



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 26, 2008 **REPORT NO. PC-08-103**

ATTENTION: Planning Commission, Agenda of October 2, 2008

SUBJECT: PROMENADE @ RIO VISTA TM – PROJECT NO. 105158
PROCESS FOUR

OWNERS: Promenade Acquisition, LLC (Attachment 8)

APPLICANT: Rick Engineering Company, Engineer

SUMMARY

Issue: Should the Planning Commission approve a Tentative Map to convert 970 residential units to condominiums and create 17 commercial condominium units on a 15.68 acre site within the Mission Valley Community Plan area?

Staff Recommendation: Approve Tentative Map No. 348629

Community Planning Group Recommendation: On July 11, 2007, the Mission Valley Unified Planning Committee voted 20-0-0 to recommend approval with no conditions (Attachment 7).

Environmental Review: This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). The environmental exemption determination for this project was made on February 5, 2007. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on June 12, 2007.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of 970 existing apartments to condominiums, there would be a loss of 970 rental units and a gain of 970 for-sale

units. This condominium conversion project was deemed complete on January 23, 2007, and is therefore subject to the regulations regarding Inclusionary housing and tenant relocation assistance. This project is required to set aside 10% of the units for households earning 100% of the Area Median Income or less.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations effective June 13, 2006. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project. Accordingly, this project has been reviewed against the new regulations, and this project can proceed to its discretionary hearing.

The 15.68-acre project site is located at 8405-8715 Rio San Diego Drive, 8555 Station Village Lane, 2185-2195 Station Village Way and 2173 Camino Del Este in the MV-M/SP Zone of Mission Valley Planned District within the Mission Valley Community Plan area and is part of the First San Diego River Improvement Project (FSDRIP) and Rio Vista West Specific Plans (Attachments 1-3). The site is presently developed with six five-story structures over two partial basement garages containing 970 residential units, 17,354 square feet of commercial space, 1,844 off-street parking spaces and numerous resident amenities including two pools and fitness centers. The site is bounded on the west by multi-family residential uses, to the north with a retail center, hotel/commercial offices to the east and the San Diego Trolley Rio Vista Station and San Diego River to the south.

The existing improvements were constructed in 2003 and 2004. The development complies with current zoning and development regulations and no Building or Zoning code violations have been recorded against the property. The site has no overhead utilities on or adjacent to the development.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 15.68-acre site into one (1) lot for a 970 unit residential condominium conversion and the creation of 17 commercial condominiums (Attachment 5). Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decisionmaker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and creation and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

Community Planning Group:

On July 11, 2007, the Mission Valley Unified Planning Committee voted 20-0-0 to recommend approval with no conditions (Attachment 7).

Project-Related Issues:

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the 970 unit complex has been served the 60-day Notice of Intent to Convert to Condominiums on July 18, 2008 (Attachment 10).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the regulations regarding Inclusionary housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on January 23, 2007, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map. The applicant will have to adhere to the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5). If prospective tenants move into the premises prior to the recording of the Final Map, the Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights required by the State Map Act and Land Development Code.

On June 13, 2006, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project. The applicant will be required to enter into an agreement with the San Diego Housing Commission to provide the on-site affordable units prior to recordation of the Final Map, pursuant to the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Building Conditions Report and Landscape Requirements

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.

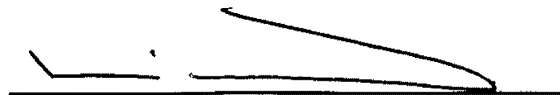
Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of 970 residential units into condominiums and the creation of 17 commercial condominium units and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the required findings can be supported and recommends the Planning Commission approve the project as proposed.

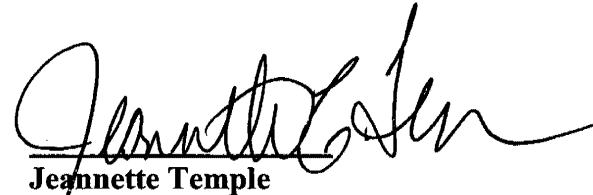
ALTERNATIVES

1. **Approve Tentative Map No. 348629, with modifications.**
2. **Deny Tentative Map No. 348629, if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



**Mike Westlake
Program Manager
Development Services Department**



**Jeannette Temple
Development Project Manager
Development Services Department**

WESTLAKE/JT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Project Chronology
9. Ownership Disclosure Statement
10. 60-Day Notices of Intent to Convert
11. Photos of Existing Front and Rear Elevations
12. Building Conditions Report



Aerial Photo

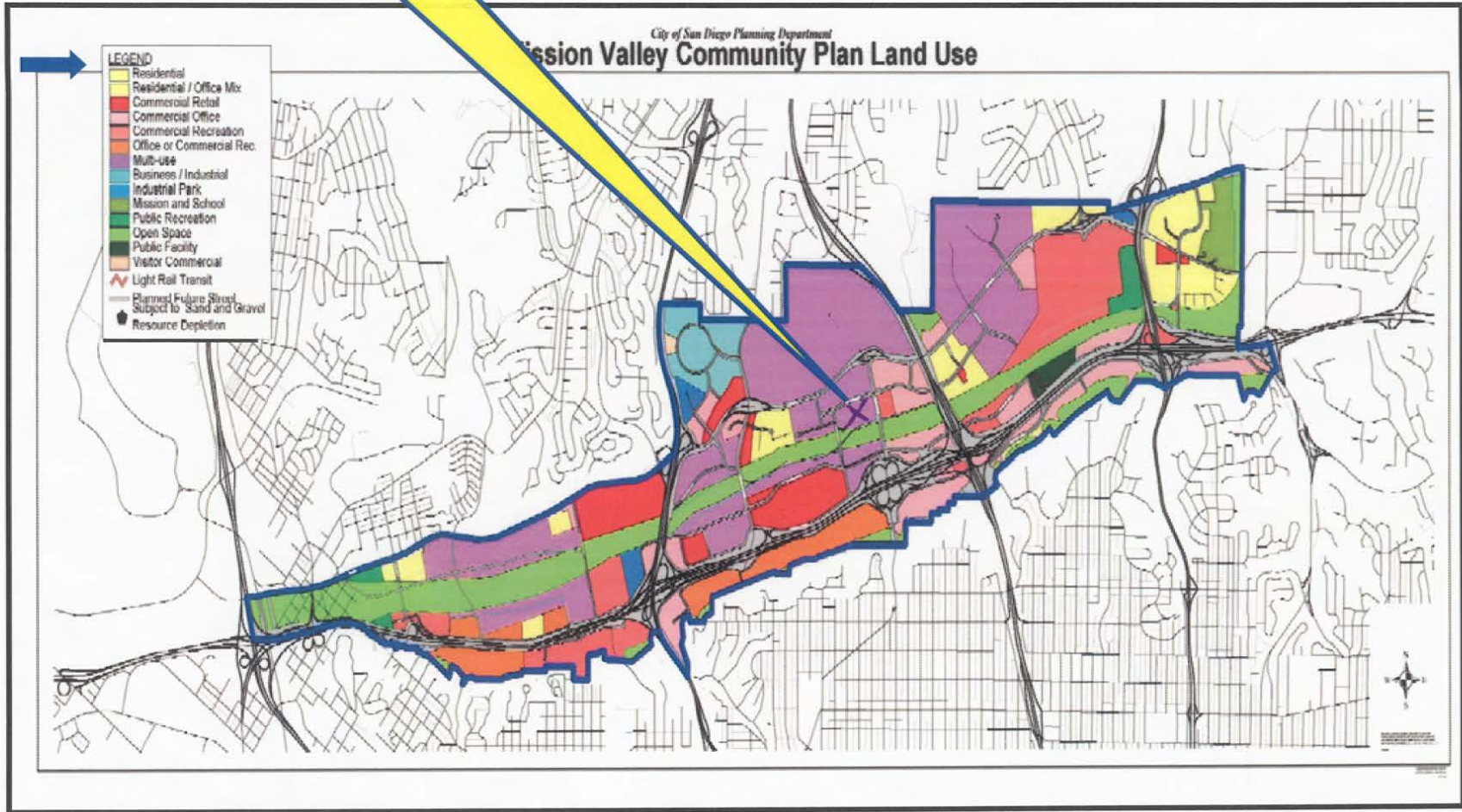
PROMENADE @ RIO VISTA TENTATIVE MAP – PROJECT NO.105158

8405-8715 RIO SAN DIEGO DRIVE-8555 STATION VILLAGE LANE

2185-2195 STATION VILLAGE WAY-2173 CAMINO DEL ESTE



Project Site



Land Use Map

PROMENADE @ RIO VISTA TENTATIVE MAP – PROJECT NO. 105158

8405-8715 RIO SAN DIEGO DRIVE-8555 STATION VILLAGE LANE

2185-2195 STATION VILLAGE WAY – 2173 CAMINO DEL ESTE





Project Location Map

PROMENADE AT RIO VISTA TM - PROJECT NO. 105158
8405-8715 RIO SAN DIEGO DRIVE – 8555 STATION VILLAGE LANE
2185-2195 STATION VILLAGE WAY – 2173 CAMINO DEL ESTE

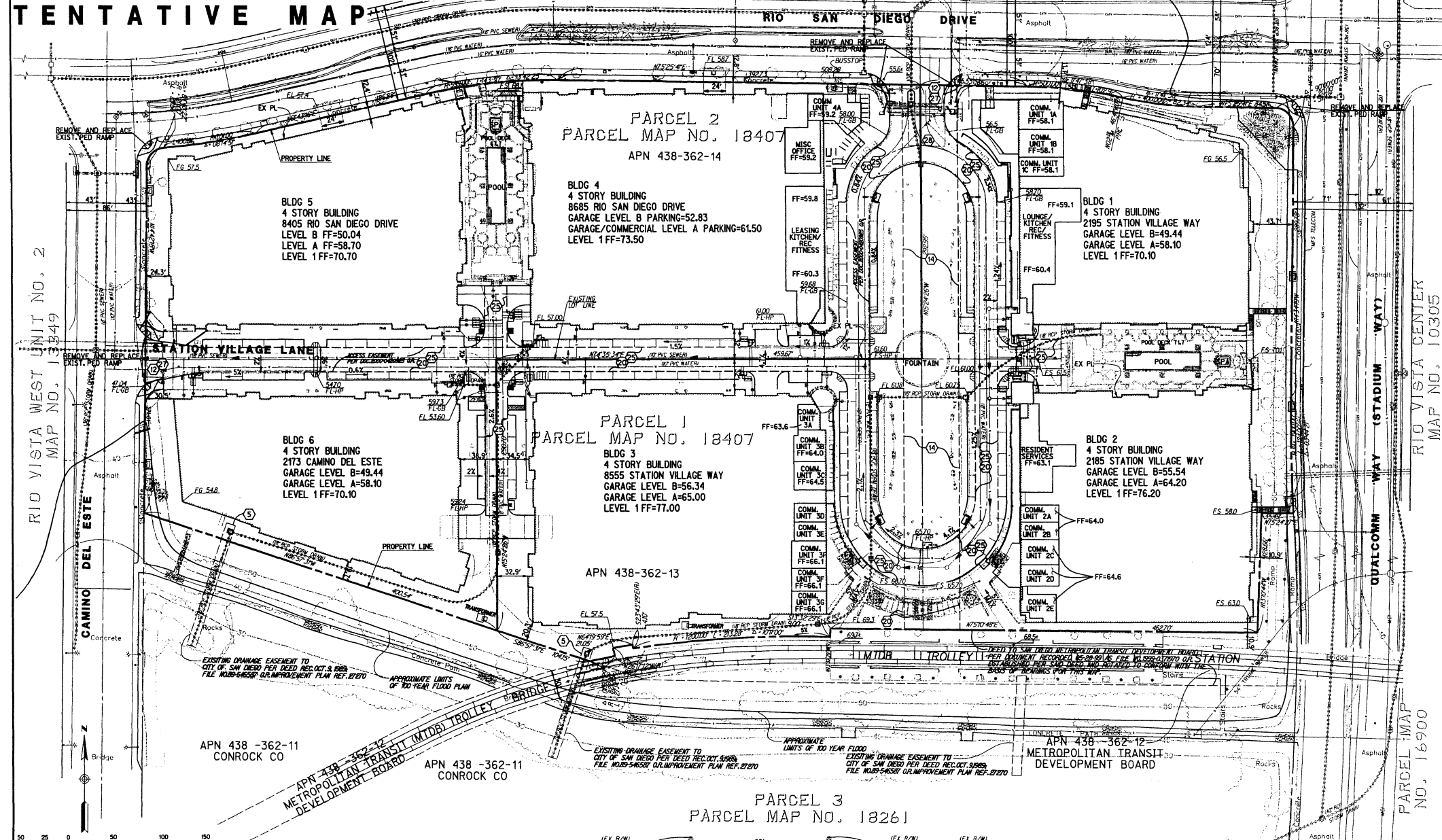


PROJECT DATA SHEET

PROJECT NAME:	Promenade @ Rio Vista TM	
PROJECT DESCRIPTION:	Conversion of 970 existing apartments into condominiums and the creation of 17 commercial condominiums.	
COMMUNITY PLAN AREA:	Mission Valley	
DISCRETIONARY ACTIONS:	Tentative Map	
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-Use	
<u>CURRENT ZONING INFORMATION:</u>	<u>CONSTRUCTED</u>	
ZONE: MV-M/SP	MV-M/SP	
DENSITY: medium-high density	970 units, 17,354 commercial sf	
HEIGHT LIMIT: 75 ft max	Approx 73 ft	
LOT SIZE: na	15.68 acres	
FLOOR AREA RATIO: na.	na	
FRONT SETBACK: various with arcades and stepbacks	various with arcades and stepbacks	
SIDE SETBACK: saa	saa	
STREETSIDE SETBACK: saa	saa	
REAR SETBACK: saa	saa	
PARKING: 1677	1844 spaces	
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial; MV-M/SP	Retail Center
SOUTH:	Open Space	University
EAST:	Commercial; MV-CV	Hotel/Conference Center
WEST:	Urban Residential; MV-M/SP	Multi-family
DEVIATIONS OR VARIANCES REQUESTED:	None	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On July 11, 2007, the Mission Valley Unified Planning Committee voted 20-0-0 to recommend approval with no conditions	

THE PROMENADE AT RIO VISTA WEST TENTATIVE MAP

RIO VISTA UNIT NO. 1
MAP NO. 13148



- ### DEVELOPMENT SUMMARY
- SUMMARY OF REQUEST: THIS TENTATIVE MAP IS REQUESTING THE CONVERSION OF EXISTING APARTMENTS TO 970 "FOR SALE" RESIDENTIAL CONDOMINIUM UNITS AND 12 "FOR LEASE" COMMERCIAL UNITS TO 17 "FOR SALE" COMMERCIAL UNITS.
 - STREET ADDRESS: SW CORNER OF QUALCOMM WAY AND RIO SAN DIEGO DRIVE BETWEEN QUALCOMM WAY AND CAMINO DEL ESTE
 - SITE AREA: TOTAL SITE AREA(GROSS): 15.678 AC
NET SITE AREA: 15.678 AC
 - COVERAGE DATA: TOTAL BUILDING AREA (GROUND FLOOR): 9.34 AC
TOTAL LANDSCAPE/OPEN SPACE AREA: 2.78 AC
TOTAL HARDCOUP/PAVED AREA: 1.3 AC
 - YARD/SETBACK:

YARD/SETBACK	STREET YARD	SIDE YARD	INTERIOR YARD	REAR YARD
	15'	5'	10'	10'
 - ZONING: ZONING SPECIAL PERMIT NO. 93-0593, RECORDED MAY 5, 2000, AS FILE NO. 2000-0234445, RECORDS OF SAN DIEGO COUNTY, GRANTED BY THE CITY MANAGER OF THE CITY OF SAN DIEGO TO RIO VISTA WEST APARTMENTS. PROPERTY IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE ABOVE PERMIT WITH RESPECT TO ZONING, BUILDING SETBACK, BUILDING RESTRICTIONS AND PARKING.
 - FLOOD ZONE DESIGNATION: EXISTING/PROPOSED ZONING IS WUPD-MV-M/ SP. PROPERTY LIES WITHIN ZONE X, WHITE AREA (ON THE FEMA MAP) AREA DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN PER FEMA FLOOD PANEL NO. 06030C PANEL NO. 1619F, DATED JUNE 19, 1997. A PORTION OF THE PROPERTY LIES IN ZONE X (SHADED AREA OF THE FEMA MAP) AREAS OF 100 YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREA PROTECTED BY LEVEES FROM 100 YEAR FLOOD.
 - LAMBERT COORDINATES: 220-1725
NAD83 COORDINATES: 1860-6285
 - TOPOGRAPHY: THE TOPOGRAPHY SHOWN IS FROM AN AERIAL SURVEY DONE BY DMC ENGINEERING ALTA DATED 09-07-04. THE TOPOGRAPHY DATED WAS DELIVERED AT A MAPPING ACCURACY OF 1" = 20' AT 1' CONTOUR INTERVAL.
 - SEWER AND WATER NOTE: ALL SEWER AND WATER FACILITIES SERVING THIS PROJECT ARE PRIVATE. THE MAINTENANCE OF THE PRIVATE SEWER AND WATER FACILITIES ARE GOVERNED BY PRIVATE COVENANTS, CONDITIONS AND RESERVATIONS.
 - CONDOMINIUM NOTE: THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT. THE TOTAL NUMBER OF CONDOMINIUM DWELLING UNITS IS 970. THE TOTAL NUMBER OF COMMERCIAL CONDOMINIUM UNITS IS 17.
 - UNIT STATISTICS:

BLDG.	PLAN 1	PLAN 2	PLAN 3	PLAN 4	PLAN 5	PLAN 6	PLAN 7	TOTAL	COMMON AREA	COMMERCIAL AREA	COMMERCIAL UNITS
1	2	2	2	2	2	2	2	14	156	4,585 s.f.	1,882 s.f.
2	16	17	32	16	12	32	32	147	2,374 s.f.	4,461 s.f.	5
3	13	16	40	24	8	64	32	197	-	1,584 s.f.	8
4	28	18	32	24	8	40	40	190	6,890 s.f.	1,427 s.f.	1
5	12	16	24	20	16	32	40	160	-	-	-
6	8	8	24	16	28	0	24	128	-	-	-
TOTAL UNITS-970									TOT. COMMERCIAL UNITS-17		

13. PROVIDED PARKING SUMMARY:

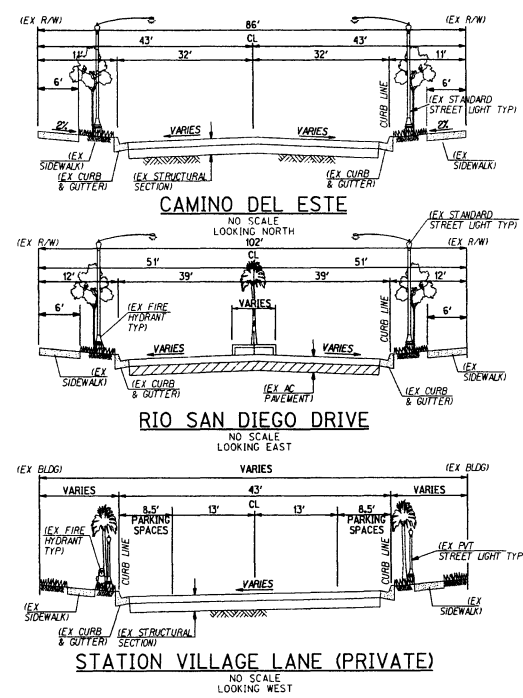
BLDG	1	2	3	4	5	6	COMMON	STREET	TOTAL
GUEST/RESIDENT	223	256	350	341	236	222	49	48	1785
MOTORCYCLE	11	11	16	14	12	21	1	1	85
DISABLED	7	8	10	10	7	6	1	1	49
TOTAL UNITS-970									TOT. COMMERCIAL UNITS-17

14. REQUIRED PARKING PER FSDRIP PERMIT 99-0593 CORRECTED 2/10/04

BLDG	1	2	3	4	5	6	COMMON	STREET	TOTAL
RESIDENTIAL	64	81	93	102	72	71	483	125	-
COMMERCIAL	72	76	104	36	88	51	487	15	-
SUBTOTAL	136	157	197	138	160	122	970	-	-
RESIDENTIAL STALLS REQ.	188	219	272	272	222	365	-	1334	22
COMM. STALLS REQ.	56	65	82	81	61	50	-	397	27
STREET STALLS (C)	39	45	57	57	21	20	-	-	-
SUBTOTAL	17	20	25	25	40	30	-	167	52
COMMERCIAL (S)	3656	4004	4329	4603	-	13732	-	46	-
OFFICE (S)	4611	2833	6115	-	-	14056	-	71	-
RESTAURANT (S)	1	-	2800	-	-	2800	-	28	-
TOTAL STALLS REQUIRED									41

- ### EASEMENTS
- PER TITLE REPORT BY CHICAGO TITLE COMPANY DATED MAY 8, 2006 ORDER NO. 603030455-1161
- AN EASEMENT GRANTED TO CITY OF SAN DIEGO FOR STORM DRAIN AND APPURTENANCES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS PER DOCUMENT RECORDED OCTOBER 9, 1989 AS FILE NO. 89-546586 OF OFFICIAL RECORDS.
 - AN EASEMENT GRANTED TO SOUTHWESTERN CABLE TV FOR UNDERGROUND STRUCTURES PER DOCUMENT RECORDED JUNE 15, 1994 AS FILE NO. 94-038294 OF OFFICIAL RECORDS. THE EXACT LOCATION AND EXTENT OF SAID EASEMENT IS NOT DISCLOSED OF RECORD.
 - AN EASEMENT GRANTED TO SAN DIEGO GAS AND ELECTRIC COMPANY PER DOCUMENT RECORDED JUNE 22, 1995 AS FILE NO. 95-026216 OF OFFICIAL RECORDS.
 - AN EASEMENT AS OFFERED FOR DEDICATION ON THE RECORDED MAP OF PARCEL MAP 18261 FOR ELECTRICAL, DRAINAGE, WATER OR SEWER PURPOSES.
 - AN EASEMENT GRANTED TO SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD, A CALIFORNIA PUBLIC ENTITY FOR PEDESTRIAN INGRESS AND EGRESS PURPOSES PER DOCUMENT RECORDED MAY 28, 1999 AS FILE NO. 99-031971 AND JUNE 2, 1999 AS FILE NO. 99-038187, BOTH OF OFFICIAL RECORDS.
 - A DOCUMENT ENTITLED "RECIPROCAL EASEMENT AGREEMENT" RECORDED AUGUST 9, 2000 AS FILE NO. 2000-0420925 OF OFFICIAL RECORDS.
 - AN EASEMENT GRANTED TO SAN DIEGO GAS AND ELECTRIC COMPANY FOR (1) UNDERGROUND FACILITIES AND APPURTENANCES FOR THE TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, (2) FIBER LINES AND APPURTENANCES FOR ANY AND ALL PURPOSES, (3) COMMUNICATION FACILITIES, AND APPURTENANCES AND RIGHT OF INGRESS AND EGRESS PER DOCUMENT RECORDED OCTOBER 9, 2001 AS FILE NO. 2001-0726575 OF OFFICIAL RECORDS.
 - AN EASEMENT GRANTED TO CITY OF SAN DIEGO, A MUNICIPAL CORPORATION FOR WATER FACILITIES, RECORDED SEPTEMBER 20, 2002 AS FILE NO. 2002-0809472 OF OFFICIAL RECORDS.
 - AN EASEMENT GRANTED TO CITY OF SAN DIEGO, A MUNICIPAL CORPORATION FOR PUBLIC PEDESTRIAN AND NON-MOTOR VEHICLES PURPOSES AND APPURTENANCES THERETO RECORDED OCTOBER 18, 2002 AS FILE NO. 2002-0911589 OF OFFICIAL RECORDS.
 - AN EASEMENT GRANTED TO CITY OF SAN DIEGO, A MUNICIPAL CORPORATION FOR OPERATE AND REPAIR ELECTRICAL FACILITIES RECORDED NOVEMBER 5, 2002 AS FILE NO. 2002-0986164 OF OFFICIAL RECORDS.
- INDICATES EASEMENT PLOTTED HEREON

- ### EXISTING IMPROVEMENTS ITEM
- | ITEM | SYMBOL |
|-------------------------------------|--------|
| PROJECT BOUNDARY | --- |
| EXISTING LOT LINE | --- |
| EXISTING SURVEY CENTERLINE | --- |
| EXISTING CONTOUR | --- |
| EXISTING SEWER | --- |
| EXISTING SEWER MANHOLE | ○ |
| EXISTING SEWER SERVICE AND CLEANOUT | ○ |
| EXISTING WATER | --- |
| EXISTING WATER METER/ SERVICE | --- |
| EXISTING GAS | --- |
| EXISTING ELECTRICAL | --- |
| EXISTING ELECTRICAL VAULT | --- |
| EXISTING BACKFLOW PREVENTER VALVE | --- |
| EXISTING CATCH BASIN | --- |
| EXISTING TELEPHONE | --- |
| EXISTING COX LINE | --- |
| EXISTING STORM DRAIN MANHOLE | ○ |
| EXISTING STORM DRAIN | --- |
| EXISTING FIRE HYDRANT | --- |
| EXISTING FIRE SERVICE | --- |
| EXISTING COBRA HEAD STREET LIGHT | --- |
| EXISTING STREET LIGHT | --- |
| EXISTING SIGN | --- |
| EXISTING TROLLEY TRACKS | --- |
| EXISTING CURB RAMP | --- |
| EXISTING STREET TREE | --- |
| EXISTING PALM TREE | --- |
| EXISTING BUILDING | --- |
| EXISTING SURVEY MONUMENT | --- |



PROJECT DATA

NUMBER OF STORIES ALL BUILDINGS 4 STORIES
PROPOSED USE: RESIDENTIAL/COMMERCIAL
YEAR OF CONSTRUCTION: BUILDINGS 1-3: 2003
BUILDINGS 4-6: 2004

PROJECT SOIL CONDITION

EXISTING DEVELOPED SITE

OWNER: PROMENADE ACQUISITION LLC
18802 BARDEEN AVE
IRVINE, CA 92612

ASSESSOR'S PARCEL NUMBERS

438-362-14
438-362-13

DEVELOPER

LASALLE INVESTMENT MANAGEMENT
450 B STREET SUITE 425
SAN DIEGO, CA 92101

LEGAL DESCRIPTION

PARCEL 1 AND 2 OF P.M. 18407 RECORDED JANUARY 13, 2000 AS FILE NO. 2000-0021234.

EXISTING CONDITIONS

970 APARTMENTS LOCATED WITHIN SIX DETACHED, FOUR STORY RESIDENTIAL COMPLEXES WITH RECREATION CENTER, COMMERCIAL FACILITIES AND A TROLLEY STATION.

EARTHWORK QUANTITIES

EXCAVATION: N/A
EMBANKMENT: N/A

BENCHMARK

A BRASS PLUG AT THE S.E. CORNER OF CAMINO DEL ESTE AND CAMINO DE LA REINA PER THE CITY OF SAN DIEGO VERTICAL CONTROL DATED 1990

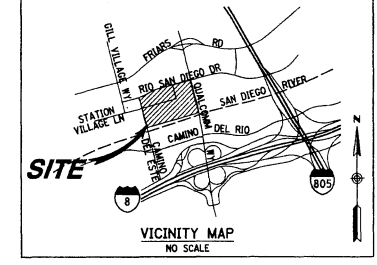
BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE CENTERLINE OF RIO SAN DIEGO DRIVE AS SHOWN ON PARCEL MAP NO. 18261 BEARING N75°25'41"E.

BUILDING CODE

1994 EDITION OF THE UNIFORM BUILDING CODE AND CALIFORNIA BUILDING CODE AMENDMENTS

BLDG.	1	2	3	4	5	6
BLDG HEIGHT	71'-2"	71'-0"	70'-7"	72'-5"	72'-8"	72'-8"
UNITS	56	67	197	138	160	122
TOTAL S.F.	129,263	154,810	195,325	184,691	152,680	112,224
COMMON AREA S.F.	23,795	28,154	33,776	33,224	26,636	21,514
TOTAL UNITS-970						



ENGINEER OF WORK

RICK ENGINEERING COMPANY
5620 FIERS ROAD
SAN DIEGO, CA 92110
1619974007

BY: *Call* DATE: 5/29/08
TIMOTHY R. GABRIELSON R.C.E. 51603

Project Name: The Promenade at Rio Vista West
Project Address: 2885 Station Village Way 073 Camino del Este San Diego, CA 92108

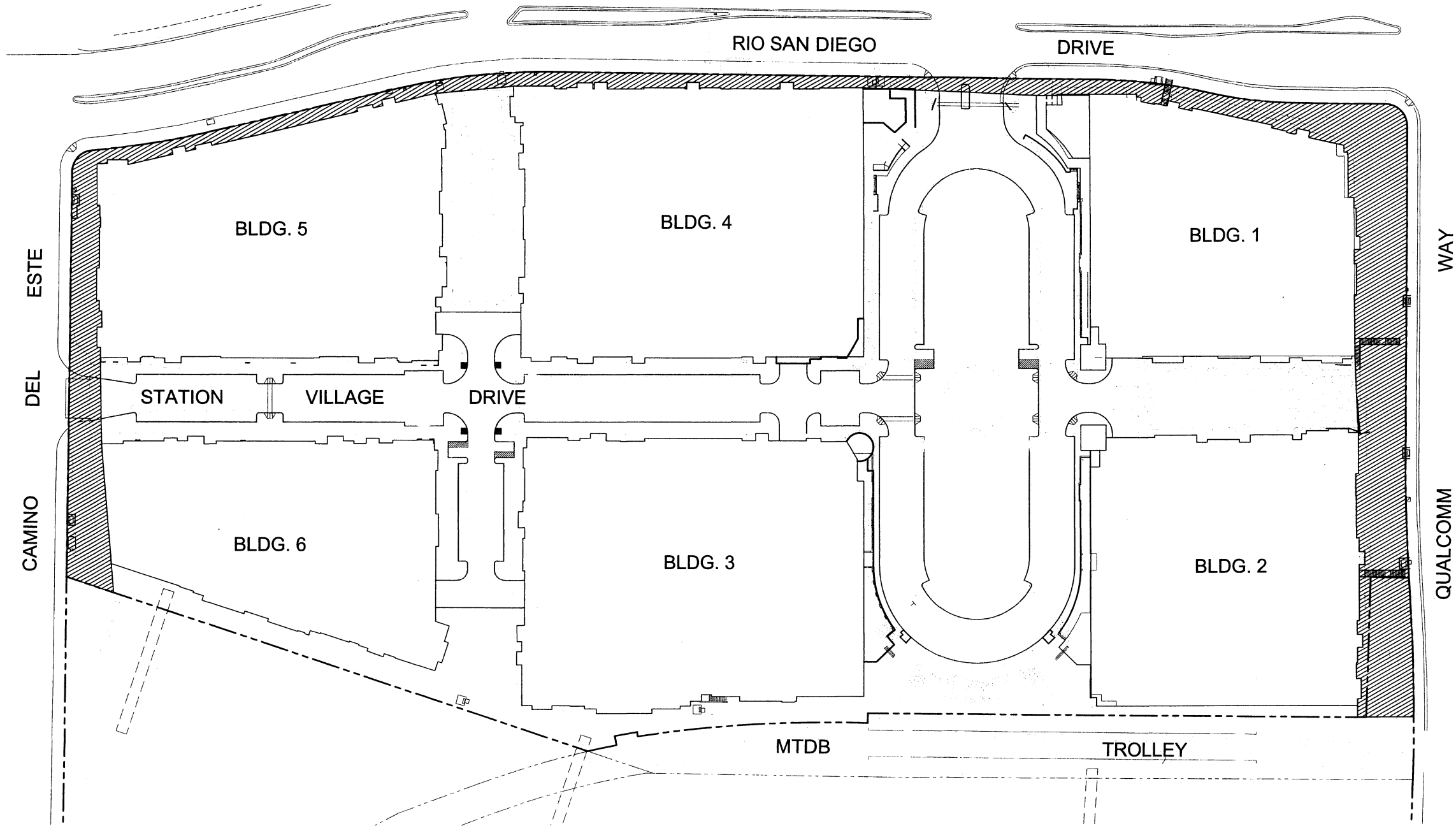
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Revision 13: _____
Revision 12: _____
Revision 11: _____
Revision 10: _____
Revision 9: _____
Revision 8: _____
Revision 7: _____
Revision 6: _____
Revision 5: _____
Revision 4: _____
Revision 3: _____
Revision 2: 05/22/08
Revision 1: 03/14/08

Original Date: 05/22/08
Sheet 1 of 4
VTM # 348289
PTS# 00958

IN 15264

RICK ENGINEERING COMPANY
5620 FIERS ROAD
SAN DIEGO, CA 92110
619.291.0707
FAX: 619.291.4165

rickengineering.com
San Diego Riverside Sacramento Orange Phoenix Tucson



ORDINANCE EXHIBIT

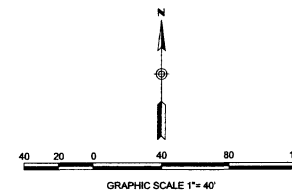
STREET YARD:			
PLANTING AREA REQUIRED	27,863 SF	PLANTING AREA PROVIDED	42,978 SF
TOTAL AREA 55,327 SF X .50% =		EXCESS AREA PROVIDED	15,315 SF
PLANTING POINTS REQUIRED	2766 POINTS	PLANT POINTS PROVIDED	23,880 POINTS
TOTAL AREA 55,327 SF X .05 =		EXCESS POINTS PROVIDED	21,214 POINTS
POINTS ACHIEVED WITH TREES:	23,980 POINTS		
STREET TREE REQUIREMENT:			
STREET FRONTAGE LINEAR FEET	2053		
TREES IN PARKWAY	34		
TREES 10 FEET FROM PROPERTY LINE	40		
TOTAL	74	(68 TOTAL STREET TREES REQUIRED, 74 PROVIDED)	

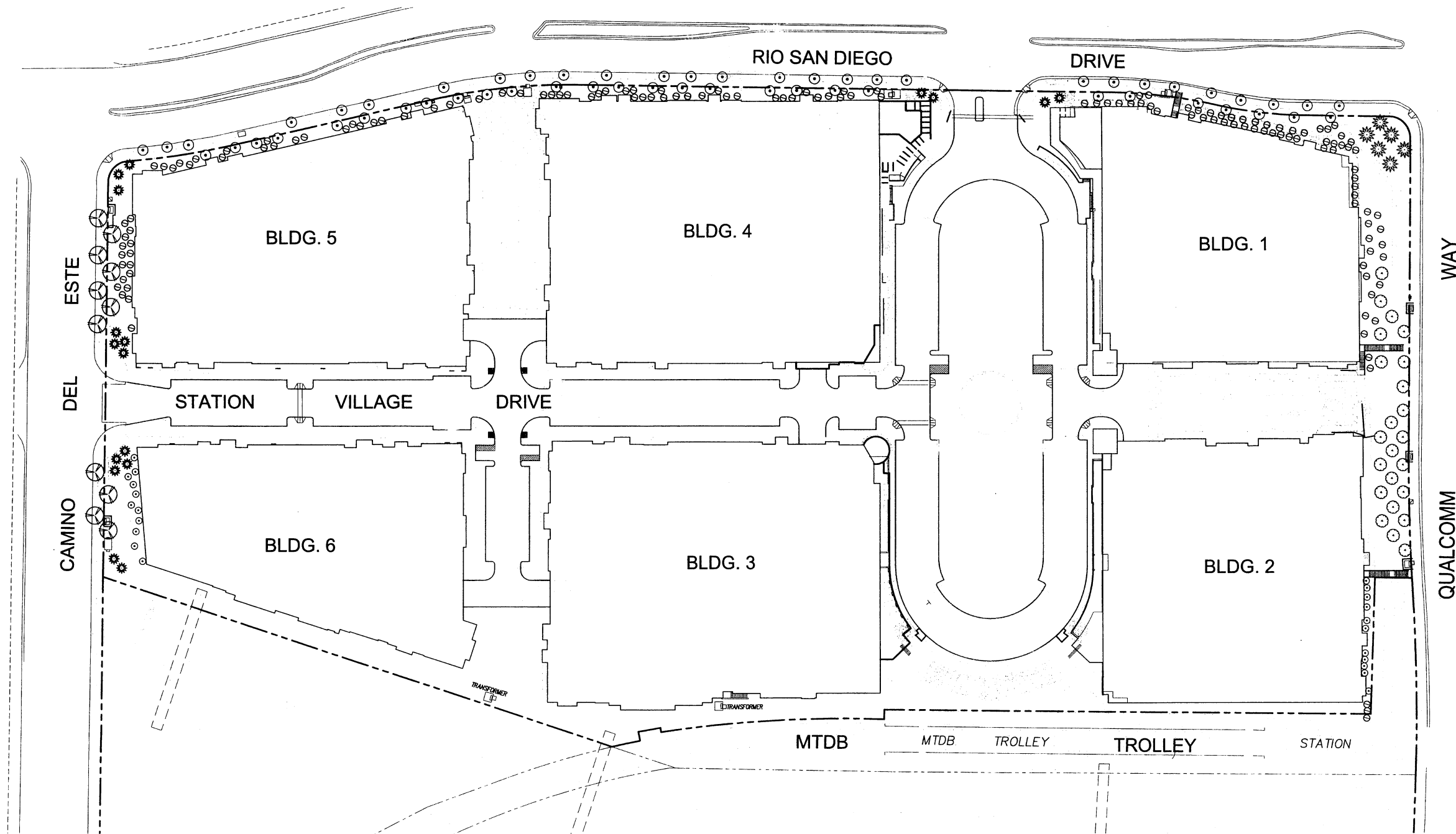
NOTES:

- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS, THE LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS, THE MISSION VALLEY PLANNED DISTRICT, AND ALL OTHER CITY AND REGIONAL STANDARDS.
- ALL PROPOSED IRRIGATION SYSTEMS WILL USE AN APPROVED RAIN SENSOR SHUTOFF DEVICE. (42.0403)
- IRRIGATION AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
- MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

STREET YARD DIAGRAM AREA AND CALCULATION

PREPARED BY:	RICK ENGINEERING COMPANY	REVISION 10:	
NAME:	5620 FRIARS ROAD	REVISION 9:	
ADDRESS:	SAN DIEGO, CA 92110	REVISION 8:	
PHONE NO.:	(619) 291-0707	REVISION 7:	
FAX NO.:	(619) 908-3581	REVISION 6:	
PROJECT ADDRESS:		REVISION 5:	
		REVISION 4:	
		REVISION 3:	
		REVISION 2:	5/29/08
		REVISION 1:	3/14/08
PROJECT NAME:	THE PROMENADE AT RIO	ORIGINAL DATE:	3/14/08
SHEET TITLE:	LANDSCAPE CONCEPT PLAN	SHEET	2 OF 4
EXISTING CONDITIONS PHOTO BOARD		DEPT. NO. / ESDRIP PERMIT NO.:	99-0593
VTM-348629			
PTS-105158			





EXISTING PLANT LEGEND- STREETYARD

SYMBOL	BOTANICAL NAME/COMMON NAME	AVERAGE SIZE	QUANTITY	POINTS
	PHOENIX CANARIENSIS/ CANARY ISLAND DATE PALM	>20' HEIGHT	23	1380
	EUCALYPTUS SPECIES/ EUCALYPTUS	12" CALIPER	23	6,900
	BRACHYCHITON POPULNEUS/ BOTTLE TREE	4" CALIPER	142	14,200
	TRISTANIA CONFERTA/ BRISBANE BOX	4" CALIPER	15	1,500
TOTAL			203	23,980

EXISTING PLANT LEGEND- STREET TREES

SYMBOL	BOTANICAL NAME/COMMON NAME	AVERAGE SIZE	QUANTITY
	PODOCARPUS GRACILIOR/ FERN PINE	4" CALIPER	11
	TRISTANIA CONFERTA/ BRISBANE BOX	4" CALIPER	63

NOTE: ALL PLANT MATERIAL SHOWN IS EXISTING TO REMAIN. NO PLANT MATERIAL IS TO BE REMOVED.

NOTES:

1. ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS, THE LAND DEVELOPMENT MANUAL, LANDSCAPE STANDARDS, THE MISSION VALLEY PLANNED DISTRICT, AND ALL OTHER CITY AND REGIONAL STANDARDS.
2. ALL PROPOSED IRRIGATION SYSTEMS WILL USE AN APPROVED RAIN SENSOR SHUTOFF DEVICE (142.0403).
3. IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
4. MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY THE OWNER. THE LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

EXISTING CONDITIONS LANDSCAPE PLAN

PREPARED BY: RICK ENGINEERING COMPANY
 NAME: RICK ENGINEERING COMPANY
 ADDRESS: 5620 FRIARS ROAD, SAN DIEGO, CA 92110
 PHONE NO. (619) 291-0707
 FAX NO. (619) 908-3581

PROJECT ADDRESS: _____

PROJECT NAME: THE PROMENADE AT R10

SHEET TITLE: LANDSCAPE CONCEPT PLAN
 EXISTING CONDITIONS LANDSCAPE PLAN
 VTM-348629
 P15-105158

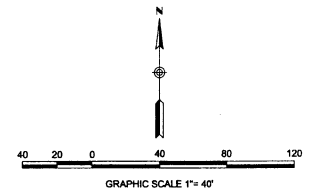
REVISION 10: _____
 REVISION 9: _____
 REVISION 8: _____
 REVISION 7: _____
 REVISION 6: _____
 REVISION 5: _____
 REVISION 4: _____
 REVISION 3: _____
 REVISION 2: 5/29/08
 REVISION 1: 3/14/08

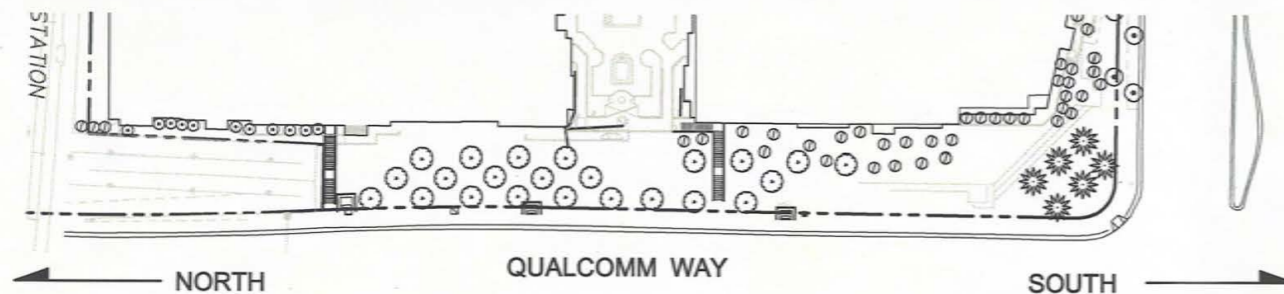
ORIGINAL DATE: 3/14/08

SHEET 3 OF 4

DEPT. NO. ESDRIP PERMIT NO. 99-0593

RICK ENGINEERING COMPANY
 5620 FRIARS ROAD
 SAN DIEGO, CA 92110
 619.291.0707
 (FAX) 619.291.4165
 rickengineering.com
 San Diego Riverside - Orange - San Luis Obispo - Bakersfield - Sacramento - Phoenix - Tucson





NOTES:

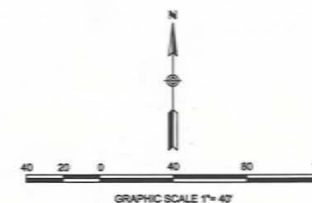
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EXISTING CONDITIONS PHOTO BOARD

PREPARED BY:	REVISION 10:
NAME: RICK ENGINEERING COMPANY	REVISION 9:
ADDRESS: 5620 FRIARS ROAD	REVISION 8:
SAN DIEGO, CA 92119	REVISION 7:
PHONE NO. (619) 291-0707	REVISION 6:
FAX NO. (619) 908-3581	REVISION 5:
PROJECT ADDRESS:	REVISION 4:
	REVISION 3:
	REVISION 2: 5/25/08
	REVISION 1: 3/14/08

PROJECT NAME: THE PROMENADE AT R10 ORIGINAL DATE: 3/14/08

SHEET TITLE: LANDSCAPE CONCEPT PLAN SHEET 4 OF 4
 EXISTING CONDITIONS PHOTO BOARD DEPT. NO. FSDRP PERMIT NO. 99-0593
 YTM-348629
 PIS-105158



PLANNING COMMISSION RESOLUTION NO. PC-XXXX
TENTATIVE MAP NO. 348629
PROMENADE @ RIO VISTA TM - PROJECT NO. 105158
DRAFT

WHEREAS, Promenade Acquisition, LLC, Applicant/Subdivider, Rick Engineering Company, Engineer, submitted an application with the City of San Diego for a Tentative Map, No. 348629. The project site is located at 8405-8715 Rio San Diego Drive, 8555 Station Village Lane, 2185-2195 Station Village Way and 2173 Camino Del Este in the MV-M/SP Zone of Mission Valley Planned District within the Mission Valley Community Plan area and is part of the First San Diego River Improvement Project (FSDRIP) and Rio Vista West Specific Plans. It is legally described as Parcels 1 and 2 of Parcel Map No. 18407; and

WHEREAS, the Map proposes the subdivision of a 15.68 acre site into for a 970 unit residential condominium and 17 commercial condominium creation; and

WHEREAS, the project is exempt from environmental review pursuant to Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer 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 970 and the commercial units is 17; and

WHEREAS, on October 2, 2008, the Planning Commission of the City of San Diego considered Tentative Map No. 348629, and pursuant to Sections 125.0440 (tentative map), and 125.0444 (condo conversion), 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 Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Tentative Map No. 348629:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State 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 (Land Development Code Section 125.0440.b).
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State 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 (Land Development Code Section 125.0440.d and State 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 (Land Development Code Section 125.0440.e and State 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 (Land Development Code Section 125.0440.f and State 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 (Land Development Code Section 125.0440.g and State 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 (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.11, written notification of intention to convert at least 180 days prior to the termination of tenancy.
10. Each of the tenants of the proposed condominium project has received a notice 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66452.9).
11. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).

12. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, that the period for each tenant's right to purchase begins with the issuance of the final public report, and that the report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1 (a)(2)(B)).
13. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days after approval of a final map for the proposed conversion, and written notification within five days of receiving the public report from the Department of Real Estate (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)(2)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
14. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion, but not before the approval of the tentative map for the conversion. (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)(2)(E)).
15. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)(2)(F)).
16. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
17. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
18. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written

notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).

19. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
20. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California, and the City has accepted the report as complete (Land Development Code Section 144.0504(b)).
21. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
22. The project has been conditioned that the subdivider will provide a relocation assistance payment, as and when required by the Land Development Code, to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
23. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.
24. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements on-site in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
25. The proposed subdivision complies with the parking regulations of the Land Development Code (Land Development Code Section 142.0505).
26. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Tentative Map No348629, is hereby granted to PROMENADE ACQUISITION, LLC, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire October 2, 2011

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 to consolidate the existing lots into one lot 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 applicant 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
6. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
7. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.

8. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRE), pursuant to Section 66427.1(a) (2)(B) of the Subdivision Map Act.
9. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(a)(2)(E) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
10. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(a)(2)(F) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
11. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days of approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(a)(2)(D) of the Subdivision Map Act.

AFFORDABLE HOUSING

12. Prior to the recordation of the Final Map, the subdivider shall enter into an affordable housing agreement with the Housing Commission to provide at least ninety-seven (97) affordable housing units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).
13. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
14. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).

15. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

16. Prior to recordation of the Final Map, The subdivider shall replace all existing curb ramps, adjacent to the project site, with City standard curb ramps with truncated domes.
17. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
18. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer.
19. Water and Sewer Requirements:
 - a. The Subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
 - b. The Subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.
20. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

21. "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).

22. "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."
23. 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.

LANDSCAPE

24. Prior to recordation of the Final Map, complete irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
25. All existing landscape shall be maintained 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.
26. The Permittee or Subsequent Owner shall be responsible for the maintenance of all existing landscape in the right-of-way consistent with the Land Development Manual Landscape Standards.
27. If any existing landscape (including existing plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced 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 or a Final Landscape Inspection.

INFORMATION:

- The approval of this Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC 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.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON October 2, 2008.

By

Jeannette Temple
Development Project Manager
Development Services Department

Job Order No. 426548

MINUTES OF THE REGULAR MEETING OF THE
MISSION VALLEY UNIFIED PLANNING COMMITTEE

July 11, 2007

MEMBERS PRESENT

Jason Broad
Paul Brown
Nat Cohen
Gina Cord
Randall Dolph
Emmett Durnan
Christine Evans
Pat Grant
Ronald Grant
Lisa Gualco
Hank Hoxie
Linda Kaufman
Lynn Mulholland
Alex Kacur
Alison Prager
Karen Ruggels
Tom Sudberry
Mark Silverman
John Tessier
Gail Thompson
Jennifer White

MEMBERS ABSENT

MEMBERS EXCUSED

Paul Dugas
Eve Hager
Bruce Warren

GUESTS

Marco Sessa
Rob Hutsel
Jay Taranton, Westfield
Mary Grant Frederickson
Kevin Simonson
Christina Burhans

CITY STAFF

Lisa Gonzales

Linda Kaufman, Chair, called the regular meeting of the Mission Valley Unified Planning Committee (MVUPC) to order at 12:10 p.m. at the Mission Valley Library located at 2123 Fenton Parkway.

A. **CALL TO ORDER**

Verify Quorum – 20 members were present, a quorum. Ron Grant moved to elect Karen Ruggels, Secretary Pro Tem. Christine Evans seconded the motion. Motion passed 20-0-0.

B. **PLEDGE OF ALLEGIANCE** – Christine Evans led The Pledge of Allegiance.

C. **INTRODUCTIONS** – Guests and members introduced themselves.

D. **MEMBERSHIP BUSINESS** – Lisa Gualco, no report.

E. **PUBLIC INPUT** – none

F. **TREASURER'S REPORT** – Alison Prager reported that the bank account balance is \$1,028.00.

G. **PUBLIC SAFETY REPORTS**

1. Police Department – Christina Burhans, Community Relations Officer introduced the new captain of the Eastern Division. She reported that the crime statistics between June 10th – 23rd were one robbery, and several car break-ins. She also requested that

anyone who wanted a copy of "Enforcement Responsibilities" could email her at cburhans@pd.sandiego.gov.

2. Fire Department – no report.

H. **NEW BUSINESS** --

1. American Tower – Brian Cook

Brian is the applicant representative for American Tower which is seeking renewal of a ten-year conditional use/neighborhood use permit for a telecommunications facility located within the SDG&E transformer area on Friars Road in Mission Valley. The tower was built in 1980 and services both mobile phone companies and 911 emergency services.

Brian Schoenfisch said City Staff recommends denial of the project so the tower can be redesigned and rebuilt to fit more attractively into the community.

Brian Cook stated he didn't believe the City's recommendation should have been given before his presentation was finished. He said that if the tower is rebuilt the height needs to remain or coverage of emergency 911 services will be lost. He said the need for this tower has increased due to the infrastructure growth in Mission Valley since the 1980's when the tower was originally built. He stated that American Tower is in litigation with the City regarding this issue.

Emmett Durnan said the concern is with esthetics and technology, not whether or not the tower is a necessity. Brian Cook said to decommission the tower there would be a coverage gap of 2-3 years for the permittal/improvement process. It would take that amount of time from acquisition to on-air.

He was asked if there are any other technological issues for instance earthquakes and whether or not there was any way to add a facade to the tower. Brian stated that landscaping improvements would need to be below the antennas. Gail Thompson asked for an estimate of how much it would cost to redesign and rebuild the tower and Brian Cook said he couldn't fathom the amount.

There was discussion regarding whether the conditional use permit (CUP) could be extended for 2-3 years until the permitting/redesign process was completed. Brian Cook said that American Tower is all for improving the esthetics, but there are practicalities involved and other planning groups are dealing with the same issue. He said that the new technologies are for only one facility or telecommunication's company. He said that height is the key to this tower and it is loaded with antennas.

Lisa Gualco said she didn't feel she had enough information to say "yes" or "no" to extending the CUP. She wondered if the footprint is large enough for a new tower and stated she didn't think anyone wanted the emergency services going down.

Randy Dolph said that he lives in the area and mobile phone coverage is problematic. He asked about piggy-backing on the SDG&E tower and Brian Cook explained why that it wasn't a possibility because the land is owned by the City.

Brian Schoenfisch again stated that the Development Services Department is recommending denial of the permit. Brian Cook said that the permit is now technically expired and American Tower had tried to extend the CUP, but the City denied it because it wants certain design standards met.

There was further discussion about the fact that it is now actually a "neighborhood use permit," not a "conditional use permit."

Karen Ruggels moved that due to a lack of information for different approaches not to support the neighborhood use permit. Pat Grant seconded the motion. Motion failed 9-12-0.

Further discussion followed and Alison Prager asked if the MVUPC could request the City continue applicant's meeting with the Hearing Officer scheduled for August 1st to a later date. She moved that the applicant or City Staff postpone the hearing for one week, until after August 1st to allow the applicant to answer questions regarding redesign, service and decommissioning. Tom Sudberry seconded the motion. Motion passed 19-2-0.

2. Mission Valley Mall Amended Sign Plan – Jay Taranton

Emmett Durnan recused himself.

Jay Taranton, Westfield Development Director, gave a summary of the signage plan and Westfield's intention to make the new building subject to the citywide ordinance. The Design Advisory Board (DAB) approved the plan with one individual voting no. Randy Dolph moved that the DAB vote be accepted and support for the plan be based on knowledge given by the applicant and that the signage be confined within the facade of the building with no additional monument sign. Tom Sudberry seconded the motion. The motion passed 19-0-1.

3. Promenade at Rio Vista – Tentative Map for Condo Conversion – Kathy Pippen

Kathy recapped her presentation from the previous month's MVUPC meeting. She stated the Promenade has 970 units with 17,000 square feet of retail/office space. She said the owner plans no changes to the property. She stated there are 1,844 parking spaces and 1,619 are required by the City. Tom Sudberry asked whether the Flex-Car idea was being considered. Kathy said she thought it was a great idea based on the property's location and that she had passed that suggestion on to the owners.

Randy Dolph moved to approve a tentative map for condo conversion as presented, contingent upon bringing the building up to code and correction of any construction defects and based on it being a high quality, well-maintained building with the best fountain in Mission Valley. Ron Grant seconded the motion. Motion passed 20-0-0.

I. **OLD BUSINESS –**

1. Request Additional Changes to May 2, 2007 Minutes:

- a. Under Item G, Number 2, add bullet point two, "Gail Thompson said to Michael McDade, on September 26, 2006, the City Council voted for you to *"review the alternatives and to reduce the impacts."* Gail also said that

development above 150 foot elevation is prohibited in that area, and that some of the proposed development is in designated open space. Gail asked Michael what is planned to reduce the impact. Michael replied, different plans are proposed and brush management will be reduced.”

- b. Under “City Staff” change last letter on Lisa Gonzalez from “z” to “s”.

Lynn Mulholland asked to make additional changes to the May Minutes and it was determined that her changes would need to be reviewed and voted on at the August 1st MVUPC meeting. It was also recommended by Brian Schoenfisch that previous minutes be revised from this point forth. Gail Thompson made a motion to approve the May 2, 2007 minutes subject to the changes listed above. Tom Sudberry seconded the motion. Motion passed 13-0-6.

2. Approval of June 6, 2007 Minutes:
With the following modifications:

Under Item I, Number 3, letter f, change the first sentence to read, “Rob Hutsel, reporting for Nat Cohen, said the expansion of the River Trail will be discussed at the next meeting and eventually it will connect the whole area.”

Emmett Durnan made a motion to approve the June 6, 2007 minutes subject to the changes listed above. Jason Broad seconded the motion. Motion passed 14-0-4.

3. Community Plan Update – Brian Schoenfisch reported that Hazard Center Redevelopment project is going to the Planning Committee on July 12, 2007. He also said that regarding the Community Plan Update, there are meetings going on internally with staff in-house and community workshops will then be scheduled. He is working on a timeline and also seeking funding from SANDAG for studies.

Lynn Mulholland suggested that various times/days be set for the planned meetings.

4. Subcommittee Reports:

- a. Design Advisory Board – Bruce Warren was absent, but Linda Kaufman read from an email he sent that the Mission Valley mixed-use project was postponed.
- b. By-Laws Subcommittee – Linda Kaufman said a meeting will be scheduled soon and members notified.
- c. Transportation and Zoning/Community Plan Update – Karen Ruggels – no report.
- d. Stadium Committee – Randall Dolph, summarized three articles in the San Diego Union Tribune. The first one, dated June 18th, outlined the gas cleanup by Kidder Morgan at Qualcomm Stadium. The second report, dated June 27th, dealt with a C-3 panel discussion on the future of the River and how to integrate landscaping. The third article, dated July 1st, detailed that the cost to build a new stadium has now doubled to \$800 million dollars.