

RESOLUTION NUMBER R- 304444

DATE OF FINAL PASSAGE NOVEMBER 18, 2008

RESOLUTION APPROVING SITE DEVELOPMENT PERMIT  
NO. 498703 FOR ARCHSTONE MISSION GORGE – PROJECT  
NO. 142570.

WHEREAS, ASN Mission Gorge LLC, A Delaware Limited Liability Company, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit No. 498703 to demolish an existing 119 unit mobile home park and construct a 444 unit residential rental condominium complex that sets aside 20 percent of the units on-site for affordable housing (with 10 percent of the affordable units at 65 percent of AMI and 10 percent of the affordable units at 110 percent to 140 percent of AMI) known as the Archstone Mission Gorge project, located at 6850 Mission Gorge Road, and legally described as Lot 1 of Mission Valley Village Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 6315, filed in the Office of the County Recorder of San Diego County, February 28, 1969, in the RM-3-7 Zone within the Navajo Community Planning area, Community Plan Implementation Overlay Zone (CPIOZ) Area B, Mobile Home Park Overlay Zone (MHPOZ), and the Federal Aviation Administration (FAA) Part 77 Noticing Area for Montgomery Field, which is proposed to be rezoned to the RM-3-7 (previously referred to as the RM-3-7/Mobile Home Park Overlay Zone ); and

WHEREAS, on October 16, 2008, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) No. 498703, and pursuant to Resolution No. 4456-PC voted to conditionally recommend to the City Council approval of the permit; 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 matter was set for public hearing on November 18, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to SDP Permit No. 498703:

**SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE SECTION 126.0504**

**A. Findings for all Site Development Permits**

**1. The proposed development will not adversely affect the applicable land use plan.** The project site is located at 6850 Mission Gorge Road, at the intersection of Mission Gorge Road and Greenbrier Avenue, and southwest of Old Cliffs Road. The site is in the RM-3-7 Zone within the Navajo Community Planning area, Community Plan Implementation Overlay Zone (CPIOZ) Area B, the Mobile Home Park Overlay Zone (MHPOZ), and the Federal Aviation Administration (FAA) Part 77 Noticing Area for Montgomery Field. The community plan designates the site as Multi-Family Residential. This residential element of the Navajo Community Plan (NCP) contains five allowable dwelling unit densities (Very low, Low, Low-medium, Medium, and Medium-high), and the Medium-high density residential category would allow a density of 30-43 dwelling units per acre, which comprises the underlying zoning designation (RM-3-7). The project site, occupying 10.2-acres, could accommodate 445 dwelling units based on the underlying zone and 444 dwelling units based on the community plan.

The project proposes the construction of a 444-unit rental condominium complex of two-, three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. The project will contain 203 one-bedroom units, 211 two-bedroom, and 30 three-bedroom units. The project would implement the goals and objectives of the NCP for residential development and comply with the supplemental design guidelines of the CPIOZ Area B. As a component of the application, the proposed project would conform to the Inclusionary Housing Ordinance and Council Policy 600-27(A) criteria by setting

aside at least 10 percent of the total rental condominium units on-site for households with an income at or below 65 percent area median income (AMI). However, an additional 10 percent of the total rental condominium units on-site will be set aside for moderate income households with an income between 110 percent and 140 percent of AMI, for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

The redevelopment of the project site includes the discontinuance of the existing mobile home park on site and the removal of the property from the MHPOZ in conformance with California Government Code, California Mobile Home Residency Law, the City's Mobile Home Park Discontinuance and Tenant Relocation Regulations, and the City's Housing Commission Relocation Standards and Procedures. The proposed rental condominium development, inclusion of 20 percent on-site affordable housing units (with 10 percent of the affordable units at 65 percent of AMI and 10 percent of the affordable units at 110 percent to 140 percent of AMI), would conform to the village concept of the City of Villages Strategy and objectives of the General Plan, which includes the land, use intensity and provide for a more varied housing within an already developed area of the city. Therefore, the proposed development will not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The project site is located at 6850 Mission Gorge Road and is a trapezoid shaped lot with frontage on Mission Gorge Road that is currently fully developed with a mobile home park. The project site is surrounded by urban development in the form of single-family residential to the east and southeast, multi-family to the south, and commercial-industrial and multi-family to the north. The property along the western property line is developed with a golf course owned by the US Navy (Admiral Baker Golf Course) and the San Diego River.

The project proposes the construction of a 444-unit rental condominium complex of two-, three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site.

The project site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the 10.2-acre site. The proposed project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property. In addition, the site is located within the FAA Part 77 Noticing Area for Montgomery Field, but is located outside of the adopted Airport Influence Area for Montgomery Field. The FAA issued a Determination of No Hazard to Air Navigation for the proposed project.

The project, with the adoption of the General Plan and Navajo Community Plan Amendments, and Rezone Ordinance, the City's Housing Commission Standards and Procedures, adopted City Council policies, and the California Government and Civil Codes. Other than the requested deviations to achieve the 20 percent on-site affordable rental condominium units, the proposed development complies with the applicable regulations of the Land Development Code (LDC). The permit prepared for the project includes various conditions and referenced exhibits of the approval relevant to achieving project compliance with the

applicable regulations in effect for this project, as described in the Site Development Permit No. 498703. Such conditions, as determined by the decision maker, are intended to avoid adverse impacts upon health, safety, and general welfare of the persons residing or working in the surrounding area.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The project site is located at 6850 Mission Gorge Road, the intersection of Mission Gorge Road and Greenbrier Avenue, and southwest of Old Cliffs Road. The site is in the RM-3-7 Zone within the NCP, CPIOZ Area B, the MHPOZ, and the FAA Part 77 Noticing Area for Montgomery Field. The project site, occupying 10.2-acres, could accommodate 445 dwelling units based on the underlying zone and 444 dwelling units based on the community plan.

The project proposes the discontinuance and demolition of an existing mobile home park for the construction of a 444-unit rental condominium complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. The project, with the adoption of the General Plan and Navajo Community Plan Amendments, and Rezone Ordinance, the City's Housing Commission Standards and Procedures, adopted City Council policies, and the California Government and Civil Codes. Other than the requested deviations to achieve the 20 percent on-site affordable rental condominium units, the proposed development complies with the applicable regulations of the LDC. In addition, the project, inclusion of 20 percent on-site affordable housing units (with 10 percent of the affordable units at 65 percent of AMI and 10 percent of the affordable units at 110 percent to 140 percent of AMI), would conform to the village concept of the City of Villages Strategy and objectives of the General Plan, which includes the land use intensity and provide for a more varied housing within an already developed area of the city.

**B. Supplemental Findings--Environmentally Sensitive Lands**

**1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The project site is located at 6850 Mission Gorge Road and is currently fully developed with a mobile home park; no native habitat or steep slopes occur on the site. The site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the 10.2-acre site. This area within the floodplain would be classified as environmentally sensitive lands (ESL) and the proposed project would be subject to the ESL Regulation within the LDC. The project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property. Therefore, the site is physically suitable for the design and siting of the proposed development.

**2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the

10.2-acre site. This area within the floodplain would be classified as ESL and the proposed project would be subject to the ESL Regulation within the LDC. The project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property. The grading necessary would not impact ESL as the entire project site, including the portion within the existing floodplain, is developed entirely in urban uses and contains no environmental resources or native habitat.

An emergency access only road would be provided off Mission Gorge Road at the northeast and southeast corners of the project site. The emergency access road would continue around the perimeter of the development within a 26 foot wide fire access lane with gate-controlled access and Knox key box. This road would be a modified road system (grasscrete) that meets the Fire Department Policy A-96-9M, and will incorporate a public river-front bike and walking path overlooking the existing Admiral Baker Golf Course and the San Diego River Park.

**3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The project site is located at 6850 Mission Gorge Road and is currently fully developed with a mobile home park; no native habitat or steep slopes occur on the site. The site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the 10.2-acre site. This area within the floodplain would be classified as ESL and the proposed project would be subject to the ESL Regulation within the LDC. The project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property.

An EIR was prepared for the project and analyzed the environmental impacts of the proposed project. Implementation of the MMRP, addresses potential impacts to the adjacent Multi-Habitat Planning Area (MHPA) for the project construction and operation. In addition, the project would incorporate design features consistent with the City's MHPA Land Use Adjacency Guidelines for drainage, lighting, noise, barriers, and invasive landscaping. The project includes an underground stormdrain system; lighting designed to minimize light pollution and would be directed away from native habitat; barriers such as retaining walls, fencing, and assigned pedestrian walkways incorporated into the project design to limit and control public access into the MHPA. The landscape design for the project does not include any invasive plants in areas adjacent to the MHPA. In addition, existing invasive species located on the site shall be removed as part of the proposed project. Therefore, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The project site lies within the City's Multiple Species Conservation Program (MSCP) Subarea, but not within the MHPA. The MHPA associated with the San Diego River is located approximately 30 feet east of the project site. To address the integrity of the MHPA, guidelines were developed to manage land uses adjacent to the MHPA. The City's MHPA Land Use Adjacency Guidelines addresses drainage, lighting, noise, barriers, and invasive landscaping. The project includes an underground stormdrain system; lighting designed to minimize light pollution and would be directed away

from native habitat; barriers such as retaining walls, fencing, and assigned pedestrian walkways incorporated into the project design to limit and control public access into the MHPA. The landscape design for the project does not include any invasive plants in areas adjacent to the MHPA. In addition, existing invasive species located on the site shall be removed as part of the proposed project. The project site contains no toxics and is not subject to the brush management requirements. An EIR was prepared for the project and analyzed the environmental impacts of the proposed project. Implementation of the MMRP, addresses potential impacts to the adjacent MHPA for the project construction and operation.

**5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The project site is located at 6850 Mission Gorge Road, the intersection of Mission Gorge Road and Greenbrier Avenue, and southwest of Old Cliffs Road. The site is located within in an urbanized area and adjacent to the eastern bank of the San Diego River and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the 10.2-acre site. The project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property. The placement of the fill within the floodplain would not alter the flow of the San Diego River. The project includes an underground storm drain system, with on-site detention, two outlets, and energy dissipater. This system would ensure that post-project flow will be detained to a pre-project flow rate and would reduce the impact to downstream properties. The site is located approximately seven miles from the San Diego Bay and approximately nine miles from the local shoreline. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.** The project site is located at 6850 Mission Gorge Road and is currently fully developed with a mobile home park; no native habitat or steep slopes occur on the site. The site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the 10.2-acre site. This area within the floodplain would be classified as ESL and the proposed project would be subject to the ESL Regulation within the LDC. The project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property.

An EIR was prepared for the project and analyzed the environmental impacts of the proposed project. Implementation of the MMRP, which is included in the EIR as Chapter 10, would reduce the impacts to below a level of significance, with the exception of significant unmitigated impacts related to traffic and circulation (direct and cumulative), in the following categories: Land Use (Biological Resources), Transportation/Circulation, Historical Resources (Archaeology), Public Utilities (Solid Waste), Noise, and Biological Resources.

The MHPA associated with the San Diego River is located approximately 30 feet east of the project site and to address the integrity of the MHPA, the MMRP addresses pre-construction,

during construction, and post-construction for drainage, lighting, noise, barriers, and invasive landscaping. The project would be required to install a traffic signal at the intersection of Mission Gorge Road and Greenbrier Avenue, and various public right-of way improvements (driveways, median, and turn lanes) on Mission Gorge Road to improve the traffic progression and operation. The project includes a waste management plan (WMP) to reduce the solid waste by 50 percent and architectural features to reduce the interior and exterior noise. The project would be required to have onsite monitoring that addresses pre-construction, during construction, and post-construction for archaeological and biological resources. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

**K. Supplemental Findings--Mobile home Park Discontinuance**

**1. The discontinuance of use of the land for a mobile home park or mobilehome spaces will not deprive the community of a needed facility.** The redevelopment of the project site includes the discontinuance and demolition of the existing Mission Valley Village Home Park, which contains 119- mobile home spaces. The park presently accommodates 98 occupied mobile homes that are owned by the park tenants, and one that is owned by the property owner and rented to the park maintenance employee. There are currently 260 mobile home parks within the San Diego County, which includes the existing mobile home park (Mission Valley Village) located at 6850 Mission Gorge Road, and the Cliffs Mobile Home Park which is located approximately 0.35 miles from the project site. There are approximately 34,975 mobile home spaces contained within theses mobile home parks and there are approximately 152 available mobile home spaces, and approximately 575 mobile homes for sale. There are currently 30 mobile home parks within the City of San Diego (includes the Mission Valley Village) containing approximately 4,162 mobile home spaces. Therefore, the discontinuance of use of the land for a mobile home park or mobile home spaces will not deprive the community of a needed facility.

**2. The discontinuance of use of the land for a mobile home park or mobile home spaces, because of the associated relocation plan and conditions that have been applied to the discontinuance, will not be detrimental to the public health, safety, and welfare of persons living in the mobile home park.** California Government Code § 65800 et. seq. establishes a comprehensive plan at the state level regulating the procedures and mitigation measures required to close a mobile home park in California. Specifically, Government Code Section 65863.7(e) establishes and limits the nature of mitigation measures that can be required by local agencies as a condition of approving a park closure.

Pursuant to Government Code Section 65863.7(a), Applicant prepared a Mobile Home Park Relocation Impact Report (RIR) and pursuant to Government Code Section 65863.7(e) it was reviewed by the City's Housing Commission for conformance with state zoning regulations, the City's Mobile Home Park Discontinuance and Tenant Relocation Regulations (San Diego Municipal Code § 143.0610 et. seq.), and the City's Housing Commission Relocation Standards and Procedures. The RIR was amended December 1, 2008 by City Council to mitigate the adverse impacts of the closure of the mobile home park. Accordingly, Applicant, as a condition

of this permit, shall be required to offer each displaced tenant a choice between receiving a rent differential for equivalent housing or relocation assistance. In summary, these options are described as follows:

- 1) **Rent Differential Option.** Receiving one lump sum payment, equivalent to 84 months (seven years) difference between the mobile home space rent (valued at the date of displacement) and comparable apartment unit of a size appropriate to accommodate the displaced household (based on the federal HUD fair market rents), plus the following costs: reimbursement of previously paid security deposits, payment of moving costs associated with moving all personal property; payment for necessary modifications to a replacement location to accommodate a handicapped or disabled person; and provision of a relocation consultant's services.
- 2) **Relocation Assistance Option.** Applicant to relocate the existing mobile home to an existing park within San Diego County, including overseeing all aspects of the relocation, such as reimbursement of the actual cost to disassemble and reassemble the mobile home and all legally constructed additions; payment of new utility connections; reimbursement of previously paid security deposits, payment of temporary lodging expenses; payment of moving costs associated with moving all personal property; payment for necessary modifications to a replacement location to accommodate a handicapped or disabled person. This option removes any necessity for Applicant to determine the feasibility of relocating the mobile home unit. Finally, the sum total of all relocation costs shall not to exceed the cost of the rent differential option.

In addition, Applicant will give each displaced tenant who chooses the rent differential option the first priority to rent a unit in the proposed development. This priority will be for any unit within the proposed development, provided however, that if a tenant wishes to rent a low-income unit, the tenant must meet the requirements of a low-income household in order to qualify and comply with the Housing Commission process.

In addition to mitigation measures for displaced tenants, the project provides 20 percent on-site, affordable rental condominium units (with 10 percent of the affordable units at 65 percent of AMI and 10 percent of the affordable units at 110 percent to 140 percent of AMI).

In sum, such conditions, as determined by the decision makers, will not be detrimental to the public health, safety, and welfare of persons living in the mobile home park, and will avoid adverse impacts upon health, safety, and general welfare of the persons residing or working in the surrounding area.

**3. The use to which the applicant proposes to put the property will provide a greater public benefit than continued use of the property as a mobile home park or mobile home spaces.** The project proposes the construction of a 444-unit rental condominium complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. The project will contain 203 one-bedroom units,



211 two-bedroom, and 30 three-bedroom units. As a component of the application, the proposed project would conform to the Inclusionary Housing Ordinance and Council Policy 600-27(A) criteria by setting aside at least 10 percent of the total rental condominium units on-site for households with an income at or below 65 percent AMI. An additional 10 percent of the total rental condominium units on-site will be set aside for moderate income households with an income of 110 percent to 140 percent of AMI, for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

The project would implement the goals and objectives of the NCP for residential development and conforms to the village concept of the City of Villages Strategy and objectives of the General Plan. The multi-family development would enhance the residential neighborhood by the appearance of the street and sense of identity through the design of the buildings, landscape, and to the human scale. The project incorporates offsetting planes, façade articulations, texture, and color to reduce its apparent size and scale, and integrates the project into the streetscape along Mission Gorge Road. The building bulk is also controlled through the use of clearly defined vertical and horizontal offsets, breaking the complex up into several structures, and other architectural features which serve to break up the building facades. In addition, the project would comply with the supplemental design guidelines of the CPIOZ Area B.

The proposed development, inclusion of 20 percent on-site affordable housing units (with 10 percent of the affordable units at 65 percent of AMI and 10 percent of the affordable units at 110 percent to 140 percent of AMI), would conform to the village concept of the City of Villages Strategy and objectives of the General Plan, which includes the land use intensity and provides for more varied housing within an already developed area of the city. The project would provide 89 affordable housing units and a net gain of 325 rental units above the existing 119 Market-rate mobile homes. This would help the City address its shortage of both affordable housing and market rate rental units during a time when the City Council has determined that the City of San Diego is in a Housing State of Emergency. Therefore, the proposed project will provide a greater public benefit than continued use of the property as a mobile home park or mobile home spaces.

**M. Supplemental Findings--Deviations for Affordable/In-Fill Housing Projects and Sustainable Buildings**

**1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants.** The project proposes the construction of a 444-unit rental condominium complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. The project will contain 203 one-bedroom units, 211 two-bedroom, and 30 three-bedroom units. As a component of the application, the proposed project would conform to the Inclusionary Housing Ordinance and Council Policy 600-27(A) criteria by setting aside at least 10 percent of the total rental condominium units on-site for households with an income at or

below 65 percent AMI. However, an additional 10 percent of the total rental condominium units on-site will be set aside for moderate income households with an income of 110 percent to 140 percent of AMI, for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

The project would implement the goals and objectives of the NCP for residential development and conforms to the village concept of the City of Villages Strategy and objectives of the General Plan. The multi-family development would enhance the residential neighborhood by the appearance of the street and sense of identity through the design of the buildings, landscape, and to the human scale. The project incorporates offsetting planes, façade articulations, texture, and color to reduce its apparent size and scale, and integrates the project into the streetscape along Mission Gorge Road. The building bulk is also controlled through the use of clearly defined vertical and horizontal offsets, breaking the complex up into several structures, and other architectural features which serve to break up the building facades. In addition, the project would comply with the supplemental design guidelines of the CPIOZ Area B.

The proposed development, inclusion of 20 percent on-site affordable housing units (with 10 percent of the affordable units at 65 percent of AMI and 10 percent of the affordable units at 110 percent to 140 percent of AMI), would conform to the village concept of the City of Villages Strategy and objectives of the General Plan, which includes the land, use intensity and provide for a more varied housing within an already developed area of the city. Therefore, the proposed project will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

**2. The development will not be inconsistent with the purpose of the underlying zone.** The project site is located at 6850 Mission Gorge Road, the intersection of Mission Gorge Road and Greenbrier Avenue, and southwest of Old Cliffs Road. The site is in the RM-3-7 Zone within the NCP, CPIOZ Area B, the MHPOZ, and the FAA Part 77 Noticing Area for Montgomery Field. The community plan designates the site as Multi-Family Residential with a Medium-high Density category would allow a density of 30-43 dwelling units per acre, which comprises the multi-family residential underlying zoning designation (RM-3-7). The project site, occupying 10.221-acres, could accommodate 445 dwelling units based on the underlying zone and 444 dwelling units based on the community plan.

The project proposes the construction of a 444-unit rental condominium complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. Therefore, the proposed multi-family residential will not be inconsistent with the purpose of the underlying zone.

**3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The project proposes the construction of a 444-unit rental condominium complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. As a component of the application, the proposed project would conform to the Inclusionary Housing

Ordinance and Council Policy 600-27(A) criteria by setting aside at least 10 percent of the total rental condominium units on-site for households with an income at or below 65 percent AMI. However, an additional 10 percent of the total rental condominium units on-site will be set aside for moderate income households at an income of 110 percent to 140 percent of AMI, for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

The LDC allows flexibility in the application of the development regulations (deviations) for affordable housing developments where strict application of the underlying zone development regulations would restrict design options and result in a less desirable project, through the processing of a Site Development Permit. The purpose of these regulations is to provide flexibility in the application of development regulations for projects providing affordable shelter and a balance of housing opportunities for all economic segments of the community. The intent is to provide an additional incentive to facilitate the development of the affordable/in-fill housing while assuring that the development achieves the purpose and intent of the applicable land use plan.

The project site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.26-acres of the 10.221-acre site. The proposed project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property. The existing site is characterized by a terraced topography, ranging in elevation of approximately 114 feet above mean sea level (AMSL) on the upper portion and 81 feet AMSL on the lower portion of the site. The upper and lower portions of the site are separated by a manufactured slope, which has a grade differential of 33 feet. The site improvements will establish new proposed grade over the entire property, and some of the proposed grade will be lower than the existing grade. Height is measured vertically from the existing grade or proposed grade, whichever is lower pursuant to the LDC.

To achieve the 20 percent on-site affordable rental condominium units requires the following deviations to maximize the site's available and usable land: deviation request to omit the horizontal distance requirement between the retaining walls to allow for one 12 foot high plantable retaining/crib wall within the rear yard and side yards; deviation to the building height to allow for most of the residential buildings a height of 50 feet, architectural features, elevator, or stair towers propose a height of 55 feet; and the Clubhouse portion of the complex will be 59 feet. However, since height is measured from the lowest grade, which in this case is the existing grade, the maximum proposed building height for the residential building will be 73 feet from existing grade at its lowest point; deviation to allow for a 36 foot side yard setback instead of the required 80 foot side yard setback; deviation request is to allow for a 27 percent FAR reserved for parking and the remaining 6 percent to be reallocated to non parking uses; and deviation request to install shade structures on the upper level of the parking structure instead of trees.

Strict conformance with the retaining wall development regulations would limit optional use of the site and restrict the available and usable land for development, and impact the ability to provide the 20 percent on-site affordable rental condominium units. The proposed retaining wall meets the intent of the regulations by incorporating wall interruptions at regular intervals

with stone veneer traditional retaining walls providing tree pockets and overlooks. The retaining walls would provide for a fire lane to serve the proposed project and a public river-front bike and walking path overlooking the existing Admiral Baker Golf Course and the San Diego River Park. This path would connect to potential future river park trails to the north and south, as well as provide access back to Mission Gorge Road. The landscaping at the bottom of the retaining wall and along the wall would contain a minimum of 75 percent native and 25 percent drought-tolerant non-native plant material providing 80 percent screening of the wall within two years.

Strict conformance with the side yard setback development regulations would limit optional use of the site and restrict the available and usable land for development, and impact the ability to provide the 20 percent on-site affordable rental condominium units. The proposed 36-foot side yard setback meets the intent of the regulations and would allow for optimal site utilization and still provide for a fire access road, a public river-front bike and walking path from Mission Gorge Road, and function as a view corridor to the San Diego River.

Strict conformance with the building height development regulations would impact the ability to provide the 20 percent on-site affordable rental condominium units. To achieve conformance with the regulation would require in some areas of the proposed development the reduction of one and two floors, which is an approximate 25-30 percent reduction. This reduction would not be consistent with the community plan density and the objectives of the General Plan, which includes the land, use intensity and provides for a more varied housing within an already developed area of the city.

Strict conformance with the floor area ratio (FAR) development regulations requiring 33 percent to be reserved for parking would limit optional use of the site and restrict the available and usable land for development. The project meets all of the parking requirements and the "wrapped" parking structure design provides for maximum efficient use of the project site and reduces the need for additional surface parking. The project requires only 27 percent FAR to meet the parking requirement, which meets the intent of the regulations to provide all of the required parking on site.

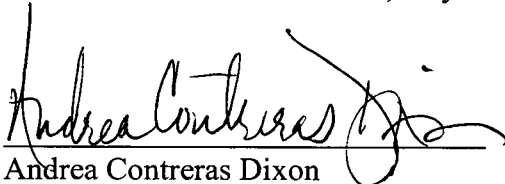
Strict conformance with the development regulations that require trees on the upper level of the parking structure would limit the flexibility of the design. The proposed shade structures would provide the same function as the required trees by providing shade for the surface parking area of the upper deck. Alternatively or additionally, the applicant is evaluating the incorporation of solar trees or a canopy of a photovoltaic system on the upper level of the parking structure for the generation of the projected energy consumption for all common areas and facilities for the complex.

Each of the requested deviations are appropriate for this location and would result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed development has otherwise been designed and conditioned to ensure conformance to the requirements of the LDC.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 498703 is granted to ASN MISSION GORGE LLC, A Delaware Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Andrea Contreras Dixon  
Deputy City Attorney

AD:als:mm  
10/28/08  
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R-2009-528  
MMS#5977

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

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-8782

**SITE DEVELOPMENT PERMIT NO. 498703**  
**ARCHSTONE MISSION GORGE – PROJECT NO. 142570 [MMRP]**  
**CITY COUNCIL**

This Site Development Permit No. 498703 is granted by the City Council of the City of San Diego to ASN MISSION GORGE LLC, A Delaware Limited Liability Company, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 10.221 site is located at 6850 Mission Gorge Road in the RM-3-7 Zone within the Navajo Community Planning area, Community Plan Implementation Overlay Zone (CPIOZ) Area B, Mobile Home Park Overlay Zone (MHPOZ), and the Federal Aviation Administration (FAA) Part 77 Noticing Area for Montgomery Field. The project site is legally described as Lot 1 of Mission Valley Village Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 6315, filed in the Office of the County Recorder of San Diego County, February 28, 1969.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to demolish an existing 119 unit mobile home park and to construct a 444-unit residential rental condominium complex and a parking structure accessory to the residential building that sets aside 20 percent of the units on-site for affordable housing (with 10 percent of the affordable units at 65 percent AMI and 10 percent of affordable units at 110 percent to 140 percent of AMI), described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 18, 2008, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 119-space mobile home park and construct a 444-unit rental condominium complex of two-, three-, and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure; the residential structures and accessory buildings consisting

of a total of approximately 609,178 square feet, and parking structure consisting of approximately 230,715 square feet;

- b. The project includes the deviations for building height, retaining wall height, side yard setback, vehicular use area planting requirements, and floor area ratio;
- c. A photovoltaic system consisting of solar panels sufficient to generate the proposed common use area's projected energy consumption;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking;
- f. Accessory improvements for retaining walls, fences, recreational facilities, and a 26 foot wide fire access lane that incorporates public bike and walking paths; and
- g. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

10. The Owner/Permittee shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"]) harmless from any claim, action, or proceeding against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code §66499.37. City shall promptly notify Owner/Permittee of any claim, action, or proceeding and shall cooperate fully in the



defense. If City fails to promptly notify Owner/Permittee of any claim, action, or proceeding, or if City fails to cooperate fully in the defense, Owner/Permittee shall not thereafter be responsible to defend, indemnify, or hold City harmless. City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Owner/Permittee shall not be required to pay or perform any settlement unless the settlement is approved by the Owner/Permittee."

11. Prior to issuance of any construction permit, the applicant shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program (MMRP). These MMRP conditions are incorporated into the permit by reference or authorization for the project

13. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Environmental Impact Report No.142570, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report No.142570, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use (Biological Resources)
- Transportation/Circulation
- Historical Resources (Archaeology)
- Public Utilities
- Noise
- Biological Resources

15. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

**AFFORDABLE HOUSING /SUSTAINABLE BUILDING REQUIREMENTS:**

16. Prior to filing a final map or the issuance of building permits, the Owner/Permittee shall show evidence that relocation assistance has been paid to displaced tenants under

San Diego Municipal Code provisions for Tenant Relocation Regulations (Chapter 14, Article 3, Division 6, §143.0630) and San Diego Housing Commission Policy 300.401.

17. Prior to issuance of the first residential building permit, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), and shall enter into an Agreement with the San Diego Housing Commission to ensure that the Inclusionary and Voluntary affordable units (a total of 20 percent required with 10 percent of the affordable units at 65 percent AMI and 10 percent of affordable units at 110 percent to 140 percent of AMI) are built and occupied by the appropriate households.

18. Prior to the issuance of any building permits, construction documents shall fully illustrate the incorporation of a photovoltaic system consisting of solar panels sufficient to generate the proposed common use area's projected energy consumption.

**ENGINEERING REQUIREMENTS:**

19. This Site Development Permit shall comply with the conditions of the Vesting Tentative Map No. 498719.

**GEOLOGY REQUIREMENTS:**

20. An updated geotechnical investigation report will be required as grading and building plans are developed for the project. The geotechnical report shall include detailed recommendations for mitigating potential liquefaction to an acceptable level in accordance with the California Building Code and Seismic Hazards Mapping Act. The recommendations must be incorporated into the grading plans to the satisfaction of the City Engineer and incorporated into the building plans to the satisfaction of the Building Official.

21. The geotechnical consultant must review, sign and stamp the grading plans as part of the plan review and grading permit issuance process. A Final As-Built Report is required within 15 days of completion of grading operations.

22. Additional geotechnical information such as verification of as-graded or existing soil conditions needed for design of structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

**LANDSCAPE REQUIREMENTS:**

23. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental

conditions) and Exhibit "A," on file in the Office of the Development Services Department.

24. Prior to issuance of construction permits for public right-of-way improvements, including the proposed "planted" center-median; the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

25. Prior to issuance of any construction permits for buildings; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department.

26. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

27. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

28. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

30. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-

IPC) Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

31. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all existing, invasive plant species, including vegetative parts and root systems, shall be completely removed from the premises when the combination of species type, location, and surrounding environmental conditions provides a means for the species to invade other areas of native plant material that are on or off of the premises [LDC 142.0403(b)(2)].

**PLANNING/DESIGN REQUIREMENTS:**

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

33. Utilization of this Site Development Permit will automatically rescind Conditional Use Permit No. 2632 and Conditional Use Permit No. 181-PC.

34. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

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

**PARK AND RECREATION REQUIREMENTS:**

36. All exterior retaining walls shall be of a color to match the existing native soils.

37. All retaining wall tree planter pop outs shall have a stone veneer.

38. The Owner/Permittee shall insure public access through a public access easement for the trail connection north to south, and from Mission Gorge Road west along the northerly and southerly fire access.

39. The Owner/Permittee shall provide a 10 foot wide opening from the north and south access points when adjacent properties developed/redeveloped.

**LONG RANGE PLANNING REQUIREMENTS:**

40. All ground level units along the north elevation shall have exterior access to the adjacent landscaped fire access road and/or the future public street providing a connection with the property to the north.

41. Residential structures shall include different color palettes to create variation and interest in the building facades, similar to the conceptual rendering provided in Exhibit "A." Actual coloring may vary with final building plans.

42. The Owner/Permittee and successors and assigns shall participate in an anticipated intra-community shuttle/transportation system for Grantville (designed to link key employment and housing nodes within the Grantville area). Further, Owner/Permittee and their successors and assigns agree not to oppose, or more specifically to vote in the affirmative for, both the formation and subsequent assessment vote of any "maintenance assessment-type district" that would or could be used to maintain and operate an intra-community shuttle system and agree not to oppose, or more specifically to vote in the affirmative for, both the formation and subsequent assessment vote of any "maintenance assessment-type district" that would or could be used for enhanced landscaping, lighting, and other public improvements within the rights-of-way of the Grantville Community area (if not one and the same for the shuttle system).

43. Should approval of the Grantville Master Plan establish a larger sidewalk width up to a maximum of 10-feet along Mission Gorge Road. Prior to issuance of final map, the Owner/Permittee shall improve up to a maximum 10-foot non-contiguous sidewalk within a 15-foot curb to property line distance on the north side of Mission Gorge Road, satisfactory to the City Engineer.

**TRANSPORTATION MITIGATION:**

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. The Owner/Permittee shall construct two 26 foot wide emergency driveways onto Mission Gorge Road, with gate-controlled access and a Knox key box, to the satisfaction of the City Engineer.

52. The Owner/Permittee 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).

53. 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.

**WASTEWATER REQUIREMENTS:**

54. All proposed sewer facilities serving this development shall be private.

55. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

56. Prior to the issuance of any engineering permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for all proposed private sewer facilities serving this site located in or over the public right-of-way.

57. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

58. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.
59. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
60. No medians shall be installed within five feet of any public sewer facilities.
61. Prior to the installation of any medians, all existing public manholes that will be temporarily covered (prior to completion of the capital improvement project that will relocate the sewer main) shall be raised and concrete encased, satisfactory to the Metropolitan Wastewater Department Director.
62. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

**WATER REQUIREMENTS:**

63. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
64. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.
65. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
66. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

**INFORMATION ONLY:**

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

APPROVED by the City Council of the City of San Diego on November 18, 2008, by Resolution No. R- 304444.



AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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

ASN MISSION GORGE LLC,  
A Delaware Limited Liability Company  
Owner/Permittee

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**