

000801

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 60
12/02

TO: ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): DEVELOPMENT SERVICES

3. DATE: 10/20/2008

4. SUBJECT: Archstone Mission Gorge - Project No. 142570

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Jeffrey A. Peterson (619-446-5237) M.S. 501

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Mike Westlake (619-446-5220) M.S. 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND			
DEPT.	1300		
ORGANIZATION	1672		
OBJECT ACCOUNT	4022		
JOB ORDER	42-8782		
C.I.P. NUMBER	N/A		
AMOUNT			

9. ADDITIONAL INFORMATION / ESTIMATED COST:
No Fiscal Impact. A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
1	ORIG. DEPT	KELLY BROUGHTON	10/24/08	8	DEPUTY CHIEF	WILLIAM ANDERSON	10/24/08	
2	EAS	ANNE JARQUE	10/23/08	9	COO			
3	CPC/PLANNING	MARY P. WRIGHT	10/24/08	10	CITY ATTORNEY	MARIANNE GREENE	10/28/08	
4	CFO			11	ORIGINATING DEPARTMENT	MIKE WESTLAKE	10/23/08	
5					DOCKET COORD:	COUNCIL LIAISON:		
					<input checked="" type="checkbox"/> COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
					<input type="checkbox"/> REFER TO:	COUNCIL DATE:		

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

- 1) Council Resolution certifying that the information contained in Project No. 142570 has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and that said Environmental Impact Report (EIR) No. 142570, SCH No. 2008021145 reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered prior to approving the project; and adopting the Findings and Statement of Overriding Considerations, and adopt the Mitigation, Monitoring and Reporting Program (MMRP);
- 2) Council Resolution approving Amendments to the General Plan and Land Use Plan (Navajo Community Plan) No. 4 98721;
- 3) Council Resolution approving Site Development Permit No. 498703;
- 4) Council Resolution approving Vesting Tentative Map No. 498719 and Easement Abandonment No. 589137; and
- 5) Council Ordinance approving Rezone No. 586364.

11A. STAFF RECOMMENDATIONS:
Approve the Resolutions and Adopt the Ordinance.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): 000802

COMMUNITY AREA(S): NAVATO

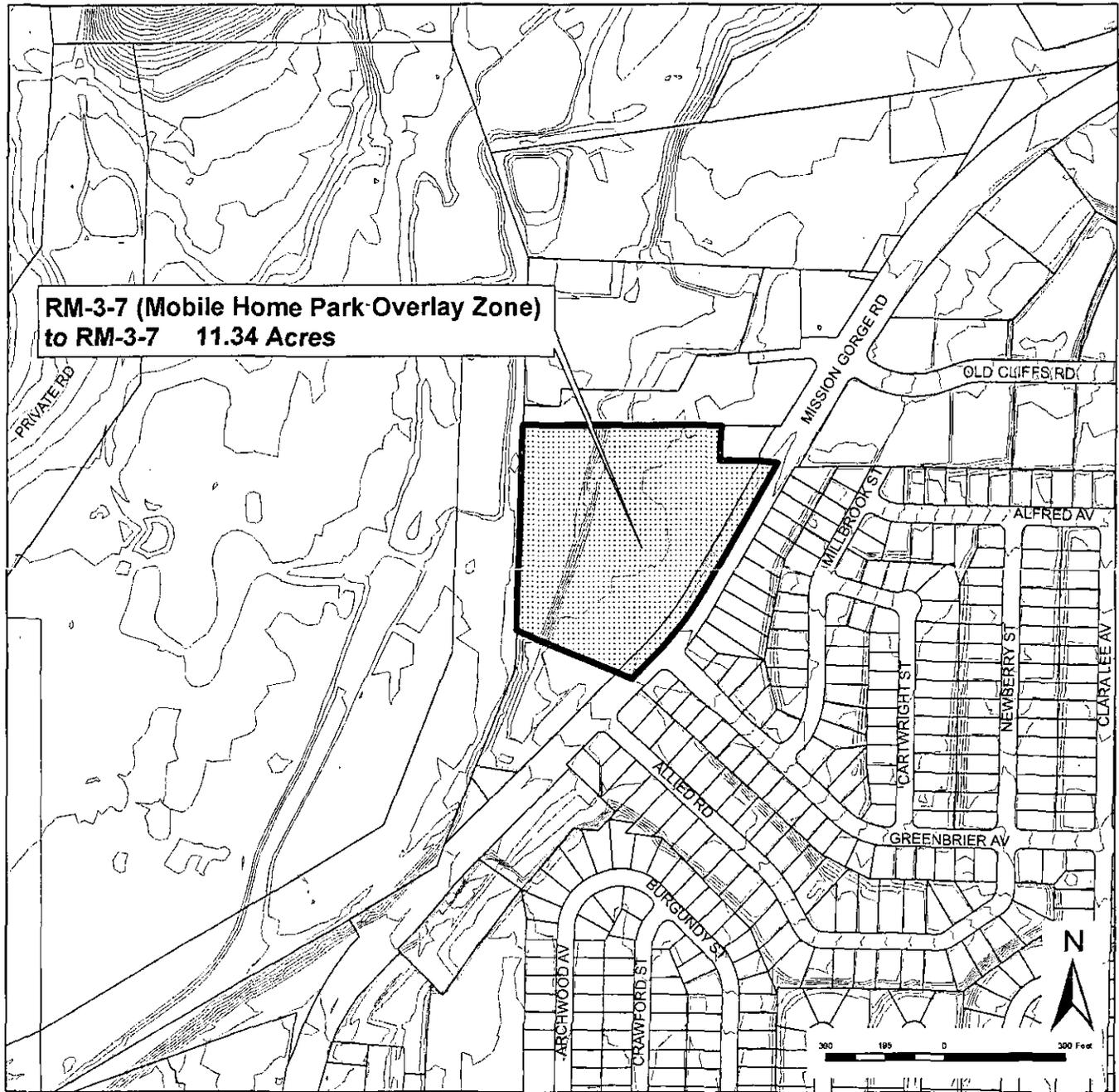
ENVIRONMENTAL IMPACT: The City of San Diego, as Lead Agency under CEQA has prepared and completed Environmental Impact Report No. 142570, dated September 24, 2008, and Mitigation, Monitoring and Reporting Program (MMRP) covering this activity.

HOUSING IMPACT: The project would provide 444 multi-family residential dwelling units within the approved density range on a site. The project meets the Inclusionary Housing Ordinance by providing 10 percent of the total rental condominium units on-site for households with an income at or below 65 percent area median income (AMI), and the applicant is proposing an additional 10 percent of the total rental condominium units on-site for moderate income households (rents at 110 percent AMI and income up to 140 percent) for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

OTHER ISSUES: None



PROPOSED REZONING



LOT 1, MISSION VALLEY VILLAGE UNIT NO. 2, MAP NO. 6315

ORDINANCE NO. _____
 EFF. DATE ORD. _____
 ZONING SUBJ. TO _____
 BEFORE DATE _____
 EFF. DATE ZONING _____
 MAP NAME AND NO. _____

REQUEST RM-3-7
 PLANNING COMM.
 RECOMMENDATION
 CITY COUNCIL
 ACTION *at*

CASE NO. 142570


 DEVELOPMENT SERVICES MANAGER

B- 4271

APN:458-030-17

(226-1737) 6-25-08 LDJ

000805

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 11.34 ACRES LOCATED AT 6850 MISSION GORGE ROAD, WITHIN THE NAVAJO COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-3-7 (MOBILE HOME PARK OVERLAY ZONE) INTO THE RM-3-7, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406; AND REPEALING ORDINANCE NO. O-15774 (NEW SERIES), ADOPTED JULY 12, 1982, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INSOFAR AS THE SAME CONFLICT HEREWITH.

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

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

Section 1. That 11.34 acres 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 No. 6315, filed in the office of the County Recorder of San Diego County dated February 28, 1969, and the westerly portion of Mission Gorge Road that fronts said Lot 1, in the Navajo Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-674.1, filed in the office of the City Clerk as Document No. OO- 768539, are rezoned from the RM-3-7 (Mobile Home Park Overlay Zone) into the

000806

RM-3-7, as the zone is described and defined by San Diego Municipal Code section 131.0406. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O -15774 (New Series), adopted July 12, 1982, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

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

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage, and no building permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
10/27/08
Or.Dept:DSD
O-2009-64
MMS#5977

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

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 _____; 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.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

000809

MG:als
10/28/08
11/04/08 Cor.Copy
Or.Dept:DSD
R-2009-525
MMS#5977

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

EXHIBIT AFINDINGS 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.

000811

**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 applicant shall make a contribution towards the improvements of several local roadway segments that are not currently built to ultimate classification. These roadway segments are: 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 Friars Road and Rainier Avenue; Mission Gorge Road between Twain Avenue and Mission Gorge Place; and Mission Gorge Road between Mission Gorge Place and Fairmount Avenue. The project contribution percentage towards the improvements of these roadway segments is calculated to be 5.5 percent.
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

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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.

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 CMITIGATION MONITORING AND REPORTING PROGRAMCOMMUNITY 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.

GENERALGENERAL 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 1/4 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 (CSVSR). The CSVSR'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 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 (CSV) shall be used to document the Daily Waste Management Activity/progress.

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- 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 thru and one thru/right turn lane for eastbound, a 250 foot left turn pocket, three thru and one right turn lane for the westbound traffic, one left and one thru/right turn lane for northbound traffic on Greenbrier and a 60 foot driveway with one left and one thru/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 Owner/Permittee shall make a monetary fair-share contribution calculated at 5.5 percent towards the improvements to seven roadway segments that are not built to the ultimate classification. These roadway segments are 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, and Mission Gorge Road between Mission Gorge Place and Fairmount Avenue.
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

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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.

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, on _____, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the General Plan and the Land Use Plan (Navajo Community Plan); and

WHEREAS, ASN Mission Gorge LLC, A Delaware Limited Liability Company, requested an amendment to the General Plan and the Land Use Plan (Navajo Community Plan) to the remove the Mobile Home Park Overlay Zone to allow for the demolish 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, with 20 percent on-site affordable rental condominium units on a 10.2-acre site located 6850 Mission Gorge Road, the intersection of Mission Gorge Road and Greenbrier Avenue, the 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; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

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

BE IT RESOLVED, by the Council of The City of San Diego, that it adopts the amendments to the Land Use Plan (Navajo Community Plan), a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts and amendment to the General Plan for the City of San Diego to incorporate the above amended plan.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
10/27/08
Or.Dept:DSD
R-2009-526
MMS#5977

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NAVAJO COMMUNITY PLAN

Community Plan Amendment

for the

ARCHSTONE-MISSION GORGE PROJECT

Draft: September 2008

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NAVAJO COMMUNITY PLAN AMENDMENTS

The following amendments have been incorporated into this July 2004 posting of this plan:

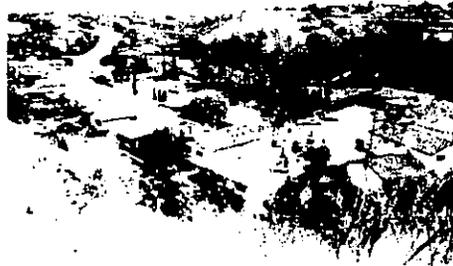
Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
Navajo Community Plan adopted	July 29, 1982	3946	December 7, 1982	R-257606
Grantville Amendment- updates existing conditions, provides design guidelines, and establishes supplemental development regulations	January 5, 1989	0333-PC	April 4, 1989	R-273164
The Circulation and Public Transportation Element was added			August 5, 2002	R-296956
<u>Amendment to delete</u>	<u>2008</u>		<u>2008</u>	
<u>Mobile Home Park Overlay</u> <u>from 10.22-acre site located</u> <u>on the east side of Mission</u> <u>Gorge Road at Old Cliffs</u> <u>Road.</u>				

RESIDENTIAL

EXISTING CONDITIONS

Navajo is a family-oriented community of attractive single-family homes. In 1968, approximately 95 percent of the population resided in single-family homes. These homes accounted for 92 percent of all dwelling units in the Navajo area.

In 1970, five percent of the population resided in multi-family units, which comprised 28 percent of all dwelling units in the Navajo area. In 1970, almost 75 percent of all dwelling units were owner-occupied, compared to 50 percent in the city as a whole. Vacancy rates were approximately four percent as compared to 5.6 percent for the entire City.



In 1988, single-family homes accounted for 77 percent of all dwelling units in the Navajo area. Multi-family homes accounted for 21 percent of the dwelling units. Vacancy rates were approximately 3.4 percent, while the citywide rate was 4.4 percent. According to 1980 census data, almost 79 percent of all dwelling units are owner-occupied, compared to 50 percent in the City as a whole.

Densities in the single-family residential areas of the community vary from one to six dwelling units per acre. In the multi-family areas, densities vary from 16 dwelling units per acre in the vicinity of Navajo Road and Jackson Drive to 40 dwelling units per acre in Grantville.

At the time the Community Plan was prepared, two mobile home parks were located in the community in the vicinity of Mission Gorge Road: one located near the intersection of Old Cliffs Road and Mission Gorge Road and the other located at the eastern end of Old Cliffs Road. The Mobile Home Park Overlay Zone was applied to both of these areas. The overlay zone provides protection for the residents of the mobile home parks against development of the sites for other uses and ensures the availability of varied housing types to create a more balanced community. In 2008, an amendment to this Community Plan resulted in removing the Mobile Home Park Overlay Zone from the site located near the intersection of Old Cliffs Road and Mission Gorge Road.

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I. All statistics compiled by City of San Diego Planning Department.

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- Mobile home parks can provide affordable housing units both for rent and for sale. However, manufactured housing has limited benefit in a high land cost urban environment like San Diego. The ability to house more people and provide more affordable units if developed with multifamily housing has resulted in increased pressure to convert existing mobile home parks to more intensive uses in recent years.

Dwelling Unit Density

Based upon the proposed land use, which assumes that the canyons and sloped areas will remain open, it is projected that by 1990 the number of dwelling units will increase approximately 32 percent above the 1970 level – an increase of some 4,950 units. Approximately one-half of the new housing units will be in the medium density range of 15-29 dwelling units per acre. By 1990, medium density housing will comprise approximately 25 percent of all residential units, compared to eight percent in 1970.

While Navajo will continue to be a relatively low density area, it is proposed that a wide range of residential densities be permitted to develop in the community. This range would include 30-43 (medium-high density), 15-29 (medium density), 10-14 (low-medium density), 5-9 (low density) and 0-4 (very low density) dwelling units per acre of land. These densities will allow single-family houses, duplexes, townhouses, and apartments which will appeal to a wide segment of the population and provide for a diverse balanced population in the community.

To provide a more complete variety of housing types, the Mobile Home Park Overlay Zone should be retained on the existing mobile home park sites. However, it is recognized that pressure to convert existing mobile home parks to more intensive uses has increased in recent years due to high land costs and the ability to house more people and provide more affordable units if developed with multifamily housing. If conversion of mobile home parks to other land uses is proposed, a Community Plan Amendment is required to remove the Mobile Home Park Overlay Zone. Additionally, all procedures outlined in San Diego Municipal Code – Mobilehome Park Discontinuance and Tenant Relocation Regulations – shall apply to any proposal involving development of an existing mobile home park.

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The City of San Diego's Municipal Code requires relocation of mobile home park residents being displaced due to the discontinuance of a mobile home park or mobile home space. Therefore, development of any existing mobile home park site within the community shall ensure that the tenant relocation provisions of San Diego Municipal Code are met.

Deleted:

Site Design

- Fit house to land rather than land to house. Choose the appropriate house plan to fit the basic slope type of the site – up, down, or across slope. Correct selection will minimize grading and preserve the maximum groundcover and trees. Use retaining walls, terraces, split level or platform houses to minimize grading. This would eliminate the need for flat building pads involving extensive earth cuts.



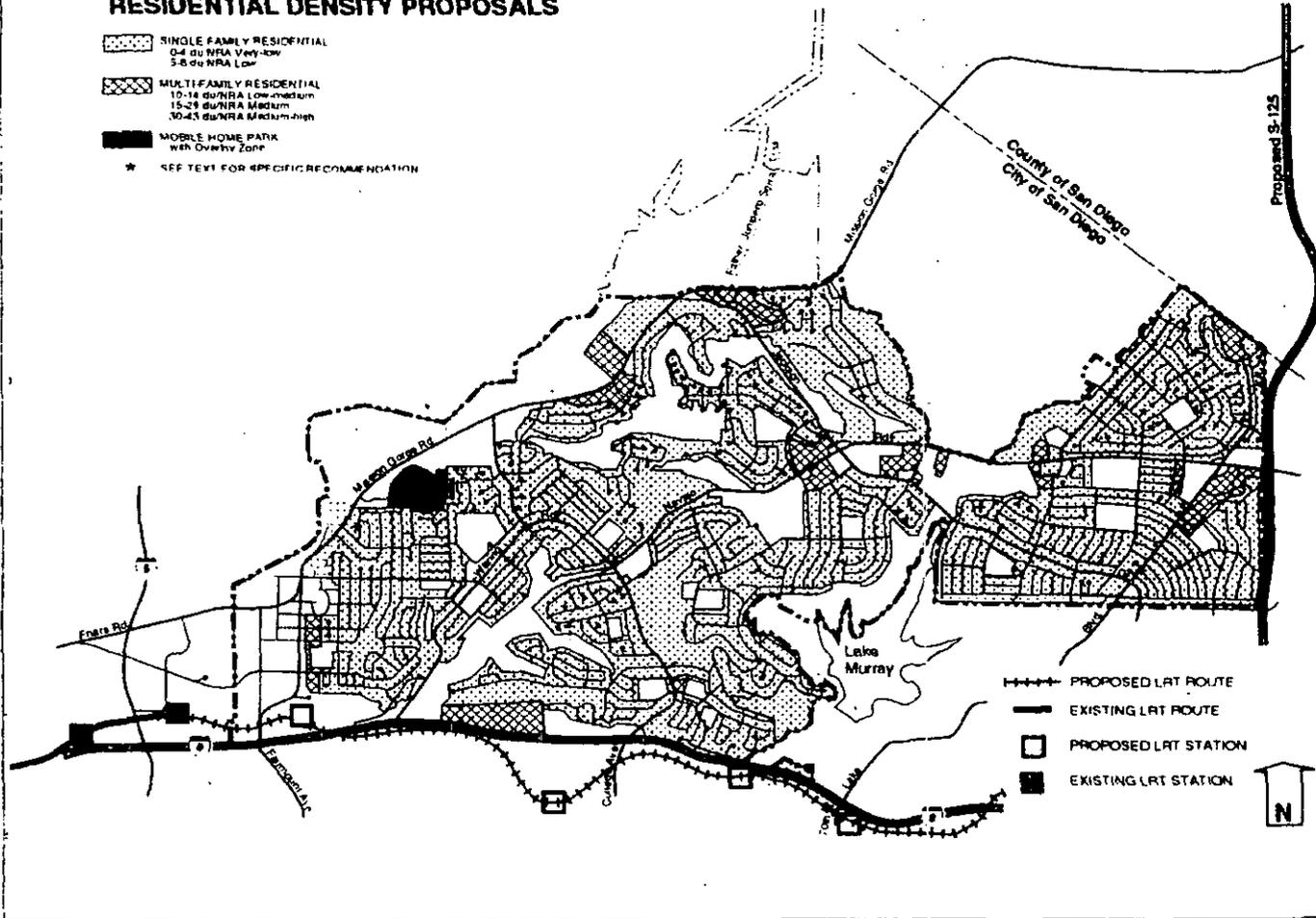
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- If earth moving is necessary, re-contour rather than cut and fill. If a new form must be given to the land, the final form should have a strong, smoothly flowing character typical of the existing hills. The basic character of the original site should provide the theme with adjustments to make the slopes gentle. Particular attention should be paid to the transition areas where the existing terrain stops and earthwork begins. Additional shaping in some areas may be necessary due to the unique subsoil and groundwater conditions present.
- Create privacy for each house and protect its outdoor spaces from view and noise. Develop alternate methods of handling setbacks to increase usable open space such as to minimize narrow, useless side yards, as well as to create an interesting streetscape.



RESIDENTIAL DENSITY PROPOSALS

-  SINGLE FAMILY RESIDENTIAL
0-4 du/NRA Very-low
5-8 du/NRA Low
-  MULTIFAMILY RESIDENTIAL
10-14 du/NRA Low-medium
15-29 du/NRA Medium
30-43 du/NRA Medium-high
-  MOBILE HOME PARK
w/RA Overlay Zone
- ★ SEE TEXT FOR SPECIFIC RECOMMENDATION



CITY OF SAN DIEGO • PLANNING DEPARTMENT

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

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 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 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 _____, 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

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

Significant traffic impacts to seven of the roadway segments identified in the EIR can not be mitigated to a level below significance, and therefore would be considered significant and unmitigated. To mitigate potential impacts to these roadway segments would require the applicant to widen Friars Road between Ranch Mission Road and I-15 SB Ramps from its current configuration of three lanes in each direction to four lanes, and widening Mission Gorge Road between Friars Road and I-8 WB Ramps from its current configurations of two lanes in each direction to three lanes are expected to provide additional capacity and reduce the impacts to less than significant level under the Near Term Conditions. However, these mitigation measures are financially infeasible for this project alone to complete due to the presence of various right-of-way and other physical constraints in the vicinity of I-15/Friars Road interchange and on Mission Gorge Road between Friars Road and I-8 WB Ramps. The project will be required to make a monetary fair-share contribution calculated at 5.5 percent towards the improvements to seven roadway segments that are not built to the ultimate classification.

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, 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. 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, Noise, and Biological Resources. 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. 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.

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 that includes geologic, erosion control, flood hazards, and fire hazards, with the exception of significant unmitigated impacts related to traffic and circulation (direct and cumulative). Therefore, the proposed development, with the raising the western portion of the site out of the floodplain, would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

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 these 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 mobilehome 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.** The California Government Code and the California Mobile Home Residency Law together establish a comprehensive plan regulating the procedures, notice provision and mitigation measures required to close a mobile home park in California. Government Code Section 65863.7(e) specifies and limits the nature on mitigation measures that can be required by local agencies as a condition of approving a park closure. A Mobile Home Park Relocation Impact Report was prepared and reviewed by the City's Housing Commission for 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 Relocation Impact Report (RIR) provides for mitigation of any adverse impacts of the closure of the mobile home park, consistent with the adopted standards and regulations. The RIR offers the following relocation assistance for tenants willing and able to relocate their existing mobile home: 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; and provision of a relocation consultant's services.

In the situation where it is not feasible to relocate an existing on-site mobile home, the RIR contains provisions for the following assistances to displaced tenants: payment over 48 months of the difference between current space rent for a comparable apartment unit of a size appropriate to accommodate the displaced household; 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.

In addition to the relocation assistance described above, each displaced tenant would be given a first priority to rent a unit in the proposed development. This priority would 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.

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. 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 of 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, 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, 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 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, 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, 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, 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 photovoltaic panels 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 then 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: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
10/28/08
Or.Dept:DSD
R-2009-528
MMS#5977

000867

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 construct a 444 unit residential rental condominium complex that sets aside 20 percent of the units on-site for affordable housing, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project shall include:

- a. 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 609,178 square feet, and parking structure consisting of 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 harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own

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

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) 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

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 thru and one thru/right turn lane for eastbound, a 250 foot left turn pocket, three thru and one right turn lane for the westbound traffic, one left and one thru/right turn lane for northbound traffic on Greenbrier and a 60 foot driveway with one left and one thru/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 rolled curbs and bollards, to the satisfaction of the City Engineer.
52. The Owner/Permittee shall make a monetary fair-share contribution calculated at 5.5 percent towards the improvements to seven roadway segments that are not built to the ultimate classification.
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 _____ by
Resolution No. R- _____.

000876

AUTHENTICATED BY THE CITY MANAGER

By _____

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.**

PERMIT/OTHER - Permit Shell 11-01-04

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

RESOLUTION APPROVING VESTING TENTATIVE MAP NO.
498719 AND EASEMENT ABANDONMENT NO. 589137 FOR
ARCHSTONE MISSION GORGE - PROJECT NO. 142570.

WHEREAS, ASN Mission Gorge LLC, A Delaware Limited Liability Company, Applicant/Subdivider, and Rick Engineering Company, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 498719, and Easement Abandonment No. 589137, for the subdivision of a 10.2 acre site into one lot for the construction of a 444 residential condominium units. The project 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; 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; and

WHEREAS, the Map proposes the subdivision of a 10.2 acre site into one lot for a 444 unit residential condominium development; and

WHEREAS, an Environmental Impact Report (EIR) No. 142570 was prepared in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is 444; and

WHEREAS, on October 16, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. No. 498719 and Easement Abandonment No. 589137 and pursuant to Resolution No. 4456-PC voted to recommend City Council approval of the map; 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, on _____, the City Council of the City of San Diego considered Vesting Tentative Map No. 498719 and Easement Abandonment No. 589137, and pursuant to Sections 125.0440 (tentative map), and 125.1040 (easement abandonment) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; and

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

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 498719 and Easement Abandonment No.

589137:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan San Diego Municipal Code and Land Development Code [SDMC/LDC] Section 125.0440(a) and Subdivision Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (SDMC/LD Section 125.0440(b)).
3. The site is physically suitable for the type and density of development (SDMC/LDC Section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (SDMC/LDC Section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (SDMC/LDC Section 125.0440(e) and Subdivision Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (SDMC/LDC Section 125.0440(f) and Subdivision Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC/LDC Section 125.0440(g) and Subdivision Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (SDMC/LDC Section 125.0440(h) and Subdivision Map Act Section 66412.3).
9. The property contains easements which must be vacated to implement the Final Map in accordance with San Diego Municipal Code 125.0430.
10. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the public service easements, located within the project boundaries as shown in

Vesting Tentative Map No. 498719, shall be vacated, contingent upon the recordation of the approved final map for the project.

- a. The public utilities easement, San Diego Gas & Electric, plotted on March 19, 1959, Book 7557, Page 375.
- b. The public utilities easement, San Diego Gas & Electric, plotted on March 19, 1959, Book 7557, Page 429.
- c. The public utilities and incidental purposes plotted on Map 4375 and Map 6315.
- d. The Pacific Telephone and Telegraph easement plotted on December 17, 1959, Book 8051, Page 392.

BE IT FURTHER RESOLVED, that Vesting Tentative Map No. 498719 and Easement Abandonment No. 589137, is granted to ASN Mission Gorge LLC, a Delaware Limited Liability Company, Applicant/Subdivider and Rick Engineering Company, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
10/28/08
Or.Dept:DSD
R-2009-527
MMS#5977

000881

CONDITIONS FOR VESTING TENTATIVE MAP NO. 498719

AND EASEMENT ABANDONMENT NO. 589137

ARCHSTONE MISSION GORGE – PROJECT NO. 142570

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Tentative Map will expire on _____.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The Final Map shall conform to the provisions of Site Development Permit No. 498703.
6. The Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

7. Prior to recordation of the Final Map, the Subdivider shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

AFFORDABLE HOUSING

8. Prior to filing a Final Map, the Subdivider 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.
9. Prior to the recordation of the Final Map, the Subdivider 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 of the units) are built and occupied by the appropriate households.

ENGINEERING

10. The Subdivider shall construct City standard curb ramps with truncated domes at the project entrance on Mission Gorge Road.
11. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the subdivider must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency prior to issuance of a grading, engineering, or building permit. The Subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
12. Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.
13. The Subdivider shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus 2 feet.
14. The Subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment district initiated for the construction of flood control facilities and their perpetual maintenance.
15. No certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision (LOMR) is obtained

from FEMA. The LOMR is issued based upon as-built site conditions; therefore, the subdivider must allow time to complete this process. The Subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.

16. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
17. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
18. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
19. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
20. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
21. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.
22. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99 08 DWQ.
23. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for wall, landscape and irrigation located in the City's right-of-way.

24. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
25. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
26. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.
 - All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

TRANSPORTATION REQUIREMENTS

27. 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.
28. The Subdivider 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.
29. The Subdivider 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.
30. The Subdivider 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.
31. The Subdivider 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 thru and one thru/right turn lane for eastbound, a 250 foot left turn pocket, three thru and one right turn lane for the westbound traffic, one left and one thru/right turn lane for northbound traffic on Greenbrier and a 60 foot driveway with one left and one

thru/right turn lane for southbound project traffic, to the satisfaction of the City Engineer.

32. The Subdivider shall construct two 26 foot wide emergency driveways onto Mission Gorge Road, with rolled curbs and bollards, to the satisfaction of the City Engineer.
33. The Subdivider shall make a monetary fair-share contribution calculated at 5.5 percent towards the improvements to seven roadway segments that are not built to the ultimate classification.
34. The Subdivider shall provide and maintain a private shuttle connecting the project to the trolley station and nearby retail services. Consequently, the City and the project Subdivider 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.

MAPPING

35. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
36. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
37. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WASTEWATER

38. All proposed sewer facilities serving this development shall be private.
39. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map may require modification based on the accepted sewer study.
40. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
41. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
42. No medians shall be installed within 5 feet of any public sewer facilities.
43. All existing public manholes that will be temporarily covered by proposed medians (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.
44. The Subdivider 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

45. Prior to the issuance of any building permits, the Subdivider 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.
46. Prior to the issuance of any building permits, the Subdivider 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 Director and the City Engineer.
47. 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.
48. The Subdivider 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:

- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

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 right-of-ways 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 REQUIREMENTS:

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.

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