact information of the Biologist and the names of all persons involved in the Biological Monitoring of the project.
- C. At least thirty days prior to the pre-construction meeting, the qualified Biologist shall verify that any special reports, maps, plans and time lines, such as but not limited to, revegetation plans, plant relocation requirements and timing, avian or other wildlife protocol surveys, impact avoidance areas or other such information has been completed and updated.
- D. The qualified biologist (project biologist) shall attend the first preconstruction meeting.
- E. In addition the following mitigation measures related to the MHPA Land Use Adjacency Guidelines are implemented:
 1. Prior to initiation of any construction-related grading, the construction foreman shall discuss the sensitive nature of the adjacent habitat with the crew and subcontractor.
 2. The limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing or grading. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance within and surrounding sensitive habitats as shown on the approved Exhibit A. The limits of grading shall be defined with silt fencing or orange construction fencing and checked by the biological monitor before initiation of construction grading.
 3. No invasive non-native plant species shall be introduced into areas adjacent to the MHPA. Landscape plans shall not contain invasive, non-native species.
 4. All lighting adjacent to the MHPA shall be shielded, unidirectional, low pressure sodium illumination (or similar) and directed away from preserve areas using appropriate placement and shields.
 5. All construction activities (including staging areas and/or storage areas) shall be restricted to the development area as shown on the approved Exhibit A. No

equipment maintenance shall be conducted within or near the adjacent open space and/or sensitive areas and shall be restricted to the development area as shown on the approved Exhibit A. The project biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved Exhibit A.

6. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space. Drainage from all development areas adjacent to the MHPA shall be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales, and/or mechanical trapping devices as specified by the City Engineer.
7. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off-site to an approved disposal facility.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Entitlements Plan Check

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

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

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

1. The Archaeological Monitor shall be present full-time during grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Native American monitor shall determine the extent of their presence during construction related activities based on the AME and provide that information to the PI and MMC. **The**

Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.

2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI and Native American monitor shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures as set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

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

- B. Isolate discovery site
1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with the California Public Resource and Health & Safety Codes.
 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 5. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.

2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner and the Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the

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

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

NOISE

A. Plan Check

1. Prior to the issuance of building permits for the units at the eastern half of the project site, the applicant shall submit a detailed acoustical analysis to document that interior noise levels would be below the 45 dB(A) CNEL standard. The analysis shall consider all habitable rooms of the affected units.
2. Where exterior noise levels are projected to exceed 60 dB(A) CNEL for residential units on the eastern half of the project site (EIR Figure 4.6-4), windows would need to be closed in order to achieve the necessary exterior to interior noise reduction [45 dB(A) CNEL]. Consequently, the design for these affected units will include a ventilation or air conditioning system to provide a habitable interior environment when windows are closed. With the use of

windows and doors with extra insulation, interior noise levels can be reduced to meet the noise standards.

PUBLIC UTILITIES (SOLID WASTE)

I. Plan Check

A. Notes on Plans

1. Prior to issuance of any construction permit, including but is not limited to, demolition, grading, building or any other construction permit, the Development Services Department (DSD) Director's Environmental Designee shall verify that the all the requirements of the Refuse & Recyclable Materials Storage Regulations and all of the requirements of the waste management plan are shown and noted on the appropriate construction documents. All requirements, notes and graphics shall be in substantial conformance with the conditions and exhibits of the associated discretionary approval.
2. If the WMP has not been provided during plan check, the permittee is required to submit for a Construction Change to be approved by DSD in coordination with ESD. Approval of the WMP will be verified with ESD prior to the first preconstruction meeting.

B. Waste Management Plan

1. The construction documents shall include a waste management plan that addresses the following information and elements for demolition, construction, and occupancy phases of the project as applicable:
 - (a) tons of waste anticipated to be generated,
 - (b) material type of waste to be generated,
 - (c) source separation techniques for waste generated,
 - (d) how materials will be reused on site,
 - (e) name and location of recycling, reuse, or landfill facilities where waste will be taken if not reused on site,
 - (f) a "buy recycled" program,
 - (g) how the project will aim to reduce the generation of construction/ demolition debris,
 - (h) a plan of how waste reduction and recycling goals will be communicated to subcontractors,
 - (i) a time line for each of the three main phases of the project as stated above,
 - (j) a list of required progress and final inspections by City staff.
2. The plan shall include specific performance measures to be assessed upon the completion of the project to measure success in achieving waste minimization goals.
3. The plan shall strive for a goal of 50% waste reduction.

4. The Plan shall include notes requiring the Permittee to notify Mitigation Monitoring Coordination (MMC) and Environmental Services Department (ESD) when:
 - (a) a demolition permit is issued,
 - (b) demolition begins on site,
 - (c) inspections are needed. The permittee shall arrange for progress inspections, and a final inspection, as specified in the plan (list of required inspections and documentations) and shall contact the Resident Engineer (RE)/Building Inspector (BI), MMC, and ESD to perform these periodic site visits during demolition and construction to inspect the progress of the project's waste diversion efforts.
5. DSD shall receive verification of approval by ESD.

II. Pre-Demolition/Pre-Construction

A. Pre-Construction (Precon) Meeting

1. Prior to issuance of any demolition or construction permit involving demolition, including but is not limited to, demolition, grading, building or any other construction permit, the permittee shall be responsible to obtain written verification from MMC indicating that the permittee has arranged a preconstruction meeting to coordinate the implementation of the Mitigation, Monitoring, and Reporting Program (MMRP).
2. The Precon Meeting that shall include: the Construction Manager, Demolition/Building/Grading Contractor; MMC, ESD and the Building Inspector (BI) and/or the Resident Engineer (RE) (whichever is applicable) to verify that implementation of the waste management plan shall be performed in compliance with the plan approved by MMC and ESD, to ensure that impacts to solid waste facilities are mitigated to below a level of significance.
3. In any case, the WMP shall be approved by DSD
 - a. At the Precon Meeting, The Permittee shall submit four (4) reduced copies (11"x 17") of the approved waste management plan (construction documents) to RE/BI (1), MMC (2) and ESD (1).
 - b. The Permittee / the Construction Manager shall submit a construction/demolition schedule to MMC and ESD.

III. During Demolition / Construction

A. Inspections

1. The Permittee/ Construction Manager shall:
 - a. The Consultant Site Visit Record (CSVR) shall be used to document the Daily Waste Management Activity/progress.

- b. Call for inspections by the RE/BI and both MMC and ESD, who will periodically visit the demolition/construction site to verify implementation of the waste management plan.
2. Any modification to the WMP must be approved by MMC in consultation with ESD.

IV. **Post Demolition / Post Construction**

A. Notification

1. Within 30 days after the completion of the implementation of the WMP as specified in the MMRP, for any demolition or construction permit, a final results report shall be submitted to the RE/BI, MMC, and ESD for review and approval to the satisfaction of the City. MMC will coordinate the approval with ESD and issue the approval notification.
2. When Demolition ends, notification shall be sent to:
 - a. Mitigation Monitoring Coordination (MMC) Environmental Review Specialist
9601 Ridgehaven Court, Ste. 220, MS 1102 B
San Diego, CA 92123
(619) 980 7122
 - b. Environmental Services Department (ESD)
9601 Ridgehaven Court, Ste. 320, MS 1103 B
San Diego, CA 92123
(858) 627-3303

B. Final Report Approval

1. Prior to final clearance of any demolition permit or release of the grading bond and/or issuance of any Certificate of Occupancy
 - a. The permittee shall provide documentation to the ADD Environmental Designee, that the waste management plan has been effectively implemented.
 - b. The Permittee shall submit written evidence to the ADD Environmental Designee that the final Demolition/Construction report has been approved by MMC in consultation with ESD.

This report shall summarize the results of implementing the above Waste Management Plan elements, including: the actual waste generated and diverted from the project, the waste reduction percentage achieved, and how that goal was achieved, etc.

TRANSPORTATION/CIRCULATION

1. All off site transportation mitigation shall be completed within the time frames outlined in the Environmental Impact Report (EIR), to the satisfaction of the City Engineer.

2. No fewer than 809 parking spaces (796 required), 49 motorcycle (44 required), 226 bicycle spaces (205 required), 9 accessible stalls (9 required) and 4 off-street loading areas shall be provided on site and permanently maintained on the site within the approximate location shown on the project's Exhibit "A," to the satisfaction of the City Engineer.
3. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code (accessible spaces per CBC Chapter 11A, Section 1118A.), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of the Development Services Department.
4. The Owner/Permittee shall offer a 26 foot wide irrevocable offer of dedication (IOD) for a future right-of-way for a street on the north side of the project site, to the satisfaction of the City Engineer.
5. The Owner/Permittee shall relinquish access rights onto Mission Gorge Road except for the three driveways which access the project site, to the satisfaction of the City Engineer.
6. The Owner/Permittee shall dedicate an additional 15 feet of right-of-way and shall construct travel lanes, raised median, curb, gutter and 5 foot sidewalks with a 92 foot curb-to-curb within a 114 feet to 117 feet right-of-way, with three travel lanes and a bike lane in each direction on Mission Gorge Road, to the satisfaction of the City Engineer.
7. The Owner/Permittee shall construct a signalized intersection at Greenbrier Avenue / Mission Gorge Road with signalized interconnect with the existing traffic signal at Old Cliffs Road / Mission Gorge Road, a 250 foot left turn pocket, two through and one through/right turn lane for eastbound, a 250 foot left turn pocket, two through and one through right turn lane for the westbound traffic, one left and one through/right turn lane for northbound traffic on Greenbrier and a 60 foot driveway with one left and one through/right turn lane for southbound project traffic, to the satisfaction of the City Engineer.
8. The Owner/Permittee shall construct two 26 foot wide emergency driveways onto Mission Gorge Road, with rolled curbs and bollards, to the satisfaction of the City Engineer.
9. The project shall contribute \$581,351 toward the cost of the Alvarado Canyon Road Realignment Project (T_12 of the current Navajo Community Public Facilities Financing Plan).
10. The Owner/Permittee shall provide and maintain a private shuttle connecting the project to the trolley station and nearby retail services. Consequently, the City and the project Owner/Permittee shall coordinate to provide this ridesharing service, which should be satisfactory to both parties. The ridesharing service will be limited to the peak hours from 6:00 AM through 10:00 AM in the morning and 3:00 PM through 7:00PM in the evening.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Owner/Permittee shall coordinate to provide this ridesharing service, which should be satisfactory to both parties. The ridesharing service will be limited to the peak hours from 6:00 AM through 10:00 AM in the morning and 3:00 PM through 7:00PM in the evening.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

op 100-2 1718 01

NOTICE OF DETERMINATION

U F 4 2 1 4

TO: X Recorder/County Clerk
P.O. Box 1750, MS A-33
1600 Pacific Hwy, Room 260
San Diego, CA 92101-2422

FROM: City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

FILED
Gregory J. Smith, Recorder/County Clerk

X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

NOV 21 2008

BY [Signature]
DEPUTY

Project Number: 142570

State Clearinghouse Number: 2008021145

Project Title: ARCHSTONE MISSION GORGE

Project Location: The 10.2-acre project site is located at 6850 Mission Gorge Road at the northwest corner of Mission Gorge Road and Old Cliff Road in the city of San Diego (APN 458-030-17-00).

Project Description: COMMUNITY PLAN AMENDMENT and REZONE to remove the site from the Mobile Home Park Overlay Zone; EASEMENT ABANDONMENT; VESTING TENTATIVE MAP for a condominium (for rent) development; and a SITE DEVELOPMENT PERMIT for the subdivision and construction of a multi-family development on a premise containing environmentally sensitive lands (ESL), discontinuance of a mobilehome park within the Mobilehome Park Overlay Zone, deviations from development regulations, and development in the Community Planning Implementation Overlay Zone (CPIOZ) Type B area. The project proposes to replace an existing 119-unit mobile home park and construct a new 444-unit-multi-family apartment complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure. The project site is located in the RM 3-7 (multi-family residential) zone and is designated for multi-family residential development at 30-43 dwelling units/acre (du/ac) as identified in the Navajo Community Plan (NCP). The project does not propose a change to the existing RM-3-7 zone. The project site is within the Mobile Home Overlay Zone, CPIOZ Type B area, and FAA Part 77 Noticing Area for Montgomery Field.

Project Applicant: Archstone-Smith, Michael Walseth, 3 MacArthur Place, 6th Floor, Santa Ana, CA 92707. Phone: (714) 689-7042.

This is to advise that the City of San Diego City Council on NOV 18 2008 approved the above described project and made the following determinations:

1. The project in its approved form X will, will not, have a significant effect on the environment.
2. X An Environmental Impact Report was considered by the City as a Responsible Agency for this project and certified pursuant to the provisions of CEQA by the Lead Agency, the University of California, San Diego. **R-304442**
 A (MITIGATED) Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
 An addendum to NEGATIVE DECLARATION NO. OR MITIGATED NEGATIVE DECLARATION NO. OR ENVIRONMENTAL IMPACT REPORT NO. was prepared for this project pursuant to the provisions of CEQA.
Record of project approval may be examined at the address above.
3. Mitigation measures X were, were not, made a condition of the approval of the project.
4. (EIR only) Findings X were, were not, made pursuant to CEQA Guidelines Section 15091.
5. (EIR only) A Statement of Overriding Considerations X was, was not, adopted for this project.

It is hereby certified that the final environmental report, including comments and responses, is available to the general public at the office of the Entitlements Division, Development Services Department, Fifth Floor, 1222 First Avenue, San Diego, CA 92101.

Analyst: Jarque

Telephone: (619) 446-5341

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on NOV 21 2008
Posted NOV 21 2008 Removed
Returned to agency on
Deputy [Signature]

Filed by: [Signature]
Signature

Senior Planner
Title

R 304442



STATE OF CALIFORNIA - WATER RESOURCES AGENCY
 DEPARTMENT OF FISH AND GAME
 ENVIRONMENTAL FILING FEE CASH RECEIPT

355611

Lead Agency: CITY OF SAN DIEGO Date: 11/21/2008

County/State Agency of Filing: SAN DIEGO Document No.: 14770

Project Title: ARCHSTONE MISSION GORGE

Project Applicant Name: ARCHSTONE-SMITH

Project Applicant Address: 3 MAC ARTHUR PL 6TH FL

City SANTA ANA State CA Zip Code 92707 Phone Number: (714) 689-7042

Project Applicant (check appropriate box):

- Local Public Agency School District Other Special District State Agency Private Entity

Check Applicable Fees:

<input checked="" type="checkbox"/>	Environmental Impact Report	\$2,606.75	\$ <u>2,606.75</u>
<input type="checkbox"/>	Negative Declaration	\$1,876.75	\$ _____
<input type="checkbox"/>	Application Fee Water Diversion (State Water Resources Control Board Only)	\$886.25	\$ _____
<input type="checkbox"/>	Projects Subject to Certified Regulatory Programs	\$886.25	\$ _____
<input checked="" type="checkbox"/>	County Administrative Fee	\$50.00	\$ <u>50.00</u>
<input type="checkbox"/>	Project that is exempt from fees		
<input type="checkbox"/>	Notice of Exemption		
<input type="checkbox"/>	DFG No Effect Determination (Form Attached)		
		TOTAL RECEIVED	\$ <u>2,656.75</u>

Signature and title of person receiving payment:

Roberta Gonzales Deputy
 GOLDENROD COUNTY CLERK

WHITE - PROJECT APPLICANT

YELLOW - DFG/FASB

PINK - LEAD AGENCY

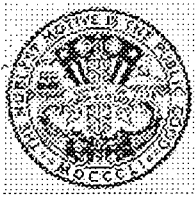
GOLDENROD COUNTY CLERK

DFG 753.5a (Rev. 1/08)

355611



R-304442



Gregory J. Smith

**COUNTY OF SAN DIEGO
ASSESSOR/RECORDER/COUNTY CLERK**



ASSESSOR'S OFFICE

1600 Pacific Highway, Room 103
San Diego, CA 92101-2480
Tel. (619) 236-3771 * Fax (619) 557-4056

www.sdarcc.com

RECORDER/COUNTY CLERK'S OFFICE

1600 Pacific Highway, Room 260
P.O. Box 121750 * San Diego, CA 92112-1750
Tel. (619)237-0502 * Fax (619)557-4155

Transaction #: 191460220081121
Deputy: RGONZAL2
Location: COUNTY ADMINISTRATION BUILDING
21-Nov-2008 11:03

FEES:

2,606.75	Qty of 1 Fish & Game Env Impact (2500) for Ref# RCT355611NOD14770
50.00	Qty of 1 Fish and Game Filing Fee
<hr/>	
2,656.75	TOTAL DUE

PAYMENTS:

2,656.75	Check
<hr/>	
2,656.75	TENDERED

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- * Property Records
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(619) 498-2277

EL CAJON

200 South Magnolia Ave.
El Cajon, CA 92020-3316
(619) 401-5750

KEARNY MESA

9225 Clairemont Mesa Blvd.
San Diego, CA 92123-1211
(858) 505-6226

SAN MARCOS

141 E Carmel Street
San Marcos, CA 92078-4309
(760) 940-6858

R-304442