

RESOLUTION NUMBER _____

ADOPTED ON _____

WHEREAS, on July 11, 2013, MISSION BAY DEVELOPMENT, LLC, submitted an application to Development Services Department for a COASTAL DEVELOPMENT PERMIT NO. 979972 and CONDITIONAL USE PERMIT NO. 979973 for the demolition of existing structures and the construction of a 60-bed residential care facility for the elderly with 35 employees within a proposed one story, 24,850-square-foot building for the ACTIVCARE AT MISSION BAY Project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Planning Commission of the City of San Diego; and

WHEREAS, the Planning Commission considered the issues discussed in Mitigation Negative Declaration No. 278939 prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Planning Commission that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Planning Commission finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Planning Commission hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Development Services Department in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the DEVELOPMENT SERVICES DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that DEVELOPMENT SERVICES STAFF is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED:

By: SANDRA TEASLEY
DEVELOPMENT PROJECT MANAGER

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM
COASTAL DEVELOPMENT PERMIT NO. 979972 AND CONDITIONAL USE PERMIT NO.
979973
PROJECT NO. 278939

**A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)**

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **“ENVIRONMENTAL/MITIGATION REQUIREMENTS.”**

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the “Environmental/Mitigation Requirements” notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II
Post Plan Check (After permit issuance/Prior to start of construction)**

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from

MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Archaeological Monitor, Native American Monitor

Note:

Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the RE at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #278939 and /or Environmental Document #278939, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

Conditional Use Permit and Coastal Development Permit

4. MONITORING EXHIBITS

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE:

Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner’s representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

Issue Area	Document submittal	Assoc Inspection / Approvals I Notes
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhibits	Prior to or at the Pre-Construction meeting
Archaeology	Archaeology Reports	Archaeology/Historic site observation
Noise	Acoustical Reports	Noise mitigation features inspection
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, 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 applicable construction documents through the plan check process.

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 meet the qualifications established in the HRG.

3. Prior to the start of work, the applicant must obtain written 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 Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), 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) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) 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 all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 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 that may reduce or increase the potential for resources to be present.
 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV'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.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources 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.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered 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) which has been reviewed by the Native American consultant/monitor, 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. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
- c. If the 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 no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), 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) of the Development Services Department to assist with the discovery notification process.
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 provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
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 CEQA Section 15064.5(e), the California Public Resources 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 will be determined between the MLD and the PI, and, 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, THEN,
 - 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 items associated 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 San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego 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. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains 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. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - 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.
 - 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- 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.

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.

The city is seeking community input on this plan in addition to applying for a grant to fund the project. There are seven (7) communities being looked at for this concept: Pacific Beach, Ocean Beach, Midway District, Old Town, Kensington, College Area and San Ysidro. There will two scheduled meeting for the public to attend on December 5 at College Area Library and on December 12 at the Caltrans Building in Old Town.

Residential/ Mixed Use/ Commercial Subcommittee Projects:

The Committee Chair announced that this committee meets every 2nd Thursday of each month at 12:00 Noon here in the community room of the PB Library.

Action Item: Commercial Project # 283347 located at 1010 Turquoise Street. A new CUP for an existing T-Mobile telecommunications facility, which includes six antennas, four will be replaced and the other two will be replaced at a higher location which will be concealed behind a facade. Caitlyn Kes presented and took questions. Jim Morrison motioned to approve the project, Paul Falcone seconded, motion passed 11-2-0.

Action Item: Residential Project # 278939 located at 2440 Grand Avenue. A new CUP and CDP to demolish the existing structure and construct a 24,850 sq. ft., 60-bed senior care facility (Activcare) with reduced setbacks and sufficient parking spaces. Mark Linman and Kevin Moriarty presented and took questions. Scott Chipman motioned to approve the project, Jim Morrison seconded, motion passed 13-0-0.

Subcommittee Reports:

Traffic and Parking: Committee Chair Paul Falcone briefed the entire Board on the bicycle coalition and the crosswalk at Garnet at Everts.

Elections & Vacancies: Committee Chair Imelda McClendon announced the committee is established for the March 27, 2013 PBPG elections. She announced which seats will be vacant for election and she distributed a one-page voting procedures handout.

Jim Morrison motioned to extend the meeting by 20 minutes, Imelda McClendon seconded, motion passed 12-1-0.

Bylaws: Eve Anderson mentioned that on November 8, 2012, the City approved an amendment to our PBPG By-Laws.

Neighborhood Code Compliance: Committee Chair John Skober was absent; however Imelda McClendon provided an update. The Tokyo House restaurant on Garnet, does indeed have a permit to extend their outdoor seating on the sidewalk, newspaper racks do need to be permitted and a garage on Lamont Street being used as a residence will be a test for city code compliance action.

Electronic Media: John Shannon indicated that there will be no report until next month.

Other Reports to PBPG:

Lifeguard Station Committee: Scott Chipman reported that the committee has met twice in addition to holding a detailed tour of the present lifeguard tower at the foot of Grand Avenue on November 16. The next committee meeting will be on November 30, at 1 p.m. in this room here at the library.

Project Title: ActivCare at Mission Bay Project No. (For City Use Only) 278939

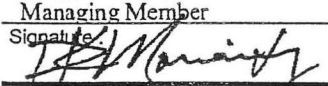
Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation Limited Liability -or- General) What State? CA Corporate Identification No. 201220010321
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached Yes No

Corporate/Partnership Name (type or print):
Mission Bay Development LLC
 Owner Tenant/Lessee
 Street Address:
9619 Chesapeake Drive, Suite 103
 City/State/Zip:
San Diego, CA 92123
 Phone No: _____ Fax No: _____

(858) 565-4424 (858) 565-1508
 Name of Corporate Officer/Partner (type or print):
Kevin Moriarty
 Title (type or print):
Managing Member
 Signature:  Date: 6-17-2013

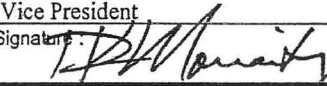
Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature : _____ Date: _____

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature : _____ Date: _____

Corporate/Partnership Name (type or print):
ActivCare Living
 Owner Tenant/Lessee
 Street Address:
9619 Chesapeake Drive, Suite 103
 City/State/Zip:
San Diego, CA 92123
 Phone No: _____ Fax No: _____

(858) 565-4424 (858) 565-1508
 Name of Corporate Officer/Partner (type or print):
Kevin Moriarty
 Title (type or print):
Vice President
 Signature:  Date: 6-17-2013

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature : _____ Date: _____

Corporate/Partnership Name (type or print):
 Owner Tenant/Lessee
 Street Address:
 City/State/Zip:
 Phone No: _____ Fax No: _____

Name of Corporate Officer/Partner (type or print):
 Title (type or print):
 Signature : _____ Date: _____



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

Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title

ActivCare at Mission Bay

Project No. For City Use Only

Project Address:

2440 Grand Avenue, San Diego, CA 92109

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

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner Tenant/Lessee Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

OWNERSHIP DISCLOSURE STATEMENT

Mission Bay Development, LLC

Members:

W. Major Chance, Trustee
D. Kevin Moriarty, Trustee
Richard A. Byer, Trustee
Scott J. Kaats, Trustee

Manager:

Income Property Group, Inc.

W. Major Chance, President
D. Kevin Moriarty, VP/Sec.



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

Request for Reasonable Accommodations

FORM
DS-18
SEPTEMBER 2009

Application Date: October 26, 2012

Project No.: 278939

The City is required by the Federal Fair Housing Act and the California Fair Employment and Housing Act to provide a process for consideration of reasonable accommodation requests. A deviation process is available to applicants for circumstances where the existing zoning regulations would preclude residential development for persons with disabilities. All requests for accommodation are determined on a case-by-case basis. You will be contacted if additional information is required to determine the reasonableness of the accommodation requested.

Please print legibly or type.

1. Applicant Name:

E-mail:

ActivCare Living

kevin@activcareliving.com

Address: City: State: Zip Code: Telephone:
9619 Chesapeake Drive, Suite 103 San Diego CA 92123 (858) 565-4424

2. Property Owner Name:

E-mail:

Major Grand Developments, LLC

kevin@activcareliving.com

Address: City: State: Zip Code: Telephone:
9619 Chesapeake Drive, Suite 103 San Diego CA 92123 (858) 565-4424

3. Site Address where accommodation is requested:

Address: Zip Code:
2440 Grand Avenue, San Diego, CA 92109

4. Process One - Administrative Review

Reasonable accommodations (including waiver of regulations, policies, or procedures) to afford persons with disabilities an equal opportunity to use and enjoy a dwelling may be approved through Process One subject to the following:

- The development will be used by a person(s) with a disability;
- The deviation requested is necessary to make specific housing available to a person with a disability and complies with all applicable development regulations to the maximum extent feasible;
- The deviation request will not impose an undue financial or administrative burden on the City;
- The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations; and
- For coastal development in the Coastal Overlay Zone, that is not exempt from a Coastal Development Permit pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.

5. Identify the reasonable accommodations requested and the specific regulations, policy, or procedure from which the deviation or waiver is requested. If the City is unable to approve the specific accommodations requested. The City will work with you to find accommodations that are reasonable.

The applicant requests a deviation from the front and side yard setbacks of the existing RS-1-7 Development

Regulations (SDMC Table 131-04D) and a waiver to allow a 100-square-foot ground sign in the Grand Avenue setback.

6. Give the reason that the reasonable accommodations may be necessary, for you or for another individual(s) with disabilities seeking the specific housing, to use and enjoy the housing. You do not need to tell us the name or extent of your disability or that of the individual(s) seeking the housing:

See attached

7. Please attach any documents that you feel are necessary to support your request for reasonable accommodation and would assist us in considering your request, (e.g. medical documentation which supports the need for the accommodation as prescribed under disability law). Please note that all documents submitted will be kept as a record of the decision and will be made available to the public upon request.

8. Owner Declaration: I Kevin Moriarty, certify, under penalty of perjury under the laws of the State of California, that the information provided above is correct and is being submitted to facilitate a currently anticipated use of the development by a person with a disability.

Signature: [Signature] Date: 10-25-12

A person with disability pursuant the Fair Housing Amendments Act of 1988 means any person who has a physical or mental impairment that substantially limits one or more major life activities; anyone who is regarded as having such impairment; or anyone who has a record of such impairment.

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The following findings have been made to support the reasonable accommodation request:

Yes No

- The development will be used by a person with a disability.
- The deviation request is necessary to make specific housing available to a person with disability and complies with all applicable development regulations to the maximum extent feasible.
- The deviation request will not impose an undue financial or administrative burden on the City of San Diego.
- The deviation request will not create a fundamental alteration in the implementation of the City's zoning regulations for the RS-1-7 zone.
(INDICATE ZONE)
- For coastal development in the Coastal Overlay Zone, that is not exempt from a Coastal Development Permit pursuant to Section 126.0704, there is no feasible alternative that provides greater consistency with the certified Local Coastal Program.

Additional Information for the Administrative Record:

Approved Denied

If requested accommodation is denied provide reason(s) based on required findings:

Staff Name: PETER H. CHOU Staff Title: ASSOCIATE PLANNER
Signature: [Signature] Date: 12-17-12

Request for Reasonable Accommodations

The applicant requests a deviation from the front and side yard setbacks of the existing RS-1-7 Development Regulations (SDMC Table 131-04D). The required and proposed deviations to the setbacks are as follows:

Setback	Required	Proposed
Front	15 feet	10 feet
Interior Side	14.95 feet (0.08 x lot width)	10 feet
Street Side	18.70 feet (0.10 x lot width)	10 feet
Rear	13 feet	50 feet

The required setbacks for the existing RS-1-7 are based on a typical single-family detached lot with a minimum dimension of 55 feet in width by 95 feet in depth. This would result in a typical interior side setback of 4.4 feet and a street side setback of 5.5 feet.

The project site is a 1.22-acre parcel that measures approximately 186 feet in width and 280 feet in depth. The dimensions of the parcel cause the typical side setback calculations to be greatly exaggerated.

Additionally, the applicant is requesting a waiver to allow a 100-square-foot ground identification sign to be located within the building setback on Grand Avenue.

Justification

While the existing zoning on the site is RS-1-7, the site is designated in the Pacific Beach Community Plan as Elementary School. The site was originally owned by the Federal Government and was later transferred to the County of San Diego for use as a medical clinic. The site has never been, nor was it ever anticipated to be utilized for single-family development.

The applicant is proposing to develop the property for a new 60-bed, licensed residential care facility for the elderly, providing assisted living services for memory care residents. The facility will be licensed by the State of California Department of Social Services and is required to comply with all applicable rules and regulations for the design, construction and operation of the facility.

State-mandated requirements for staffing, support and services have an effect on the overall scale of the facility. With minimum requirements for staffing and other services, a certain number of residents are needed in order to make the facility economically viable. The number of residents drives the overall requirements for the size and scale of the facility.

There are several factors that affect the design of the facility and also affect the project's ability to fully comply with the required zoning setbacks. By nature of the proposed use, the facility is designed to be single-story in order to accommodate the needs of those residents with limited or

impaired mobility. This increases the building footprint and requires greater coverage of the parcel.

The operation of the facility and the services provided necessitates distinct separation of various use areas. Access to the site is limited to a single point of ingress and egress that must be centrally located. There must also be separate and secure divisions between public areas, administrative and support areas and patient areas. These various areas must be laid out in a distinct manner that is functional and meets the operational requirements of the facility. These design and operational requirements limit the flexibility in the size and dimensions of the spaces within the facility and have an impact on the overall scale and dimension of the building.

While the proposed 10-foot front setback deviates from the 15-foot zoning requirements, only a small portion of the building encroaches into the setback. The proposed building is oriented diagonally to Grand Avenue. This orientation and building articulation adds visual interest along the street and reduces potential visual impacts associated with the setback deviation. The proposed ground sign is an accessory to the allowed primary use and is typical for this type of use.

The proposed front setback on Grand Avenue is also consistent with other existing development on Grand Avenue. The existing multi-family development across Culver Street to the immediate west of the project site has a 10-foot setback on Grand Avenue. This property is within a RM-2-5 zone and utilizes a 10-foot street side setback.

The proposed side setbacks are exaggerated by the existing zoning and dimension of the site. The orientation of the proposed building and the building articulation minimizes potential impacts associated with the setback deviations.