

US Green Building Council's Leadership in Energy and Environmental Design (LEED) design elements incorporated into the project:

Smart Location and Linkage- The proposed development is within an existing community and public transportation infrastructure, which may reduce vehicle trips and miles traveled and support walking as a transportation choice. The project site is located adjacent to planned public transit (bus) service on Mission Gorge Road and within walking distance of bus service, a church, bank, outdoor recreation facility, supermarket, and restaurants. Pedestrian walkways have been incorporated into the project design to provide connections between on-site and off-site uses. In addition, a private shuttle is proposed that would provide connection between the proposed project and a trolley station located a few miles to the northeast.

Compact Development- The project proposes a medium-high density residential development which would promote transportation efficiency and conserve land.

Proximity to Water and Wastewater Infrastructure- The proposed project is located on site currently served by an existing water and wastewater infrastructure and would avoid multiple environmental effects caused by sprawl (development in areas without existing infrastructures), as well as conserve natural and financial resources required for construction and maintenance of the infrastructure.

Diversity and Affordability of Housing- The proposed project offers both market rate and below-market rate (affordable housing units) rental housing in one-, two-, and three-bedroom units, thus enabling a wide range of economic levels and age groups to live within the community.

Bicycle Parking and Network- The project site is located adjacent to Mission Gorge Road which is planned to accommodate a six foot wide bike lane on each side of the street. In addition, the proposed pedestrian trail along the western perimeter of the project site would accommodate bicyclists and would connect to the existing and planned trails within the San Diego River Park. A total of 226 bicycle parking spaces or storage would be provided as part of the project, occupying of no less than 15 percent of the parking spaces capacity provided for automobiles.

Reduced parking Footprint- The project design locates the main parking facility in the form of a multi-level parking structure wrapped by the building, leaving building frontage and streetscapes free of parking facilities. By limiting the surface parking to a small 13-space lot and providing the majority of the resident and visitor parking in a compact parking structure, adverse effects associated with surface parking facilities would be limited and with less surface area would reduce the microclimate temperature.

Access to Outdoor and Active Spaces- The project is located within walking distance of the planned San Diego River Park open space network and provides on-site active and passive open space areas, recreational facilities, and pedestrian walkways. Many of these uses have additionally been designed to be universally accessible. The provision of these outdoor uses would encourage walking or other physical activity and time spent outdoors, thus promoting good health and community life.

Construction Activity Pollution and Waste Prevention- Through controlling soil erosion, waterway sedimentation, airborne dust generation, and solid waste generation during construction, pollution and waste would be avoided or reduced. The project would comply with all applicable air and water quality control requirements as well as with waste management controls, including construction materials recycling. To the extent possible, non-hazardous construction and demolition debris generated on-site would be recycled and/or salvaged. Through its Waste Management Plan, the project has identified the materials to be diverted from disposal and the appropriate sites for the redirection to be recycled.

Comprehensive Waste Management- The project would comply with the City's Recycling Ordinance (effective January 1, 2009, for multi-family units of 50 or more) and includes at least one recycling station as part of the project, available to all project occupants, and at least one drop-off point for household potentially hazardous wastes such as paints, solvents, oil, and batteries. Incorporation of these features into the project design would reduce the waste hauled to and disposed of in the City's landfill, and promote the proper disposal of household hazardous waste streams. Waste reduction practices would also be employed during the project construction activities in accordance with the project's Waste Management Plan.

Energy Efficiency in Building- To reduce air, water, and land pollution, and other environmental impacts associated from energy production and consumption, the project proposes to construct the residential building that meet or exceed the Title 24 Energy Efficiency requirements.

Decreased Reliance on Fossil Fuels- To reduce the fossil fuel consumption, the project proposes to provide for the installation of solar energy systems for all common area structures. Pre-wiring for energy-saving systems, such as photovoltaic panels, would be provided for all common areas including the spa, pool, and recreation facility. If feasible, the upper level of the parking structure would also include shade/solar canopy structures.

Reduced Water Use- Through the use of native or California-friendly drought-tolerant plants in the project landscaping, installation of low-flow water fixtures in the residential building, use of reclaimed water and captured rainwater for landscape irrigation, and removal and replacement of existing water and sewer infrastructure with new more efficient infrastructure, water consumption would be reduced and impacts to the natural water resources, and the municipal water supply and wastewater systems shall be minimized.

Heat Island Reduction- A percentage of the non-roof impervious portions of the project site (roads, sidewalks, upper deck of the parking structure, and parking lots), a combination of shade canopies, shade trees, light reflective paving materials, and open grid pavement systems would be used to reduce the heat islands and minimize the impacts on the microclimate, human, and wildlife habitat. The roofing materials and/or colors would be light reflective to aid in this manner as well.

PLANNING COMMISSION RESOLUTION NO. 4330-PC

INITIATING AN AMENDMENT TO THE PROGRESS GUIDE AND
GENERAL PLAN AND NAVAJO COMMUNITY PLAN TO REMOVE
THE MOBILE HOME PARK OVERLAY ZONE FROM AN EXISTING
MOBILE HOME PARK SITE ON 10.45 ACRES

WHEREAS, on October 18, 2007, the Planning Commission of the City of San Diego held a public hearing to consider the initiation of an amendment to the Progress Guide and General Plan and Navajo Community Plan to remove the Mobile Home Park Overlay Zone from an existing mobile home park site on 10.45 acres; and

WHEREAS, the applicant is requesting a General Plan and Navajo Community Plan amendment in anticipation of future development that is inconsistent with current plan policies; and

WHEREAS, the Planning Commission of the City of San Diego considered all maps, exhibits, evidence and testimony and found that the supplemental findings can be made; NOW THEREFORE;

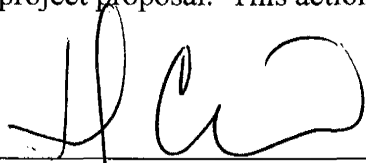
BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby initiates the requested General Plan and Navajo Community Plan amendment; and

BE IT FURTHER RESOLVED, that the following issues will be considered as part of the community plan amendment analysis:

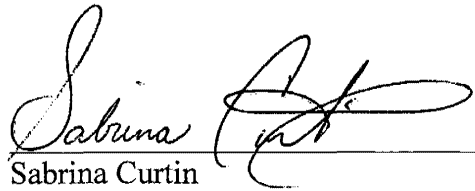
- Compatibility of the proposed development with surrounding uses
- Compatibility of the character and quality of the proposed development with the surrounding neighborhoods
- Analysis of current rents in the existing mobile home park
- Analysis of the level and range of affordability of the affordable housing units provided onsite
- Evaluation of adjacency issues to the San Diego River and compatibility with the San Diego River Park Master Plan, including interface of the proposed development with the river
- Evaluation of the necessity of additional Community Plan language/policies to include evaluation factors or development criteria for the provision of replacement of mobile home park units onsite with a similar number of affordable units
- Development of the site at the higher range of existing density
- Evaluation of traffic impacts of the proposed development and determination of circulation improvements

- Compatibility between the proposed General/Community Plan amendment and the City's General Plan and Strategic Framework Element
- Coordination with the master plan being developed for Subareas A and B of the Grantville Redevelopment Project Area to ensure compatibility and integration
- Adequacy and provision of public facilities to accommodate the added residential population in the community
- Analysis of the current demographics in the existing mobile home park and the vicinity
- Evaluation of housing availability, affordability and alternatives for the senior population within the surrounding communities and the City
- Analysis of the demographics and housing affordability of other existing mobile home parks within the City
- Evaluation of the necessity of General/Community Plan policies for the protection of senior housing
- Evaluation of the intent of the Mobile Home Park Overlay Zone

BE IT FURTHER RESOLVED, that this initiation does not constitute an endorsement of a project proposal. This action will allow staff analysis to proceed.



Jennifer Cordeau
Associate Planner
City Planning & Community Investment



Sabrina Curtin
Legislative Recorder
Development Services Department

Responses to Issues Listed in Planning Commission Resolution No. 4330-PC

1. Compatibility of the proposed development with surrounding uses.

The proposed project is compatible with the existing and planned character of the surrounding community. The existing community character is comprised of multi-family condominiums to the south of the project site and a mix of open light industrial uses to the north. The eastern boundary of the project site is established by Mission Gorge Road, a six-lane, improved Primary Arterial. The San Diego River and Admiral Baker Golf Course are located to the west of the project site. As such, the project site is located in an area characterized by multi-family housing, light industrial uses, and open areas (golf course). However, the character of the community is changing. In addition to the proposed project, two other projects are proposed in this area. To the north of the project site is the Bradley-Garver property which is planning development of approximately 1,100 multi-family units. Further to the north is the River Park at Mission Gorge site, which proposes over 2,000 residential units and a mix of employment and retail spaces.

Mission Gorge Road, a six-lane primary arterial, separates the project site from existing single-family homes to the east. Mission Gorge Road is an improved six-lane Primary Arterial with a width of up to 132 feet. There is a planted median to the north and south of the project site, with a concrete median separating the project site from the existing single-family homes. Additional landscaping, including trees, is proposed within this concrete median along Mission Gorge Road towards the northern boundary of the project site to help act as a visual buffer for the residences to the east.

The western boundary of the project site abuts an MHPA open space area and the Admiral Baker Golf Course. The project use and design are compatible with these green space uses. The project's apartment buildings will step back from the San Diego River, addressing the river with a public trail along the western boundary of the project site and have been designed to implement the design guidelines in the Residential Element of the Navajo Community Plan as detailed in Attachment 14.

2. Compatibility of the character and quality of the proposed development with the surrounding neighborhood.

See response to Issue #1, above.

3. Analysis of current rents in the existing mobile home park

Overland, Pacific, and Cutler, Inc. (OPC) prepared the Mission Valley Village Mobile Home Park Relocation Impact Report to assess the impact of relocation on the existing mobile home park residents. OPC obtained tenant information through a mailing survey campaign that was conducted in July 2007 and early August 2007. OPC staff also

interviewed Mission Valley Village Mobile Home Park residents on-site. In total, OPC obtained 71 responses from the 113 park residents, a response rate of 62.8 percent. The survey included questions concerning contact information, household size, household composition, income, employment, mobile home size and age, length and type of occupancy, and disabilities/health problems.

The current rent at the existing mobile home park is \$725.00 per space, per month. There is no designated affordable housing provided on-site, so the level and range of affordability of the affordable housing on-site cannot be analyzed. A total of 49 of 71 households that responded to the OPC surveys provided income information. Of these 49 respondents, 46 have income levels that qualify as low or very low by the United States Department of Housing and Urban Development (HUD).

4. Analysis of the level and range of affordability of the affordable housing units provided onsite.

See response to Issue #3, above.

5. Evaluation of adjacency issues to the San Diego River and compatibility with the San Diego River Park Draft Master Plan, including interface of the proposed development with the river.

The proposed project addresses the San Diego River in its site design and is compatible with the San Diego River Park Draft Master Plan. The Draft Master Plan requires a 25-foot path corridor along the San Diego River, and a preferred 100-foot water quality buffer along the river. The project proposes a 26-foot river path corridor. Within this corridor, a 10-foot wide multi-purpose path will be provided. Relative to the water quality buffer, the San Diego River occurs adjacent to a small portion of the project site. The 100-foot water quality buffer occurs off-site westerly of the project's western border.

The project is also consistent with the Draft Master Plan's Path and Trail Design guidelines. To aid in pedestrian connectivity and to embrace the San Diego River as a project amenity, the project proposes a public multi-use path along the southern, northern, and western boundaries of the property. This path is consistent with the San Diego River Park Draft Master Plan's multi-use path designation. The 10-foot wide path will allow for pedestrian and bicycle travel around the project, connecting to the Bradley-Garver site to the north and Mission Gorge Road on the east, and providing for a future pedestrian connection to the existing condominiums to the south. Park benches and pop-outs for overlooks will be provided along the public trail with trash recycling receptacles.

6. Evaluation of the necessity of additional Community Plan language/policies to include evaluation factors or development criteria for the provision of replacement of mobile home park units onsite with a similar number of affordable units.

Language has been proposed addressing the conversion of existing mobile home parks in the Residential Element of the NCP and is provided in Attachment 29 of this report.

7. Development of the site at the higher range of existing density.

The project proposes development of the site at the maximum density permitted by the Navajo Community Plan – i.e. 43 dwelling units per acre. The project has been designed in a way to accommodate the proposed density and achieve the design goals of the NCP as well as address the goals and objectives of the San Diego River Park Draft Master Plan.

8. Evaluation of traffic impacts of the proposed development and determination of circulation improvements.

Traffic impacts have been evaluated in the traffic study prepared for the project. The traffic report prepared for the project includes an analysis of the buildout (Year 2030) conditions. This cumulative analysis was based on SANDAG modeling which assumed the projected buildout of the land uses and in the subregion. Under this buildout or cumulative traffic analysis, the report concludes that the impacts to several roadway segments and intersections would be significant.

To mitigate significant direct (2010) and cumulative (2030) traffic impacts to a level below significance, the applicant is required to install a traffic signal at the intersection of Mission Gorge Road, Greenbrier Avenue, and the project's access driveway. The new signal would be coordinated with the existing signal at Mission Gorge Road and Old Cliffs Road for improved traffic progression and operation. The applicant would also provide a median break, along the existing raised median, to facilitate full access to the project driveway at Mission Gorge Road; provide a 250 foot left turn pocket along the eastbound Mission Gorge Road approach for the inbound project traffic to turn left into the project driveway from eastbound Mission Gorge Road; and provide on inbound and one outbound lane along the project driveway.

However, significant traffic impacts to seven of the roadway segments identified above in the in the near term (2010) and horizon year (2030) can not be mitigated to a level below significance, and therefore would be considered significant and unmitigated. To mitigate potential impacts to these roadway segments would require the applicant to widen Friars Road from its current configuration of two lanes in each direction to three lanes. However, this mitigation would be infeasible since the applicant would need to acquire various right-of-way and due to other physical constraints in the vicinity of I-15/Friars Road interchange and on Mission Gorge Road between Friars Road and I-8 WB Ramps. The project will however be required to make a monetary fair-share contribution calculated at 5.5 percent towards the improvements to seven roadway segments that are not built to the ultimate classification.

9. Compatibility between the proposed General/Community Plan amendment and the City's General Plan and Strategic Framework Element.

A comprehensive update of the City's General Plan was recently adopted on March 10, 2008, and was based on a new planning strategy for the City developed in the 2002

Strategic Framework Element. Known as the City of Villages strategy, the General Plan aims to redirect development away from undeveloped lands into already urbanized areas and/or areas with conditions allowing the integration of housing, employment, civic, and transit uses. It is a development strategy that mirrors regional planning and smart growth principles intended to preserve remaining open space and natural habitat and focus development within areas that have available public infrastructure.

An updated version of the Strategic Framework comprises the introductory chapter of the new General Plan, followed by 10 elements including: Land Use & Community Planning, Mobility, Urban Design, Economic Prosperity, Public Facilities, Services & Safety, Recreation, Conservation, Noise, and Historic Preservation. The Housing Element is separate companion document which serves as a comprehensive plan to address the City's housing needs. Provided below is an analysis of how the project is compatible with the City's recently updated General Plan and Navajo Community Plan.

The Land Use & Community Planning Element contains policy direction for implementing the City of Villages strategy, provides citywide land use policies and designations, and establishes community plans as integral components of the General Plan. The Element includes goals for balanced communities, equitable development, and environmental justice. A goal is to have diverse and balanced communities with a variety of housing. The Element relies on community plans for site-specific land use and density designations and recommendations.

The project site is designated as Multi Family Residential, 30-43 dwelling units per acre, on the Navajo Community Plan Land Use Map. Additionally, the project site is within the Mobile Home Park Overlay Zone. According to the Community Plan, the overlay zone provides protection for the residents of the mobile home parks against development of the site for other uses and ensures the availability of varied housing types to create a more balanced community. A proposal of the Community Plan states: "To provide a more complete variety of housing types, the Mobile Home Park Overlay Zone should be retained on the existing mobile home park sites".

The proposed project would result in the loss of 119 mobile home spaces. Although the mobile home park does not provide any designated affordable housing units, the current space rent and/or the price of existing coaches may fall within affordable levels. By developing the property as a 444 unit multi-family apartment complex with 20 percent of the units offered as affordable, the project will help meet the goals of both the General Plan and NCP to ensure diverse and balanced neighborhoods with housing available for households of all income levels.

The Mobility Element strives to improve mobility through development of a balanced transportation system that addresses walking, bicycling, transit, and roadways in a manner that strengthens the City of Villages land use vision. Goals of the Mobility Element include creating walkable communities with pedestrian-friendly street, site and building design.

The proposed project will develop walkable, tree-lined streets, both internally and at the property boundaries. Internal streets and pathways will be landscaped and provide easy access to all portions of the site. A trail along the western boundary of the project site will allow both residents and the public to enjoy views of the Admiral Baker Golf Course and San Diego River. This river trail is to be continued to the north connecting to the proposed redevelopment of properties within Subarea B of the Grantville Redevelopment area. The project proposes pedestrian and vehicular linkages to the property just north of the project site when that property is redeveloped. The project will be lushly landscaped, with a street tree plan that is consistent with existing street and median landscaping. This consistency will facilitate a cohesive neighborhood character and contribute to overall community quality.

The Urban Design Element establishes a set of design principles from which future physical design decisions can be based. Policies call for respecting San Diego's natural topography and distinctive neighborhoods; guiding the development of walkable, transit-oriented communities; providing distinctive public places; and implementing public art.

The project site is a completely developed site that is surrounded by urban development on three sides. Its design will create an aesthetic edge along Mission Gorge Road, a heavily traveled roadway connecting the Navajo community with Santee to the north and central areas of San Diego to the south. The Landscape Development Plan reflects not only the natural elements that have influenced development of San Diego, but also its historical, geological and agricultural heritage by providing six themed courtyards for both active and passive open space use by the residents of the project. Additionally, the project will address and enhance the San Diego River, showcasing this natural feature of San Diego as a prime project amenity by providing a walking/biking trail and seating areas looking out over the river and Admiral Baker Golf Course. The project also includes landscaped internal pathways and non-contiguous sidewalks along its frontage to help encourage walkability.

As mentioned above, specific issues to be addressed for residential development through CPIOZ include Architectural Design, Building Heights, Roof Treatment, Setbacks, Landscaping and Noise Walls, Traffic and Access, Parking, and Streetscape Improvements. In order to accommodate the proposed number of units and achieve the design objectives of the CPIOZ, the project is requesting deviations to building height, retaining wall height, side yard setback, vehicular use planting area and floor area. A detailed analysis of how the project achieves these objectives has been provided in Attachment 14.

The Economic Prosperity Element includes policies aimed at supporting an innovative and sustainable local economy, and achieving a rising standard of living for San Diego's workforce.

The project would provide a mixture of market rate and affordable housing in an area within close proximity to both commercial and industrial employment uses. The site is also located between Subareas A and B of the Grantville Redevelopment which are both

undergoing significant planning efforts that could result in the provision of additional employment opportunities.

The Public Facilities, Services and Safety Element includes policies on the prioritization and provision of public facilities and services, evaluation of new growth, guidelines for implementing a financing strategy, and guidelines for the provision of specific facilities. Policies call for new growth to pay its fair share, with the City and community-at-large responsible for remedying existing facilities deficiencies.

Project impacts to park and recreation services would be less than significant and payment of the required Development Impact Fees in accordance with the Public Facilities Financing Plan for the Navajo Community would offset the project's incremental impacts to population based park requirements. Impacts to schools would be less than significant and payment of school fees in accordance with SB 50 would offset the project's incremental impacts to local schools. No new fire, police or library facilities would be required as a result of the proposed project.

The Recreation Element establishes a population-based park standard of 2.8 acres of population-based parks to be provided for every 1,000 residents; seeks to acquire, develop, operate/maintain, increase and enhance public recreation opportunities and facilities throughout the City; recognizes that park facilities should take a variety of forms in response to the specific needs and desires of the residents served; and while the City's primary goal is to obtain land for park and recreation facilities, alternative methods of providing recreation facilities need to be available.

The proposed project would result in an increase in the number of residential units and would place additional demand on park and recreation services. Based on the General Plan guidelines, a total requirement of 2.25 useable acres of public parkland would be required for the proposed project. Since no public population-based park acreage is proposed as part of the project, the applicant will pay a per-unit Development Impact Fee at the time of building permit issuance to support the provision of park and recreation facilities for the community.

Although no public population-based park acreage is proposed, on-site recreational uses in the form of seven open space areas for active and passive uses are provided as well as provision of a public pedestrian and biking trail along the western boundary with seating and overlook areas towards Admiral Baker Golf Course and the San Diego River.

The Conservation Element calls for the City to be a model for sustainable development, to address climate change impacts, and to preserve quality of life in San Diego. Includes policies to: reduce the City's carbon footprint; promote sustainable development; promote clean technology industries; conserve natural resources; protect unique landforms; preserve and manage open space and canyon systems, beaches and watercourses; and prevent and reduce pollution. Sustainable conservation practices will help ensure that future generations will be able to meet their needs and enjoy a high quality environment.

The proposed project addresses the San Diego River in its site design and is compatible with the San Diego River Park Draft Master Plan. The Draft Master Plan requires a 25-foot path corridor along the San Diego River, and a preferred 100-foot water quality buffer along the river. The project proposes a 26-foot river path corridor. Within this corridor, a 10-foot wide multi-purpose path will be provided. Relative to the water quality buffer, the San Diego River occurs adjacent to a small portion of the project site. The 100-foot water quality buffer occurs off-site westerly of the project's western border.

The project is also consistent with the Draft Master Plan's Path and Trail Design guidelines. To aid in pedestrian connectivity and to embrace the San Diego River as a project amenity, the project proposes a public multi-use path along the southern, northern, and western boundaries of the property. This path is consistent with the San Diego River Park Master Plan's multi-use path designation. The 10-foot wide path will allow for pedestrian and bicycle travel around the project, connecting to the Bradley-Garver site to the north and Mission Gorge Road on the east, and providing for a future pedestrian connection to the existing condominiums to the south. Park benches and pop-outs for overlooks will be provided along the public trail with trash recycling receptacles.

As mentioned previously in this report, several sustainable building concepts and practices have been incorporated in the design of the proposed project which would reduce or avoid potential effects associated with water and energy consumption, consumption of nonrenewable or slowly-renewing resources, and urban runoff. These design elements include Smart Location and Linkage, Compact Development, Proximity to Water and Wastewater Infrastructure, Diversity and Affordability of Housing, Bicycle Parking and Network, Reduced Parking Footprint, Access to Outdoor and Active Spaces, Construction Activity Pollution and Waste Prevention, Comprehensive Waste Management, Energy Efficiency in Building, Decreased Reliance on Fossil Fuels, Reduced Water Use, and Heat Island Reduction. (LEED Design Elements - Attachment 11

The Noise Element contains policies addressing compatible land uses and the incorporation of noise abatement measures for new uses to protect people from living and working in an excessive noise environment. It includes a matrix that identifies compatible, conditionally compatible, and incompatible land uses by noise decibel level.

As discussed in section 4.6 of the project's Environmental Impact Report, exterior noise levels are not projected to exceed 65 decibels at the recreation/pool area or the courtyards included as project open space. Thus, residents would not be exposed to noise levels in excess of the significance criteria for exterior useable areas. However, interior noise levels could exceed 45 decibels for buildings on the eastern half of the project site due to its adjacency to Mission Gorge Road and could be considered significant without mitigation. As such, mitigation is required for this area to ensure interior noise levels do not exceed 45 decibels.

The Historic Preservation Element strives to guide the preservation, protection, restoration and rehabilitation of historical and cultural resources so that a clear sense of how the City gained its present form and substance can be maintained.

As part of the environmental analysis, a records search and field survey identified no prehistoric or historical cultural material on the project site. The project site has been heavily impacted by previous grading and terracing of the natural landform to accommodate the mobile home park in 1959. While the western half of the project site has also been heavily disturbed by grading for the existing mobile home park, it remains in a more natural state than the eastern half of the project site. Due to the location of the project site within San Diego River valley where known prehistoric and historic resources exist, there is a potential for subsurface cultural resources to exist in the western portion of the project site. Because of the possibility of existence of subsurface cultural resources, a qualified archaeological monitor and Native American monitor shall be present during construction in the western portion of the project site.

The Housing Element serves as a comprehensive plan with specific measurable goals, policies, and programs to address the City's critical housing needs. The Housing Element was adopted by the City Council under separate cover from the rest of the General Plan on December 5, 2006.

The Housing Element has five goals: 1) provision of sufficient housing supply for all income groups, 2) maintain and upgrade the quality and safety of affordable housing stock, 3) minimizing governmental constraints while retaining a quality review process and consumer protection, 4) providing affordable housing opportunities to renters and low/mod homebuyers, and 5) facilitate compliance with applicable federal, state & local laws

State law lists mobile homes, not mobile home parks, as an example of a category of housing type to consider when making provision for all economic segments of the population, along with rental housing, factory-built housing, emergency shelters, etc. Mobile home parks have in the past provided affordable housing units both for rent and for sale. In San Diego, mobile home parks are regulated through the Mobile Home Park Overlay Zone. High land costs and lack of vacant land now make it infeasible to construct new mobile home parks in San Diego and pressure to convert existing mobile home parks to more intensive uses has increased in recent years as remaining residential land can house more people and provide more affordable units if developed with multifamily housing.

The proposed project would result in the loss of 119 mobile home spaces of which approximately 85 are occupied. Although the mobile home park does not provide any designated affordable housing units, the current space rent and/or the price of existing mobile homes may fall within affordable levels. By developing the property as a 444 unit multi-family apartment complex and providing 20 percent of the units as affordable (89 units), the project will help maintain on-site affordability and meet the goals of the Housing Element and NCP to ensure diverse and balanced neighborhoods with housing available for households of all income levels.

10. Coordination with the master plan being developed for Subareas A and B of the Grantville Redevelopment Project Area to ensure compatibility and integration.

The project site is located adjacent to the Bradley-Garver property in Subarea B of the Grantville Redevelopment Area. The project design, particularly with regard to vehicular and pedestrian access, has been coordinated with the preliminary design for the Bradley-Garver property. To aid in vehicular access and lessen congestion on primary roads, the project proposes an additional entrance along the northern boundary of the site to allow for connectivity with the Bradley-Garver project to the north and beyond. Residents will be able to access the parking garage within Archstone – Mission Gorge through a gate located at the entrance. Space large enough for a turn-around is provided to redirect non-residential traffic north. This entrance will be landscaped and designed in a manner consistent with the high-quality architecture of the overall project.

Pedestrian connectivity is provided by a public multi-purpose trail that meanders along the southern, western, and northern boundaries of the project site. At the northwest corner, access to the Bradley-Garver site – and proposed commercial beyond – is provided. This path is accessible to the general public, as well as project residents. For residential safety, the trail will not be accessible to non-residents during the nighttime hours.

In addition, the project's scale is complimentary to and compatible with the proposed vision for the Bradley-Garver site (approximately 1,100 mf units) and the proposed River Park at Mission Gorge project (approximately 2,000 mf units an mix of retail and employment uses) site beyond. All three projects propose multi-family residential elements that are high in quality and will aesthetically enhance the neighborhood. To create a cohesive streetscape, all three projects will be utilizing the same street trees in the landscaping along Mission Gorge Road.

11. Adequacy and provision of public facilities to accommodate the added residential population in the community.

As part of the EIR, the EIR consultant has been coordinating with public service providers to determine if the project would impact public services. An analysis of the project's impact on public services is provided in the project EIR, which has been submitted for review under separate cover.

Fire and Police protection services are currently available within the NCP area. Fire Station 45 provides primary fire protection and advance life support to the project site and surrounding area, and is located approximately 2.6 miles southwest of the project site at 9499 Friars Road, within the parking lot of Qualcomm Stadium. The initial fire suppression unit would arrive within 4.8 minutes (i.e., below the maximum five minute standard) and the effective fire force would arrive within eight to nine minutes (i.e., below or at the maximum nine minute standard). Therefore, the project would not result in the need for a new or modified fire station.

The project site is located within the boundaries of police Beat 322 of the San Diego Police Department, Eastern Division Substation. The Eastern Division Substation is located approximately four miles northeast of the project site at 9225 Aero Drive. The average response times for Beat 322 exceed the citywide average and the Police Department's goals for emergency and priority one calls, but are less than the citywide average and goal response times for priority two, three, and four calls. The additional housing and population of the proposed project would result in additional demand for police service in Beat 322. Although the project would not create the need for new or expanded police facilities, the police department has determined that two additional police officers would be needed to attain the desired rate of 1.67 officers per 1,000 residents. The applicant would compensate for the initial costs of providing two additional officers to offset the effect on police response time. The proposed project would provide compensation in the amount of \$28,000 for the initial costs associated with increased police officer staffing and related equipment.

The proposed project is within the jurisdiction of the San Diego Unified School District and would be served by Foster Elementary School, Lewis Middle School and Patrick Henry High School. All three schools currently have capacity for more students; however, based on worse case scenarios of student generation by the project, impacts to Lewis Middle School and Patrick Henry High School could occur. When additional demand warrants, it is the responsibility of the school district to provide adequate school facilities and payment of school fees in accordance with SB 50 would offset the project's incremental impacts to local schools.

As mentioned above, the proposed project would generate the need for an additional 2.25 acres of population based park based on General Plan standards. As no population based park acreage is proposed as part of their project, the payment of Development Impact Fees for park construction and the provision of on-site active and passive recreations use for the residents and a walking/biking trail along the western boundary of the site for both residents and the public would address the need for the additional required acreage.

12. Analysis of the current demographics in the existing mobile home park and the vicinity.

Overland, Pacific, and Cutler, Inc. (OPC) prepared the Mission Valley Village Mobile Home Park Relocation Impact Report to assess the impact of relocation on the existing mobile home park residents. The conclusions of the report are summarized below.

OPC obtained tenant information through a mailing survey campaign that was conducted in July 2007 and early August 2007. OPC staff also interviewed Mission Valley Village Mobile Home Park residents on-site. In total, OPC obtained 71 responses from the 113 park residents, a response rate of 62.8 percent. The survey included questions concerning contact information, household size, household composition, income, employment, mobile home size and age, length and type of occupancy, and disabilities/health problems.

The park is estimated to have at least 113 residents. Of the 71 households that responded to the OPC survey, 67 provided information pertaining to household size. 41 households have one occupant, 25 have two occupants, and one household has three occupants. There are 21 known households with an individual 62 years or older. Nine households have individuals with mobility problems and expressed a preference for ground-level accommodations or stair rails and ramps. There are several other residents that have moderate to serious health issues and, although these issues would not restrict potential housing choices, these residents would prefer to stay close to doctors, hospitals, and other medical care.

The current rent at the existing mobile home park is \$725.00 per space, per month. There is no designated affordable housing provided on-site, so the level and range of affordability of the affordable housing on-site cannot be analyzed. A total of 49 of 71 households that responded to the OPC surveys provided income information. Of these 49 respondents, 46 have income levels that qualify as low or very low by the United States Department of Housing and Urban Development (HUD).

There are 21 mobile home parks that currently have availabilities in the cities of San Diego, El Cajon, Chula Vista, and Spring Valley. 16 of the 21 parks with availability advertise space rents in the range of \$400 to \$697, which is below the current space rent in Mission Valley Village. The remaining five parks have rents between \$895 and \$1,100. Six of the parks with availabilities are designated as Senior Parks. In total, OPC surveyed 260 mobile home parks in San Diego County. 39 of the 260 parks in San Diego County are designated as Senior Only parks, six are Family parks, 44 are All Ages parks, and 171 did not have specific designations available.

Additionally, the HUD Fair Market Rents were analyzed for apartments for the 2007 Fiscal Year. The fair market rent for an efficiency (studio) apartment is \$870. A one-bedroom apartment fair market rent is \$993; a two-bedroom is \$1,205; a three-bedroom is \$1,757; and a four-bedroom is \$2,118.

13. Evaluation of housing availability, affordability and alternatives for the senior population within the surrounding communities and the City.

See response to Issue #12, above.

14. Analysis of the demographics and housing affordability of other existing mobile home parks within the City.

See response to Issue #12, above.

15. Evaluation of the necessity of General/Community Plan policies for the protection of senior housing.

Language has been proposed for the community plan regarding the discontinuance of Mobile Home Parks within the community and is included in Attachment 29. Because there is no designated senior housing provided at the existing mobile home park,

language regarding the protection of senior housing has not been included as part of the proposed community plan amendment. However, it is recognized that mobile homes provide a level of affordability for the older population. As such, the project will provide 10 percent of the total units at available for low-income levels and 10 percent of the total units available at moderate-income levels. Current residents of the mobile home park who qualify for either low-income or moderate-income will have first priority to occupy the on-site affordable units. Additionally, the Housing Element of the General Plan contains policies regarding the provision of housing for the elderly.

16. Evaluation of the intent of the Mobile Home Park Overlay Zone.

According to the Navajo Community Plan, the Mobile Home Park Overlay “provides protection for the residents of the mobile home parks against development of the sites for other uses and ensures the availability of varied housing types to create a more balanced community.” The purpose of the Mobile home Park Overlay Zone (LDC Section 132.0701) is to preserve existing mobile home park sites, consistent with the City’s goal of accommodating alternative housing types, and to provide supplemental regulations for the discontinuance of mobile home parks and the relocation of the mobile home park tenants. As mentioned before, it is recognized that mobile homes provide an affordable housing option for a population with lower income levels. However, in most instances, such as this one, they are not restricted as “affordable” by the City or Housing Commission and purchase and/or lease of mobile homes and mobile home spaces could increase beyond the range of affordability for low-income levels. The proposed project would provide 20 percent of its total units as affordable and would restrict them as affordable for 55 years.

Additionally, LDC Section 143.0610 et seq. regulates mobile home park discontinuance and tenant relocation. The purpose of these regulations is to set forth procedures for the conversion of an existing mobile home park or spaces to another use. These regulations are intended to benefit the general public by minimizing the adverse impact on the housing supply and on displaced persons by providing certain rights and benefits to tenants and by requiring tenant relocation assistance whenever an existing mobile home park or portion thereof is converted to another use. LDC Section 143.0630 outlines the requirements for mobile home park discontinuance and tenant relocation which requires approval by the San Diego Housing Commission. The commission has reviewed and approved the tenant relocation plan.

Responses to CPIOZ Development Regulations

The following is an analysis of the proposed project's conformance with the Navajo Community Plan's Community Plan Implementation Overlay Zone design guidelines for residential development. The project site is located in Area 1 of the Grantville/Mission Gorge Road CPIOZ areas indicated on the graphic included with this attachment.

1. Architectural Design: New development shall be compatible in design with the existing neighborhood. The bulk and scale of new buildings should be similar to the surrounding buildings. Where adjacent development is single-family, large building masses shall be avoided. Several smaller buildings should be used to maintain the pattern of development.

The proposed project is compatible with the existing and planned character of the surrounding community. The existing community character is comprised of multi-family condominiums to the south of the project site and a mix of open light industrial uses to the north. The eastern boundary of the project site is established by Mission Gorge Road, a six-lane, improved Primary Arterial. The San Diego River and Admiral Baker Golf Course are located to the west of the project site. As such, the project site is located in an area characterized by multi-family housing, redeveloping light industrial uses, and open areas (golf course).

The western boundary of the project site abuts an MHPA open space area and the Admiral Baker Golf Course. The project use and design are compatible with these green space uses. The project's apartment buildings will step back from the San Diego River, addressing the river with a public trail along the western boundary of the project site.

The character of the community is in transition. In addition to the Archstone – Mission Gorge project, two other projects are proposed in this area. To the north of the project site is the Bradley-Garver property, which is in the preliminary planning stages for an approximately 1,100 unit multi-family residential project. Further to the north is the RiverPark at Mission Gorge site, which proposes over 2,000 residential units and a mix of employment and retail spaces. The Archstone – Mission Gorge project fits well into the evolving character of the community, with its high-quality multi-family housing focused on maintaining pedestrian and river connectivity while enhancing the Navajo community and City of San Diego as a whole.

Mission Gorge Road separates the project site from existing single-family homes to the east. Mission Gorge Road is an improved six-lane Primary Arterial with a width of up to 132 feet. There is a planted median to the north and south of the project site, with a concrete median separating the project site from the existing single-family homes. The northern portion of the concrete median along the project frontage will add new landscaping, including trees, to match the existing north and south of the project site.

There are no left turns allowed along Mission Gorge Road, except at signalized intersections, which effectively separates the project site from the residences to the east.

The project has been carefully designed to avoid unsightly masses of building and wall. The residential building steps away from the western boundary of the property, creating a pedestrian-friendly interface – including a multi-purpose path – with the San Diego River beyond. Additionally, the residential buildings are broken up by courtyards and internal circulation paths, creating views into the project and decreasing the overall bulk and scale of the project. With this design, pedestrians and residents along Mission Gorge Road are provided with view corridors through the project site to the lushly landscaped internal courtyards. Expanded setbacks along the north and south property lines allow for unobstructed views to the San Diego River, and Admiral Baker Golf Course.

2. Building Height: New development shall be limited to 30 feet in height where adjacent development is single-family.

The Navajo Community Plan recommends limiting the height of structures adjacent to single-family homes to 30 feet. However, the project site is not located adjacent to single-family homes. Single-family development occurs across from the project site, separated by the improved Mission Gorge Road – a six-lane Primary Arterial with a width of up to 132 feet. Mission Gorge Road has a planted median to the north and south of the project site, with a concrete median separating the project site from the existing single-family homes. The northern portion of the concrete median along the project frontage will add new landscaping, including trees, to match the existing north and south of the project site. There are no left turns allowed along Mission Gorge Road, except at signalized intersections, which effectively separates the project site from the residences to the east.

The project has been designed to include building and roofline articulations that create an attractive and interesting façade to residential buildings. Variety in building textures, colors, pop-outs, and other elements result in an aesthetically pleasing addition to the community. Buildings are designed to step down on the western side, where a portion of the project site is adjacent to the San Diego River Park. The proposed Landscape Development Plan includes a variety of plantings and plant materials that not only create an enjoyable experience for residents but also enhance and soften the exterior project elements.

The project has been designed such that the residential buildings surround the parking structure. While the parking structure will exceed the allowable building height, it will not be visible to surrounding areas, as it will be “wrapped” with the residential structures.

The project site is located in the RM-3-7 Zone which allows a maximum 40 foot building height (Table 131-04G of the LDC). Height is measured vertically from the existing grade or proposed grade, whichever is lower (Section 113.0270 of the LDC). The existing site is characterized by a terraced topography, ranging in elevation of approximately 114 feet above mean sea level (AMSL) on the upper portion and 81 feet AMSL on the lower

portion of the site. The upper and lower portions of the site are separated by an approximately 2:1 (horizontal: vertical) manufactured slope, which has a grade differential of 33 feet. The western portion of the site is located within the 100-year floodplain and the proposed project incorporates grading (enter site to be graded) and retaining walls that would raise this portion of the site out of the floodplain, thus removing the flood hazard from the property.

The site improvements will establish new proposed grade over the entire property, which some of the proposed grade is lower than the existing grade. When measured from the new proposed grade, the residential buildings propose a height of 46 feet; architectural features, elevator, or stair towers propose a height of 55 feet; and the Clubhouse portion of the complex propose a height of 58 feet 5 inches. However, since height is measured from the lowest grade, which in this case is the existing grade, the maximum proposed building height for the residential building is 73 feet from existing grade at its lowest point and a height of 59 feet for the parking structure from existing grade (Attachment 18- Building Height Deviation Exhibit).

3. Roof Treatment: Roof forms shall be predominantly sloped. Rooftop ventilation or mechanical equipment shall be screened from adjacent residential areas and from the public right-of-way.

The roofline will be articulated so as to create an attractive and interesting skyline on the residential buildings. Rooftop ventilation and mechanical equipment will occur on the flat roof portions and will be screened by the parapets and mansards.

4. Setbacks, Landscaping, and Noise Walls: An extensively landscaped street yard shall be provided for any new residential development along Mission Gorge Road. If noise walls are proposed, the walls should be well-designed, incorporating articulation, pilasters, and other design features to achieve attractive design. Noise walls shall not be permitted in the setback. In addition, landscaping should be used to soften the appearance of perimeter walls and residential structures from Mission Gorge Road and from adjacent uses.

The required side yard setback is a minimum of 5 feet or 10 percent of the premises width, whichever is greater (Section 131.0443(f)(2) of the LDC). The project site is approximately 800 feet in width and would require an 80 foot side yard setback. The deviation request is to allow for a 36 foot side yard setback, which the building would be setback 44 feet and 54 feet from the northern property line, and approximately 42 feet from the southern property line. This request would optimize site utilization and still provide for a fire access road, a public river-front bike and walking path from Mission Gorge Road, and function as a view corridor to the San Diego River.

Non-contiguous sidewalks are proposed for Mission Gorge Road. Landscape plans include proposed median and parkway trees, shrubs, and groundcover. Landscaping to soften the appearance of blank walls, building edges, and the retaining wall is shown on the Landscape Development Plan. Foundation Planting, tree layout and vine plantings

ensure all blank walls are screened. Perimeter retaining walls will be plantable walls with plant material designed to screen views of the wall. Smaller retaining walls will be fully screened with large foundation shrub planting.

The landscape design intent of this project is to provide both passive and active spaces for the residents' enjoyment, while using plant material that accents and frames the architecture and enhances the pedestrian scale of the project. Mission Gorge Road street trees are consistent with surrounding areas and will be used to provide continuity throughout the Navajo Community planning area. Passive areas provide seating and gathering spaces for residents' interaction and leisure activities. Outdoor pedestrian spaces will be designed with consideration for persons with disabilities by careful selection of materials and the design of accessible circulation routes and site furnishings throughout the project.

The overall theme of the project pays tribute to the San Diego river area's ecology and its historical contribution to the San Diego region. Beginning with the natural history, in the *Dry Stream Court* and moving through the cultural history in the *Native Court*, the technological history in the *Flume Court*, the agricultural history in the *Orchard Court*, and a present-day reflection of the Admiral Baker Golf Course in the *Green Court*. The design of the entry and recreation area reflects a contemporary style with various use areas including an outdoor fireplace, pool, spa, pool cabanas, fire pit and barbecues.

Dry Stream Court

Playing off the natural history of the San Diego region, a dry streambed meanders through the space reflecting the region's arid character and the seasonal nature of the San Diego rivers sources.

Native Court

Paying tribute to the cultural history of this region, this courtyard utilizes native plantings and design elements that abstractly represent traditions of the indigenous cultures.

Flume Court

The missionaries that surveyed the mission gorge area found that a dam and flume could supply the mission with a reliable water source, which is represented by a channel lined with ornamental grasses.

Orchard Court

Representative of the importance of the San Diego River as a water source supporting the agricultural history of mission valley area is a grove reminiscent of the food-production that sustained early settlers.

Green Court

Mirroring the sculpted aesthetics of the admiral baker golf course, this courtyard offers a grassy space and seating areas that provide a comfortable outdoor space for passive use.

The western portion of the site is located within the 100-year floodplain and the proposed project would raise this portion of the site out of the floodplain, and would

necessitate the construction of a retaining/crib wall up to 12 feet in height. Within the side yard and rear yard, two retaining walls are allowed with a maximum of 6 feet each that are separated by a minimum horizontal distance equal to the height of the upper wall (Section 142.0340(d)(1) of the LDC). However, a retaining wall outside the setbacks is allowed to a maximum height of 12 feet.

The deviation request is to omit the horizontal distance requirement between the walls and allow for one 12 foot high plantable retaining/crib wall within the 5 foot rear yard and the 36 foot side yards (Attachment 19- Retaining Wall Elevation/Section). This wall would be interrupted at regular intervals with stone veneer traditional retaining walls providing tree pockets and overlooks. The retaining walls would provide for a fire lane to serve the proposed project and a public river-front bike and walking path overlooking the existing Admiral Baker Golf Course and the San Diego River Park. This path would connect to potential future river park trails to the north and south, as well as provide access back to Mission Gorge Road. The landscaping at the bottom of the retaining wall and along the wall would contain a minimum of 75 percent native and 25 percent drought-tolerant non-native plant material providing 80 percent screening of the wall with two years.

The LDC requires one tree to be planted within 30 feet of each parking space on the upper level of the parking structure (Table 142.04D). The deviation request is to install shade structures instead of the trees. The proposed shade structures would provide the same function as the required trees by providing shade for the surface parking area of the upper deck. Alternatively or additionally, the applicant is evaluating the incorporation of solar trees or a canopy of photovoltaic panels on the upper level of the parking structure for the generation of the projected energy consumption for all common areas and facilities for the complex.

5. Traffic and Access: New development should be designed to minimize further traffic impacts on Mission Gorge Road.

Traffic impacts have been evaluated in the traffic study prepared for the project. The traffic report prepared for the project includes an analysis of the buildout (Year 2030) conditions. This cumulative analysis was based on SANDAG modeling which assumed the projected buildout of the land uses and in the subregion. Under this buildout or cumulative traffic analysis, the report concludes that the impacts to the roadway segments and intersections would be significant and mitigated. Additionally, the project has been designed to provide pedestrian, bicycle and vehicular access to the properties north of the project site to help alleviate vehicle trips on Mission Gorge Road.

6. Parking: Parking areas shall be well-screened from Mission Gorge Road using a combination of landscaped berms, tall trees, and shrubs. Parking areas shall be located in areas least disruptive to adjacent single-family uses. Tree planting shall be incorporated throughout the parking area.

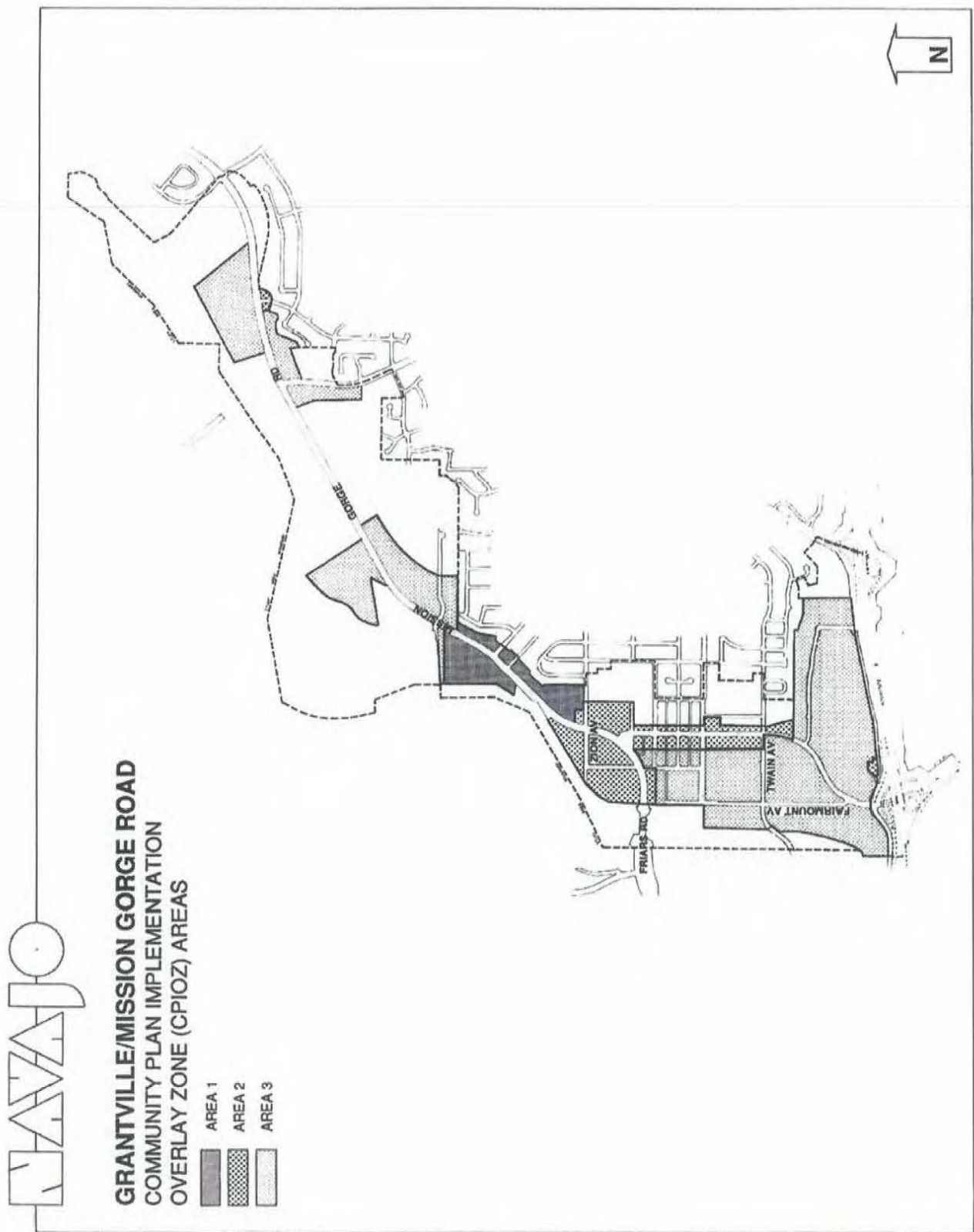
With the exception of Future Resident Parking, located outside the Leasing Office, which may be visible from Mission Gorge Road, all resident parking will be completely screened from view by the apartment building itself. The apartment complex is wrapped around the parking garage, so from all sides, all that is visible to the public is the façade of the apartment building. The parking garage, central to all residents, will be developed with architectural details, coloration, textures, and plantings that will make the garage blend into the development and minimize impact on residential views. These treatments are consistent with the exterior building treatments. The various portions of the apartment building will have pedestrian-oriented details, such as first-floor patios, balconies, window treatments, and vibrant planting to create a pleasant atmosphere for residents traversing the property. In addition, the harmoniously wonderful courtyards have been ideally located and thoughtfully landscaped to avoid resident feelings of being closed in, while creating view corridors to the river and community. A detailed and diverse color palette along with the enriched paving accenting the undulating pedestrian pathways maintains visual interest.

Future Resident Parking will be located in front of the Leasing Office in the southern portion of the project site. This parking area will be screened from view along Mission Gorge Road by the extensive landscaping proposed for the project entry off of Mission Gorge Road. Future Resident Parking will be further screened by the main entry water feature and related landscaping.

7. Streetscape Improvements: New development shall be required to provide sidewalks and undergrounding of utilities on-site and construction of a median along the Mission Gorge Road frontage. The feasibility of landscaping the median in Mission Gorge Road should be studied as new development occurs. Landscaping and paving in the median should continue the pattern established in the existing median on Mission Gorge Road.

The proposed project would provide non-contiguous sidewalks along Mission Gorge Road. In addition, on-site utilities will be underground.

Additionally, the primary street tree for the project – *Platanus acerifolia* (*London Plane Tree*) – will be consistent with the proposed developments to the north of the project site in the Grantville Redevelopment Area Subarea B. This will create cohesion between the Archstone-Mission Gorge project and future development along Mission Gorge Road. Mission Gorge Road has a planted median to the north and south of the project site, with a concrete median separating the project site from the existing single-family homes. The northern portion of the concrete median along the project frontage will add new landscaping, including trees, to match the existing north and south of the project site.



GOVERNMENT CODE

SECTION 65863.7 and 65863.8

65863.7. (a) Prior to the conversion of a mobilehome park to another use, except pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410) of Title 7), or prior to closure of a mobilehome park or cessation of use of the land as a mobilehome park, the person or entity proposing the change in use shall file a report on the impact of the conversion, closure, or cessation of use upon the displaced residents of the mobilehome park to be converted or closed. In determining the impact of the conversion, closure, or cessation of use on displaced mobilehome park residents, the report shall address the availability of adequate replacement housing in mobilehome parks and relocation costs.

(b) The person proposing the change in use shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at least 15 days prior to the hearing, if any, on the impact report by the advisory agency, or if there is no advisory agency, by the legislative body.

(c) When the impact report is filed prior to the closure or cessation of use, the person or entity proposing the change shall provide a copy of the report to a resident of each mobilehome in the mobilehome park at the same time as the notice of the change is provided to the residents pursuant to paragraph (2) of subdivision (g) of Section 798.56 of the Civil Code.

(d) When the impact report is filed prior to the closure or cessation of use, the person or entity filing the report or park resident may request, and shall have a right to, a hearing before the legislative body on the sufficiency of the report.

(e) The legislative body, or its delegated advisory agency, shall review the report, prior to any change of use, and may require, as a condition of the change, the person or entity to take steps to mitigate any adverse impact of the conversion, closure, or cessation of use on the ability of displaced mobilehome park residents to find adequate housing in a mobilehome park. The steps required to be taken to mitigate shall not exceed the reasonable costs of relocation.

(f) If the closure or cessation of use of a mobilehome park results from an adjudication of bankruptcy, the provisions of this section shall not be applicable.

(g) The legislative body may establish reasonable fees pursuant to Section 66016 to cover any costs incurred by the local agency in implementing this section and Section 65863.8. Those fees shall be paid by the person or entity proposing the change in use.

(h) This section is applicable to charter cities.

(i) This section is applicable when the closure, cessation, or change of use is the result of a decision by a local governmental entity or planning agency not to renew a conditional use permit or zoning variance under which the mobilehome park has operated, or as a result of any other zoning or planning decision, action, or inaction. In this case, the local governmental agency is the person proposing the change in use for the purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

(j) This section is applicable when the closure, cessation, or change of use is the result of a decision by an enforcement agency, as defined in Section 18207 of the Health and Safety Code, to suspend the permit to operate the mobilehome park. In this case, the mobilehome park owner is the person proposing the change in use for purposes of preparing the impact report required by this section and is required to take steps to mitigate the adverse impact of the change as may be required in subdivision (e).

65863.8. A local agency to which application has been made for the conversion of a mobilehome park to another use shall, at least 30 days prior to a hearing or any other action on the application, inform the applicant in writing of the provisions of Section 798.56 of the Civil Code and all applicable local requirements which impose upon the applicant a duty to notify residents and mobilehome owners of the mobilehome park of the proposed change in use, and shall specify therein the manner in which the applicant shall verify that residents and mobilehome owners of the mobilehome park have been notified of the proposed change in use. Neither a hearing on the application, nor any other action thereon, shall be taken by the local agency before the applicant has satisfactorily verified that the residents and mobilehome owners have been so notified, in the manner prescribed by law or local regulation.

CIVIL CODE

SECTION 798.55-798.61

798.55. (a) The Legislature finds and declares that, because of the high cost of moving mobilehomes, the potential for damage resulting therefrom, the requirements relating to the installation of mobilehomes, and the cost of landscaping or lot preparation, it is necessary that the owners of mobilehomes occupied within mobilehome parks be provided with the unique protection from actual or

constructive eviction afforded by the provisions of this chapter.

(b) (1) The management may not terminate or refuse to renew a tenancy, except for a reason specified in this article and upon the giving of written notice to the homeowner, in the manner prescribed by Section 1162 of the Code of Civil Procedure, to sell or remove, at the homeowner's election, the mobilehome from the park within a period of not less than 60 days, which period shall be specified in the notice. A copy of this notice shall be sent to the legal owner, as defined in Section 18005.8 of the Health and Safety Code, each junior lienholder, as defined in Section 18005.3 of the Health and Safety Code, and the registered owner of the mobilehome, if other than the homeowner, by United States mail within 10 days after notice to the homeowner. The copy may be sent by regular mail or by certified or registered mail with return receipt requested, at the option of the management.

(2) The homeowner shall pay past due rent and utilities upon the sale of a mobilehome pursuant to paragraph (1).

(c) If the homeowner has not paid the rent due within three days after notice to the homeowner, and if the first notice was not sent by certified or registered mail with return receipt requested, a copy of the notice shall again be sent to the legal owner, each junior lienholder, and the registered owner, if other than the homeowner, by certified or registered mail with return receipt requested within 10 days after notice to the homeowner. Copies of the notice shall be addressed to the legal owner, each junior lienholder, and the registered owner at their addresses, as set forth in the registration card specified in Section 18091.5 of the Health and Safety Code.

(d) If management obtains a court judgment against a homeowner or resident, the cost incurred by management in obtaining a title search for the purpose of complying with the notice requirements of this section shall be recoverable as a cost of suit.

(e) The resident of a mobilehome that remains in the mobilehome park after service of the notice to sell or remove the mobilehome shall continue to be subject to this chapter and the rules and regulations of the park, including rules regarding maintenance of the space.

(f) No lawful act by the management to enforce this chapter or the rules and regulations of the park may be deemed or construed to waive or otherwise affect the notice to remove the mobilehome.

Article 3: Supplemental Development Regulations**Division 6: Mobilehome Park Discontinuance
and Tenant Relocation Regulations***(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§143.0610 Purpose of Mobilehome Park Discontinuance and Tenant Relocation Regulations**

The purpose of these regulations is to set forth procedures for the conversion of an existing *mobilehome park* or spaces to another use. These regulations are intended to benefit the general public by minimizing the adverse impact on the housing supply and on displaced persons by providing certain rights and benefits to tenants and by requiring tenant relocation assistance whenever an existing *mobilehome park* or portion thereof is converted to another use.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§143.0615 When Mobilehome Park Discontinuance and Tenant Relocation Regulations Apply**

(a) This division applies to all *mobilehome parks* except as provided in Section 143.0615(b).

- (1) Subject to the *Mobilehome Park Overlay Zone*;
- (2) Subject to a Conditional Use Permit;
- (3) Entitled to be used as a *mobilehome park* based on *previously conforming* rights; or
- (4) Subject to a permit issued under present regulations.

(b) Notwithstanding any other provision in this section to the contrary, this division does not apply to the *mobilehome park* located in Mission Bay Park generally known as De Anza Mobilehome Park. It is the intention of the City to deal with any discontinuance and relocation issues involved with De Anza Mobilehome Park by separate ordinance or resolution because of the unique conditions applicable to the De Anza Mobilehome Park.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0630 Discontinuance of a Mobilehome Park

- (a) Before the City issues any *development permit* or *construction permit* that would allow the use of any land that is currently used as a *mobilehome park* to be used for any other purpose, or to be converted from *mobilehome* spaces to any other uses, a *mobilehome park* owner, lessee, or operator shall file an application to discontinue the *mobilehome park* or *mobilehome* spaces use.
- (b) The application for discontinuance of a *mobilehome park* shall be processed as a Site Development Permit in accordance with Process Three which may only be granted if the decision maker makes the findings in Section 126.0504(k).
- (c) The application for discontinuance of a *mobilehome park* shall be accompanied by a relocation plan which shall be transmitted to the San Diego Housing Commission or any successor agency for action. The relocation plan shall provide for the relocation of the tenants who will be displaced by the discontinuance of the use of the property as a *mobilehome park* or by the conversion of *mobilehome* spaces to other uses. The relocation plan shall comply with standards and regulations for relocation plans developed by the San Diego Housing Commission.
- (d) The application for discontinuance of a *mobilehome park* shall not be approved until a relocation plan has been approved by the San Diego Housing Commission.
- (e) Except as provided in Section 143.0630(f), the owner, lessee, or operator of a *mobilehome park* shall submit the required applications no later than 30 calendar days after the date on which one of the following occurs:
 - (1) Fifteen percent of the *mobilehome* spaces within the *mobilehome park* cease to be occupied by *mobilehomes*;
 - (2) Fifteen percent of the *mobilehome* spaces within the *mobilehome park* cease to be used for residential purposes if those *mobilehomes* are owned by the *mobilehome park* owner, lessee, or operator;
 - (3) The total of vacant *mobilehome* spaces and *mobilehomes* described in Section 143.0630(e)(2) equals 15 percent;

- (4) A notice of determination that the *mobilehome park* is undergoing a change in use has been provided by the Executive Director of the San Diego Housing Commission.
- (f) Application for discontinuance of a *mobilehome park* is not required if the unoccupied *mobilehome* spaces or *mobilehomes* are offered for rent or lease to tenants or *mobilehome* owners and a *sign* offering the spaces or *mobilehomes* for rent or lease is installed at the principal entrance to the *mobilehome park* and is visible from the adjacent *public right-of-way*. The *sign* shall be maintained as long as 15 percent of the *mobilehome* spaces or *mobilehomes* in the *mobilehome park* remain unoccupied by *mobilehomes* or tenants. If the vacancy rate for *mobilehome* spaces or *mobilehomes* remains at or above 15 percent for 60 calendar days, the application for discontinuance of a *mobilehome park* shall be filed within 30 calendar days after the expiration of the 60-calendar-day period.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§143.0640 Sale of Mobilehome Parks

- (a) Any resident organization entitled to notice of a listing of a *mobilehome park* for sale, pursuant to Civil Code Section 798.80, shall have the right to purchase the park, except as provided in Section 143.0640(b), if the resident organization meets the price and the terms and conditions of a purchase offer acceptable to the *mobilehome park* owner.
 - (1) The resident organization shall have the right to purchase the park by executing a contract with the *mobilehome park* owner within 45 calendar days, unless agreed to otherwise, of the date on which a notice of an acceptable offer to purchase the park is delivered by first class mail or personal delivery to the president, secretary, and treasurer of the resident organization.
 - (2) If less than the entire *mobilehome park* is offered for sale or an acceptable offer to purchase less than the entire *mobilehome park* is received, the resident organization shall have the right to purchase a portion of the park for a period of 90 calendar days, unless agreed to otherwise, from the date that a notice of the receipt of an acceptable offer to purchase a portion of the park is mailed to the resident organization.
 - (3) If a contract between the *mobilehome park* owner and the resident organization is not executed within the specified period, the owner's

only obligation shall be as set forth in Section 143.0640(a)(4), unless the *mobilehome park* owner then elects to accept a counter offer to the noticed offer, at a price lower than the price specified in the notice to the resident organization.

- (4) If no contract is executed between the *mobilehome park* owner and the resident organization within the time periods specified in Section 143.0640(a)(1) and (2) and the *mobilehome park* owner then elects to accept an offer at a lower price or under different terms and conditions than the price or the terms and conditions as specified in the owner's notice to the resident organization, the resident organization will have an additional 15 calendar days to meet the price and the terms and conditions of the *mobilehome park* owner by executing a contract.
- (b) The regulations contained in Section 143.0640(a) do not apply to the following:
 - (1) Any sale or other transfer by a park owner who is a natural person to any relation specified in Probate Code Section 6402;
 - (2) Any transfer by gift, devise, or operation of law;
 - (3) Any transfer by a corporation to an *affiliate*. As used in this paragraph, *affiliate* means any shareholder of the transferring corporation, any corporation or entity owned or controlled, directly or indirectly, by the transferring corporation, or any other corporation or entity controlled, directly or indirectly, by any shareholder of the transferring corporation;
 - (4) Any transfer by a partnership to any of its partners;
 - (5) Any conveyance resulting from the judicial or nonjudicial foreclosure of a mortgage or deed of trust encumbering a *mobilehome park* or any deed given in lieu of such a foreclosure;
 - (6) Any sale or transfer between or among joint tenants or tenants-in-common owning a *mobilehome park*; or
 - (7) The purchase of a *mobilehome park* by a governmental entity under its powers of eminent domain.

- (c) A *mobilehome park* owner may, at any time, record with the County Recorder, an affidavit in which it is certified that the following circumstances exist:
- (1) The owner has complied with the provisions of this section;
 - (2) Notwithstanding compliance with Section 143.0640(a), no contract has been executed of the sale of a *mobilehome park* between the owner and the resident organization; and
 - (3) The provisions of Section 143.0640(a) are inapplicable to a particular sale or transfer of such park by the owner based on the exemptions described in Section 143.0640(b).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)



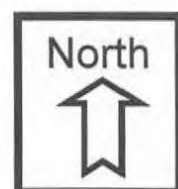
Project Boundary
100-year Flood Plain

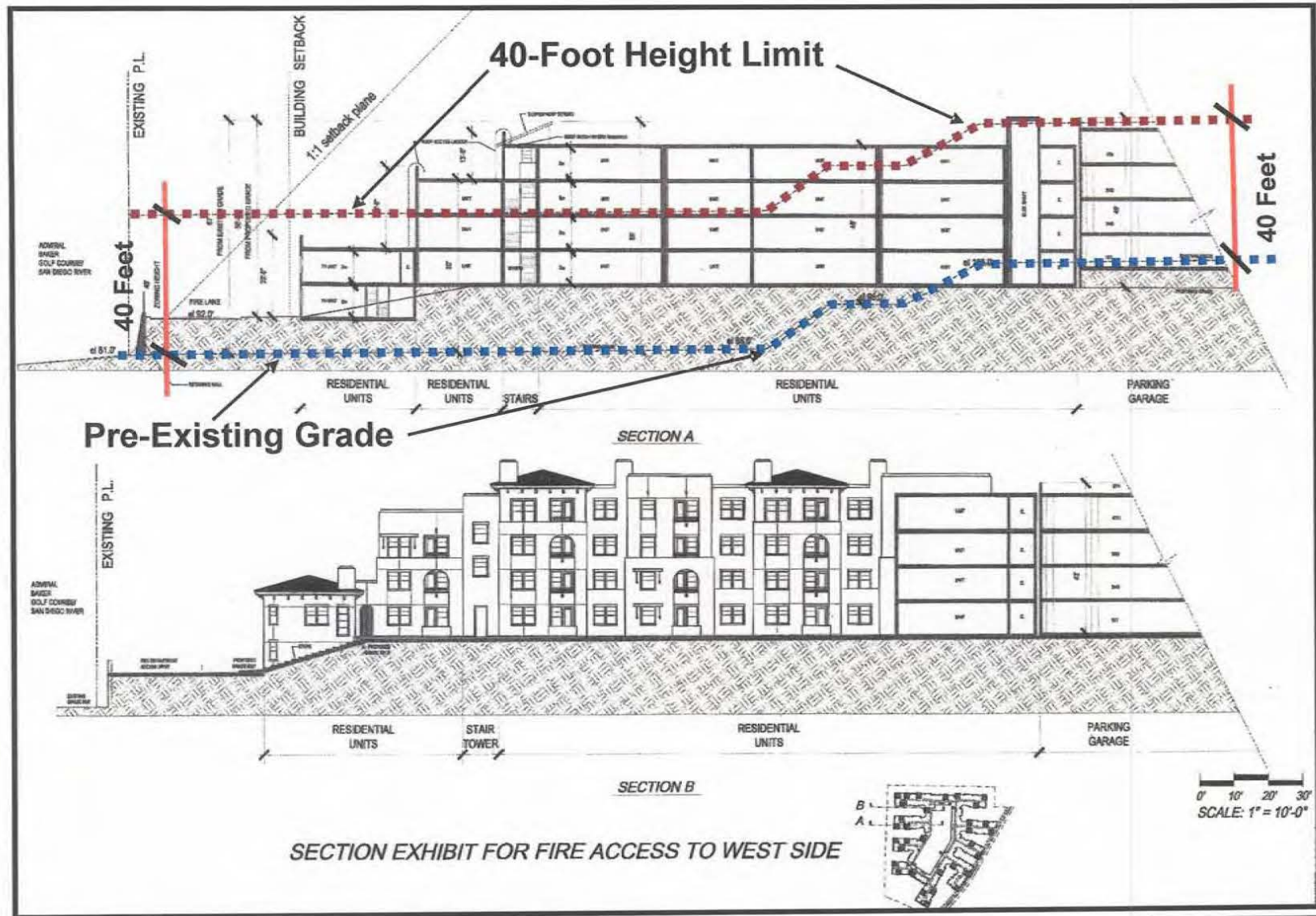


100-Year Flood Plain Map

Archstone Mission Gorge-Project No. 142570

6850 Mission Gorge Road





Building Height Deviation Exhibit

Archstone Mission Gorge-Project No. 142570

6850 Mission Gorge Road

Figure

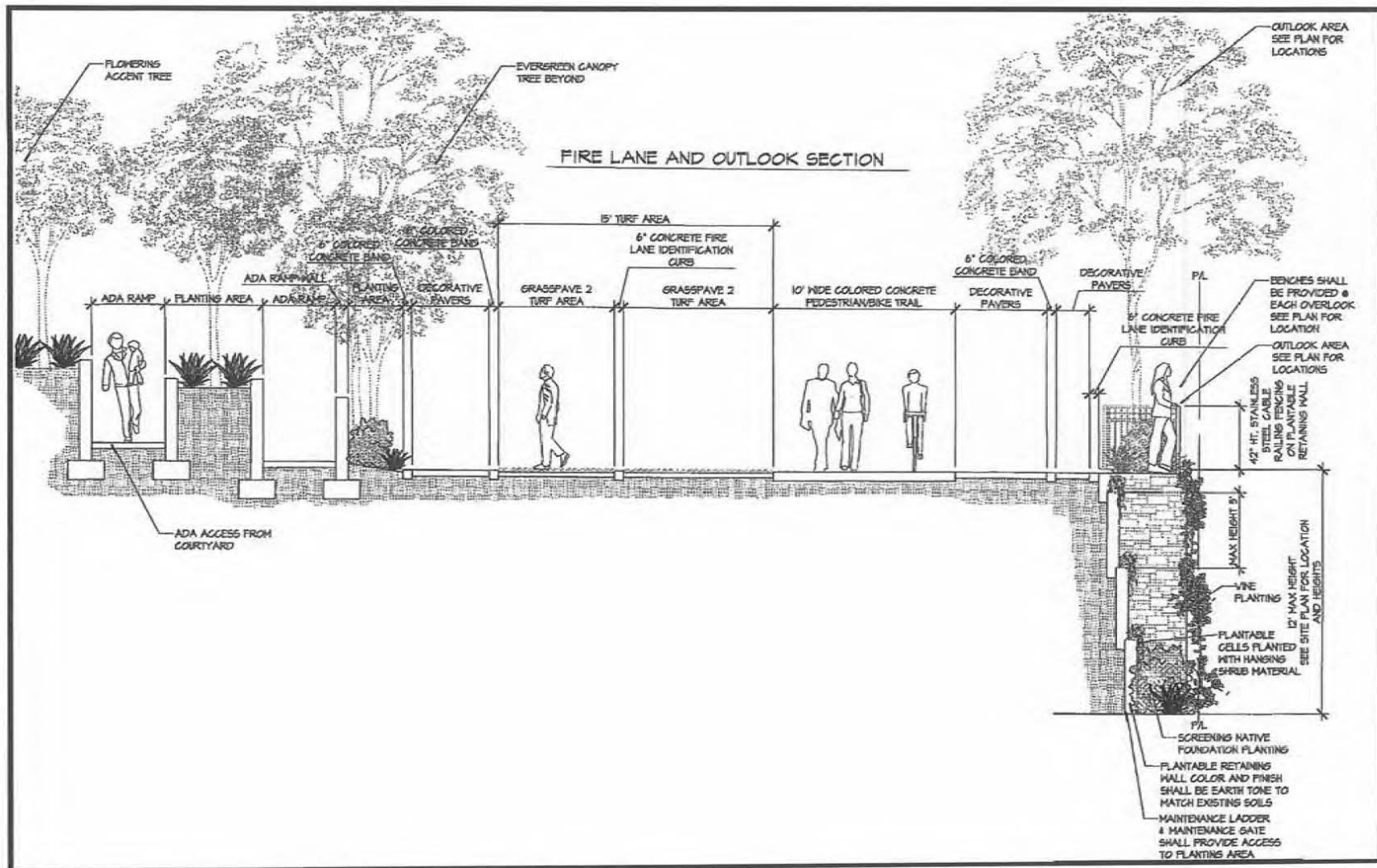
1



Archstone Mission Gorge-Project No. 142570

Figure

1

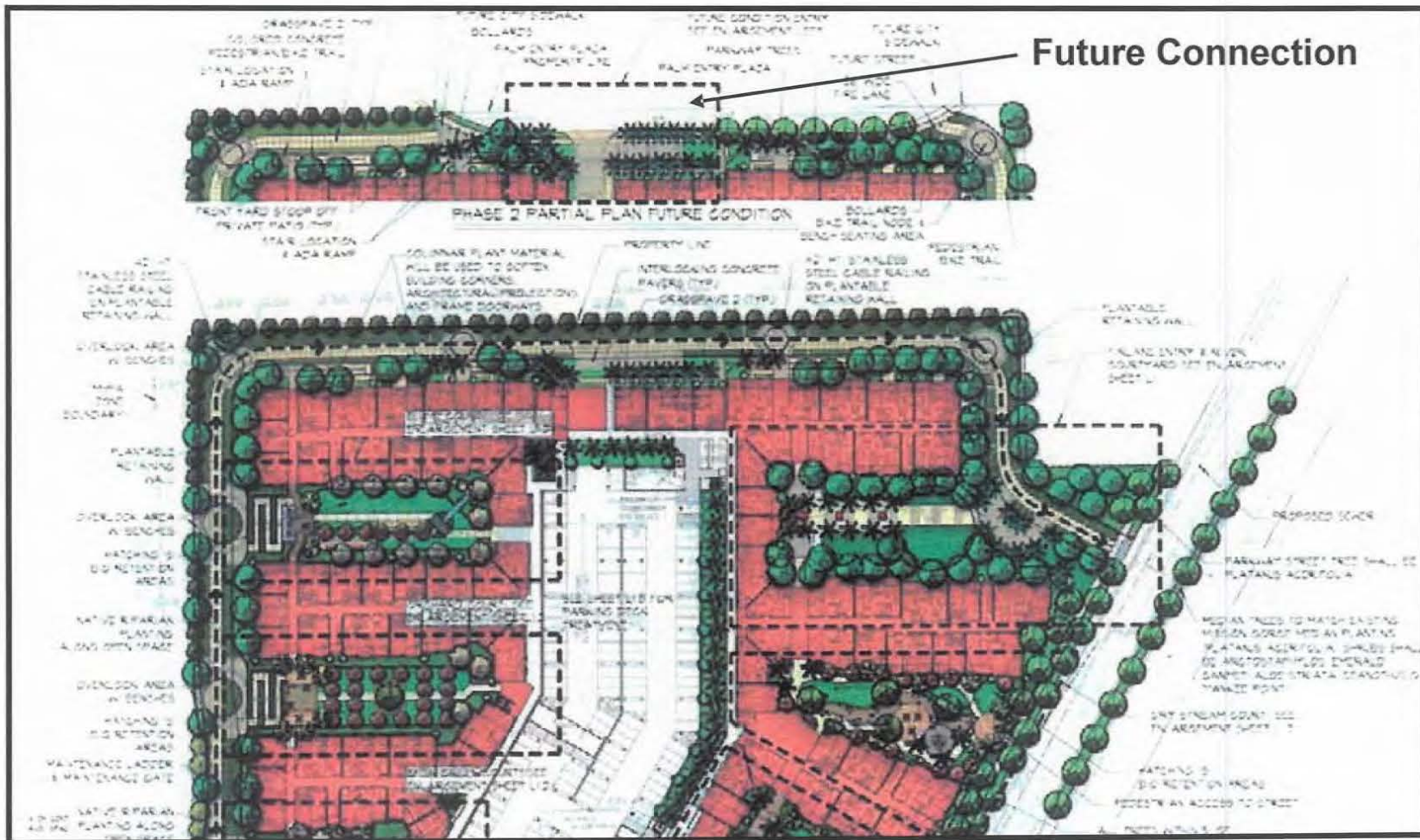


Retaining Wall Elevation/Section

Archstone Mission Gorge-Project No. 142570

6850 Mission Gorge Road

Figure
2

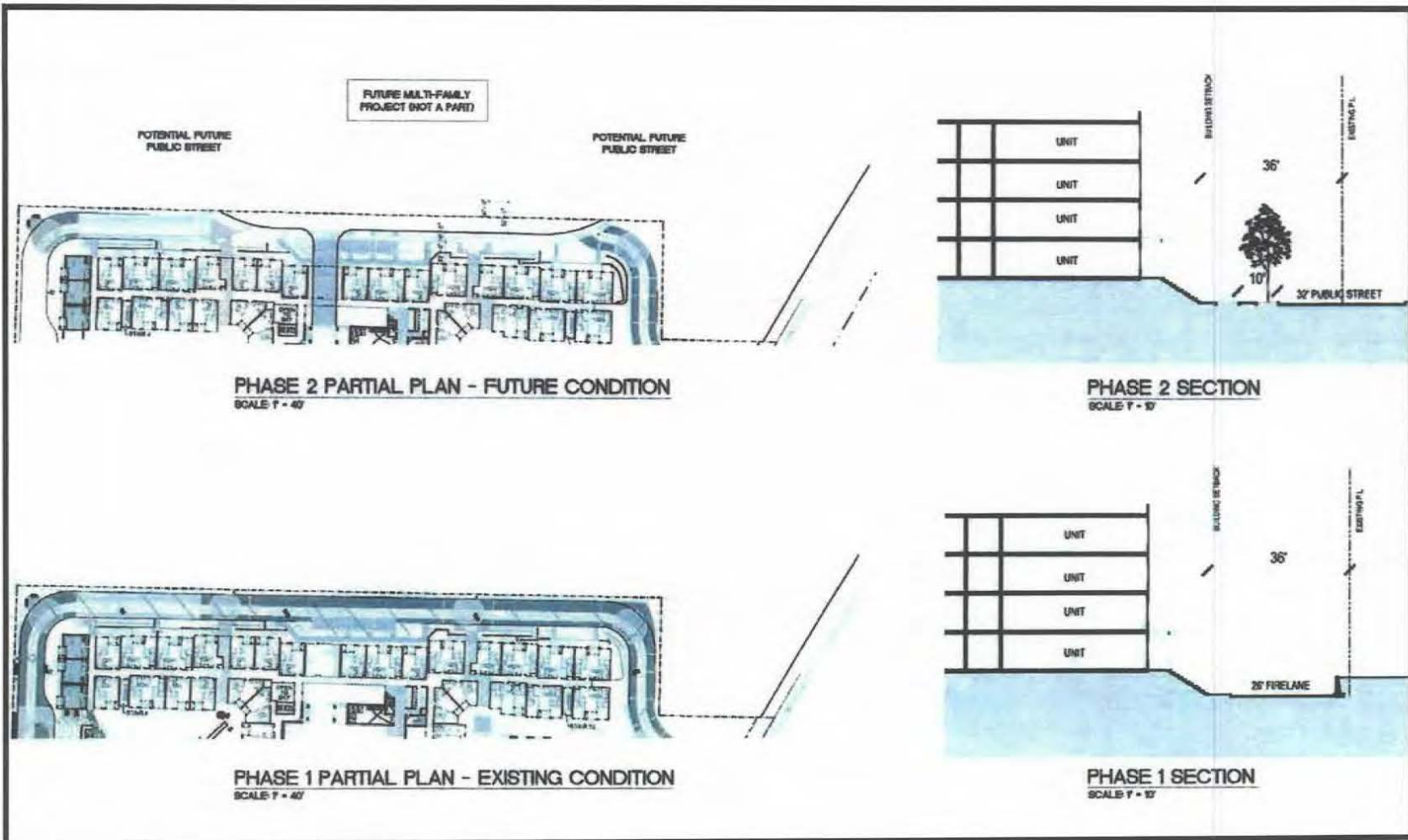


Future Connection Point (Public Right-of-Way)

Archstone Mission Gorge-Project No. 142570

6850 Mission Gorge Road

Figure
1



Future Connection Point (Public Right-of-Way)

Archstone Mission Gorge-Project No. 142570

6850 Mission Gorge Road

Figure
2



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2008-AWP-4120-OE
Prior Study No.
2008-AWP-2618-OE

Issued Date: 07/28/2008

Karen Ruggels
Archstone-Smith
6176 Caminito Sacate
San Diego, CA 92120

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Building Archstone-Mission Gorge
Location:	San Diego, CA
Latitude:	32-47-53.49N NAD 83
Longitude:	117-05-38.63W
Heights:	67 feet above ground level (AGL) 179 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

The structure considered under this study lies in proximity to an airport and occupants may be subjected to noise from aircraft operating to and from the airport.

This determination expires on 01/28/2010 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will

void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (310) 725-6557. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-AWP-4120-OE.

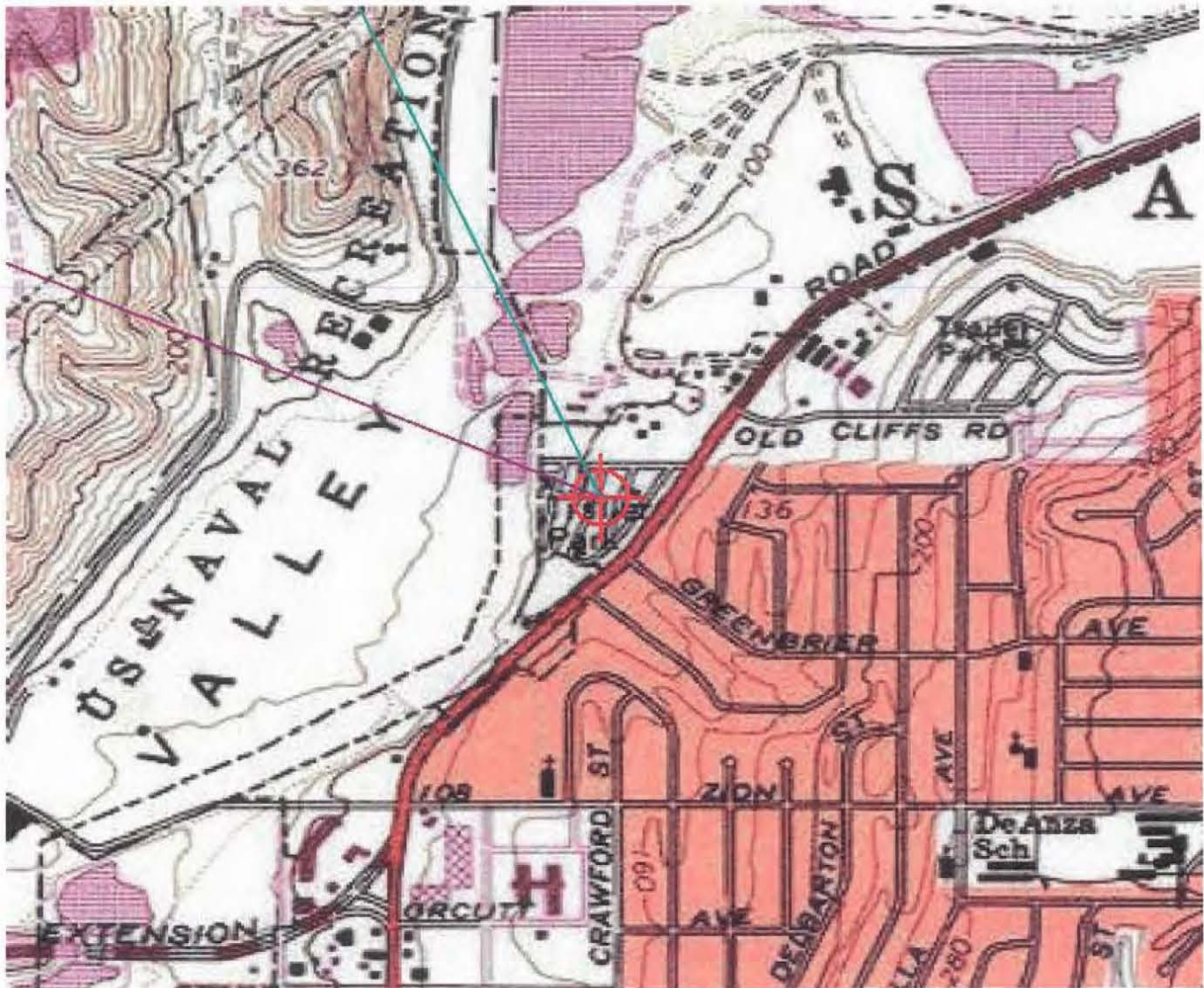
Signature Control No: 582230-102361123

(DNE)

Karen McDonald
Specialist

Attachment(s)
Map(s)

Verified Map for ASN 2008-AWP-4120-OE





San Diego River Park Map

Archstone Mission Gorge-Project No. 142570



6850 Mission Gorge Road

Figure
1

Image source: Copyright 2007 GlobeXplorer, All Rights Reserved (flown April 2007)



M:\jobs\34520\common_gis\fig4.1-1.mxd 03/13/08

-  Project Boundary
-  Multi-Habitat Preserve Area (MHPA)



San Diego River Park Map(with MHPA)

Archstone Mission Gorge-Project No. 142570

6850 Mission Gorge Road

Figure
2

CITY COUNCIL
RESOLUTION NO. xxxxx
VESTING TENTATIVE MAP NO. 498719
AND EASEMENT ABANDONMENT NO. 589137
ARCHSTONE MISSION GORGE –PROJECT NO. 142570
DRAFT

WHEREAS, ASN MISSION GORGE LLC, A Delaware Limited Liability Company, Applicant/Subdivider, and RICK ENGINEERING COMPANY, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 498719, and Easement Abandonment No. 589137, for the subdivision of a 10.2 acre site into one lot for the construction of a 444 residential condominium units. The project site is located at 6850 Mission Gorge Road in the RM-3-7 Zone within the Navajo Community Planning area, Community Plan Implementation Overlay Zone (CPIOZ) Area B, Mobile Home Park Overlay Zone (MHPOZ), and the Federal Aviation Administration (FAA) Part 77 Noticing Area for Montgomery Field; legally described as Lot 1 of Mission Valley Village Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 6315, filed in the Office of the County Recorder of San Diego County, February 28, 1969; and

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

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

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

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

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. No. 498719 and Easement Abandonment No. 589137 and pursuant to Resolution No. _____ voted to recommend City Council approval of the map; and

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

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 498719 and Easement Abandonment No. 589137:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (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. The property contains easements which must be vacated to implement the Final Map in accordance with San Diego Municipal Code 125.0430.
10. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 498719 and Easement Abandonment No. 589137, is hereby granted to ASN MISSION GORGE LLC, A Delaware Limited Liability Company, Applicant/Subdivider, subject to the following conditions:

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the following public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 498719, shall be vacated, contingent upon the recordation of the approved final map for the project:

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

GENERAL

1. This Tentative Map will expire on _____ [3 Years from Decision Date].
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
5. The Final Map shall conform to the provisions of Site Development Permit No. 498703.
6. The Subdivider shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in

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

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

AFFORDABLE HOUSING

8. Prior to filing a Final Map, the Subdivider shall show evidence that relocation assistance has been paid to displaced tenants under San Diego Municipal Code provisions for Tenant Relocation Regulations (Chapter 14, Article 3, Division 6, §143.0630) and San Diego Housing Commission Policy 300.401.
9. Prior to the recordation of the Final Map, the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), and shall enter into an Agreement with the San Diego Housing Commission to ensure that the Inclusionary and Voluntary affordable units (a total of 20 percent of the units) are built and occupied by the appropriate households.

ENGINEERING

10. The Subdivider shall construct City standard curb ramps with truncated domes at the project entrance on Mission Gorge Road.
11. If the engineering analysis shows the development will alter the floodway or floodplain boundaries of the Special Flood Hazard Area, the subdivider must obtain a Conditional Letter of Map Revision from the Federal Emergency Management Agency prior to issuance of a grading, engineering, or building permit. The Subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
12. Fill placed in the Special Flood Hazard Area for the purpose of creating a building pad must be compacted to 95% of the maximum density obtainable with the Standard Proctor Test Fill method issued by the American Society for Testing and

Materials (ASTM Standard D-698). Granular fill slopes must have adequate protection for a minimum flood water velocity of five feet per second.

13. The Subdivider shall denote on the final map and the improvement plans "Subject to Inundation" all areas lower than the base flood elevation plus 2 feet.
14. The Subdivider shall enter into an agreement with the City waiving the right to oppose a special assessment district initiated for the construction of flood control facilities and their perpetual maintenance.
15. No certificates of occupancy will be granted or bonds released for development associated with this project until a Letter of Map Revision (LOMR) is obtained from FEMA. The LOMR is issued based upon as-built site conditions; therefore, the subdivider must allow time to complete this process. The Subdivider must provide all documentation, engineering calculations, and fees which are required by FEMA.
16. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.
17. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
18. Prior to the issuance of any construction permit, the Subdivider shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.
19. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
20. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
21. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

22. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 99 08 DWQ.
23. The Subdivider shall obtain an Encroachment Maintenance and Removal Agreement for wall, landscape and irrigation located in the City's right-of-way.
24. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
25. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
26. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

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

TRANSPORTATION REQUIREMENTS

27. All off site transportation mitigation shall be completed within the time frames outlined in the Environmental Impact Report (EIR), to the satisfaction of the City Engineer.
28. The Subdivider shall offer a 26 foot wide irrevocable offer of dedication (IOD) for a future right-of-way for a street on the north side of the project site, to the satisfaction of the City Engineer.
29. The Subdivider shall relinquish access rights onto Mission Gorge Road except for the three driveways which access the project site, to the satisfaction of the City Engineer.

30. The Subdivider shall dedicate an additional 15 feet of right-of-way and shall construct travel lanes, raised median, curb, gutter and 5 foot sidewalks with a 92 foot curb-to-curb within a 114 feet to 117 feet right-of-way, with three travel lanes and a bike lane in each direction on Mission Gorge Road, to the satisfaction of the City Engineer.
31. The Subdivider shall construct a signalized intersection at Greenbrier Avenue / Mission Gorge Road with signalized interconnect with the existing traffic signal at Old Cliffs Road / Mission Gorge Road, a 250 foot left turn pocket, two thru and one thru/right turn lane for eastbound, a 250 foot left turn pocket, three thru and one right turn lane for the westbound traffic, one left and one thru/right turn lane for northbound traffic on Greenbrier and a 60 foot driveway with one left and one thru/right turn lane for southbound project traffic, to the satisfaction of the City Engineer.
32. The Subdivider shall construct two 26 foot wide emergency driveways onto Mission Gorge Road, with rolled curbs and bollards, to the satisfaction of the City Engineer.
33. The Subdivider shall make a monetary fair-share contribution calculated at 5.5 percent towards the improvements to seven roadway segments that are not built to the ultimate classification.
34. The Subdivider shall provide and maintain a private shuttle connecting the project to the trolley station and nearby retail services. Consequently, the City and the project Subdivider shall coordinate to provide this ridesharing service, which should be satisfactory to both parties. The ridesharing service will be limited to the peak hours from 6:00 AM through 10:00 AM in the morning and 3:00 PM through 7:00PM in the evening.

MAPPING

35. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
36. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
37. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle

of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

WASTEWATER

- 38. All proposed sewer facilities serving this development shall be private.
- 39. The Subdivider shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map may require modification based on the accepted sewer study.
- 40. The Subdivider shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
- 41. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
- 42. No medians shall be installed within 5 feet of any public sewer facilities.
- 43. All existing public manholes that will be temporarily covered by proposed medians (prior to completion of the capital improvement project that will relocate the sewer main) shall be raised and concrete encased, satisfactory to the Metropolitan Wastewater Department Director.
- 44. The Subdivider shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

WATER

- 45. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-

way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

46. Prior to the issuance of any building permits, the Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities Director and the City Engineer.
47. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
48. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

INFORMATION:

- This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- This development may be subject to payment of School Impact Fees at the time of issuance of building permits, as provided by Education Code Section 17620, in accordance with procedures established by the Director of Building Inspection.
- The approval of this Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), the public service easements, located within the project boundaries as shown in Vesting Tentative Map No. 498719, shall be vacated, contingent upon the recordation of the approved final map for the project.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON _____.

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____
INSERT ~Attorney Name
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

R- INSERT

Reviewed by Jeffrey A. Peterson

Job Order No. 42-8782

(R-INSERT)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

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

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego considered Site Development Permit (SDP) No. 498703, and pursuant to Resolution No. _____-PC voted to recommend to the City Council approval of the permit; and

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

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

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan;

The project site is located at 6850 Mission Gorge Road, at the intersection of Mission Gorge Road and Greenbrier Avenue, and southwest of Old Cliffs Road. The site is in the RM-3-7 Zone within the Navajo Community Planning area, Community Plan Implementation Overlay Zone (CPIOZ) Area B, the Mobile Home Park Overlay Zone (MHPOZ), and the Federal Aviation Administration (FAA) Part 77 Noticing Area for Montgomery Field. The community plan designates the site as Multi-Family Residential. This residential element of the Navajo Community Plan (NCP) contains five allowable dwelling unit densities (Very low, Low, Low-medium, Medium, and Medium-high), and the Medium-high density residential category would allow a density of 30-43 dwelling units per acre, which comprises the underlying zoning designation (RM-3-7). The project site, occupying 10.2-acres, could accommodate 445 dwelling units based on the underlying zone and 444 dwelling units based on the community plan.

The project proposes the construction of a 444-unit rental condominium complex of two-, three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. The project will contain 203 one-bedroom units, 211 two-bedroom, and 30 three-bedroom units. The project would implement the goals and objectives of the NCP for residential development and comply with the supplemental design guidelines of the CPIOZ Area B. As a component of the application, the proposed project would conform to the Inclusionary Housing Ordinance and Council Policy 600-27(A) criteria by setting aside at least 10 percent of the total rental condominium units on-site for households with an income at or below 65 percent area median income (AMI). However, an additional 10 percent of the total rental condominium units on-site will be set aside for moderate income households, for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

The redevelopment of the project site includes the discontinuance of the existing mobile home park on site and the removal of the property from the MHPOZ in conformance with California Government Code, California Mobile Home Residency Law, the City's Mobile Home Park Discontinuance and Tenant Relocation Regulations, and the City's Housing Commission Relocation Standards and Procedures. The proposed rental condominium development, inclusion of 20 percent on-site affordable housing units, would conform to the village concept of the City of Villages Strategy and objectives of the General Plan, which includes the land use intensity and provide for a more varied housing within an

already developed area of the city. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare; and

The project site is located at 6850 Mission Gorge Road and is a trapezoid shaped lot with frontage on Mission Gorge Road that is currently fully developed with a mobile home park. The project site is surrounded by urban development in the form of single-family residential to the east and southeast, multi-family to the south, and commercial-industrial and multi-family to the north. The property along the western property line is developed with a golf course owned by the US Navy (Admiral Baker Golf Course) and the San Diego River.

The project proposes the construction of a 444-unit rental condominium complex of two-, three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. An Environmental Impact Report (EIR) was prepared for the project and analyzed the environmental impacts of the proposed project. Implementation of the Mitigation, Monitoring and Reporting Program (MMRP), which is included in the EIR as Chapter 10, would reduce the environmental effects of the project to below a level of significance with the exception of significant unmitigated impacts related to traffic and circulation (direct and cumulative). Implementation of the MMRP would reduce the impacts to below a level of significance in the following categories: Land Use (Biological Resources), Transportation/Circulation, Historical Resources (Archaeology), Public Utilities, Noise, and Biological Resources.

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

The project site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the 10.2-acre site. The proposed project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property. In addition, the site is located within the FAA Part 77

Noticing Area for Montgomery Field, but is located outside of the adopted Airport Influence Area for Montgomery Field. The FAA issued a Determination of No Hazard to Air Navigation for the proposed project.

The project, with the adoption of the General Plan and Navajo Community Plan Amendments, and Rezone Ordinance, the City's Housing Commission Standards and Procedures, adopted City Council policies, and the California Government and Civil Codes. Other than the requested deviations to achieve the 20 percent on-site affordable rental condominium units, the proposed development complies with the applicable regulations of the Land Development Code (LDC). The permit prepared for the project includes various conditions and referenced exhibits of the approval relevant to achieving project compliance with the applicable regulations in effect for this project, as described in the Site Development Permit No. 498703. Such conditions, as determined by the decision maker, are intended to avoid adverse impacts upon health, safety, and general welfare of the persons residing or working in the surrounding area.

3. The proposed development will comply with the applicable regulations of the Land Development Code.

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

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

B. Supplemental Findings--Environmentally Sensitive Lands

1. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands;

The project site is located at 6850 Mission Gorge Road and is currently fully developed with a mobile home park; no native habitat or steep slopes occur on the site. The site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the 10.2-acre site. This area within the floodplain would be classified as environmentally sensitive lands (ESL) and the proposed project would be subject to the ESL Regulation within the LDC. The project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property. An EIR was prepared for the project and analyzed the environmental impacts of the proposed project. Implementation of the MMRP, which is included in the EIR as Chapter 10, would reduce the impacts to below a level of significance, with the exception of significant unmitigated impacts related to traffic and circulation (direct and cumulative), in the following categories: Land Use (Biological Resources), Transportation/Circulation, Historical Resources (Archaeology), Public Utilities, Noise, and Biological Resources. Therefore, the site is physically suitable for the design and siting of the proposed development.

2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards;

The site is located adjacent to the eastern bank of the San Diego River, and its 100-year floodplain extends onto the western edge of the site, covering approximately 2.2-acres of the 10.2-acre site. This area within the floodplain would be classified as ESL and the proposed project would be subject to the ESL Regulation within the LDC. The project incorporates grading and retaining walls that would raise the western portion of the site out of the floodplain, thus removing the flood hazard from the property. The grading necessary would not impact ESL as the entire project site, including the portion within the existing floodplain, is developed entirely in urban uses and contains no environmental resources or native habitat.

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

An EIR was prepared for the project and analyzed the environmental impacts of the proposed project. Implementation of the MMRP, which is included in the EIR as Chapter 10, would reduce the impacts to below a level of significance that includes geologic, erosion control, flood hazards, and fire hazards, with the exception of significant unmitigated impacts related to traffic and circulation (direct and cumulative). Therefore, the proposed development, with the raising the western portion of the site out of the floodplain, would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands;

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

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

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan;

The project site lies within the City's Multiple Species Conservation Program (MSCP) Subarea, but not within the MHPA. The MHPA associated with the San Diego River is located approximately 30 feet east of the project site. To address the integrity of the MHPA, guidelines were developed to manage land uses adjacent to the MHPA. The City's MHPA Land Use Adjacency Guidelines addresses drainage, lighting, noise, barriers, and invasive landscaping. The project includes an underground stormdrain system; lighting designed to minimize light pollution and would be directed away from native habitat; barriers such as retaining walls, fencing, and assigned pedestrian walkways incorporated into the project design to limit and control public access into the MHPA. The landscape design for the project does not include any invasive plants in areas adjacent to the MHPA. In addition, existing invasive species located on the site shall be removed as part of the proposed project. The project site contains no toxics and is not subject to the brush management requirements. An EIR was prepared for the project and analyzed the environmental impacts of the proposed project. Implementation of the MMRP, addresses potential impacts to the adjacent MHPA for the project construction and operation.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply; and

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

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

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

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

The MHPA associated with the San Diego River is located approximately 30 feet east of the project site and to address the integrity of the MHPA, the MMRP addresses pre-construction, during construction, and post-construction for drainage, lighting, noise, barriers, and invasive landscaping. The project would be required to install a traffic signal at the intersection of Mission Gorge Road and Greenbrier Avenue, and various public right-of-way improvements (driveways, median, and turn lanes) on Mission Gorge Road to improve the traffic progression and operation. The project includes a waste

management plan (WMP) to reduce the solid waste by 50 percent and architectural features to reduce the interior and exterior noise. The project would be required to have onsite monitoring that addresses pre-construction, during construction, and post-construction for archaeological and biological resources. Therefore, the nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

K. Supplemental Findings--Mobile home Park Discontinuance

1. The discontinuance of use of the land for a mobile home park or mobile home spaces will not deprive the community of a needed facility;

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

2. The discontinuance of use of the land for a mobile home park or mobile home spaces, because of the associated relocation plan and conditions that have been applied to the discontinuance, will not be detrimental to the public health, safety, and welfare of persons living in the mobile home park; and

The California Government Code and the California Mobile Home Residency Law together establish a comprehensive plan regulating the procedures, notice provision and mitigation measures required to close a mobile home park in California. Government Code Section 65863.7(e) specifies and limits the nature on mitigation measures that can be required by local agencies as a condition of approving a park closure. A Mobile Home Park Relocation Impact Report was prepared and reviewed by the City's Housing Commission for conformance with California Government Code, California Mobile Home Residency Law, the City's Mobile Home Park Discontinuance and Tenant Relocation Regulations, and the City's Housing Commission Relocation Standards and Procedures.

The Relocation Impact Report (RIR) provides for mitigation of any adverse impacts of the closure of the mobile home park, consistent with the adopted standards and regulations. The RIR offers the following relocation assistance for tenants willing and

able to relocate their existing mobile home: reimbursement of the actual cost to disassemble and reassemble the mobile home and all legally constructed additions; payment of new utility connections; reimbursement of previously paid security deposits, payment of temporary lodging expenses; payment of moving costs associated with moving all personal property; payment for necessary modifications to a replacement location to accommodate a handicapped or disabled person; and provision of a relocation consultant's services.

In the situation where it is not feasible to relocate an existing on-site mobile home, the RIR contains provisions for the following assistances to displaced tenants: payment over 48 months of the difference between current space rent for a comparable apartment unit of a size appropriate to accommodate the displaced household; reimbursement of previously paid security deposits, payment of moving costs associated with moving all personal property; payment for necessary modifications to a replacement location to accommodate a handicapped or disabled person; and provision of a relocation consultant's services.

In addition to the relocation assistance described above, each displaced tenant would be given a first priority to rent a unit in the proposed development. This priority would be for any unit within the proposed development, provided however, that if a tenant wishes to rent a low-income unit, the tenant must meet the requirements of a low income household in order to qualify and comply with the Housing Commission process.

The project, with the adoption of the General Plan and Navajo Community Plan Amendments, and Rezone Ordinance, the City's Housing Commission Standards and Procedures, adopted City Council policies, and the California Government and Civil Codes. Other than the requested deviations to achieve the 20 percent on-site affordable rental condominium units, the proposed development complies with the applicable regulations of the LDC. The permit prepared for the project includes various conditions and referenced exhibits of the approval relevant to achieving project compliance with the applicable regulations in effect for this project, as described in the Site Development Permit No. 498703. Such conditions, as determined by the decision maker, are intended to avoid adverse impacts upon health, safety, and general welfare of the persons residing of working in the surrounding area.

3. The use to which the applicant proposes to put the property will provide a greater public benefit than continued use of the property as a mobile home park or mobile home spaces.

The project proposes the construction of a 444-unit rental condominium complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. The project will contain 203 one-bedroom units, 211 two-bedroom, and 30 three-bedroom units. As a component of the application, the proposed project would conform to the Inclusionary Housing Ordinance and Council Policy 600-27(A) criteria by setting aside at least 10 percent of the total rental condominium units on-site for households with an income at or below 65 percent

AMI. An additional 10 percent of the total rental condominium units on-site will be set aside for moderate income households, for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

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

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

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

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants;

The project proposes the construction of a 444-unit rental condominium complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure on the site. The project will contain 203 one-bedroom units, 211 two-bedroom, and 30 three-bedroom units. As a component of the application, the proposed project would conform to the Inclusionary Housing Ordinance and Council Policy 600-27(A) criteria by setting aside at least 10 percent of the total rental condominium units on-site for households with an income at or below 65 percent AMI. However, an additional 10 percent of the total rental condominium units on-site

will be set aside for moderate income households, for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

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

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

2. The development will not be inconsistent with the purpose of the underlying zone; and

The project site is located at 6850 Mission Gorge Road, the intersection of Mission Gorge Road and Greenbrier Avenue, and southwest of Old Cliffs Road. The site is in the RM-3-7 Zone within the NCP, CPIOZ Area B, the MHPOZ, and the FAA Part 77 Noticing Area for Montgomery Field. The community plan designates the site as Multi-Family Residential with a Medium-high Density category would allow a density of 30-43 dwelling units per acre, which comprises the multi-family residential underlying zoning designation (RM-3-7). The project site, occupying 10.221-acres, could accommodate 445 dwelling units based on the underlying zone and 444 dwelling units based on the community plan.

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

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The project proposes the construction of a 444-unit rental condominium complex of three- and four-story buildings, leasing facility, fitness facility, and club room that would

wrap around a 5.5-level parking structure on the site. As a component of the application, the proposed project would conform to the Inclusionary Housing Ordinance and Council Policy 600-27(A) criteria by setting aside at least 10 percent of the total rental condominium units on-site for households with an income at or below 65 percent AMI. However, an additional 10 percent of the total rental condominium units on-site will be set aside for moderate income households, for a total of 20 percent on-site affordable rental condominium units affordable for 55 years.

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

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

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

Strict conformance with the retaining wall development regulations would limit optional use of the site and restrict the available and usable land for development, and impact the ability to provide the 20 percent on-site affordable rental condominium units. The proposed retaining wall meets the intent of the regulations by incorporating wall interruptions at regular intervals with stone veneer traditional retaining walls providing tree pockets and overlooks. The retaining walls would provide for a fire lane to serve the proposed project and a public river-front bike and walking path overlooking the existing Admiral Baker Golf Course and the San Diego River Park. This path would connect to potential future river park trails to the north and south, as well as provide access back to Mission Gorge Road. The landscaping at the bottom of the retaining wall and along the wall would contain a minimum of 75 percent native and 25 percent drought-tolerant non-native plant material providing 80 percent screening of the wall within two years.

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

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

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

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

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

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

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

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____
INSERT ~Attorney Name
Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

Form=permitr.frm(61203wct)

Reviewed by Jeffrey A. Peterson

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-8782

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

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

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to demolish an existing 119 unit mobile home park and construct a 444 unit residential rental condominium complex that sets aside 20 percent of the units on-site for affordable housing, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 119-space mobile home park and construct a 444-unit rental condominium complex of two-, three-, and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure; the residential structures and accessory buildings consisting of a total of 609,178 square feet, and parking structure consisting of 230,715 square feet;
- b. The project includes the deviations for building height, retaining wall height, side yard setback, vehicular use area planting requirements, and floor area ratio;

- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Accessory improvements for retaining walls, fences, recreational facilities, and a 26 foot wide fire access lane that incorporates public bike and walking paths; and
- f. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

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

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

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

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

AFFORDABLE HOUSING REQUIREMENTS:

16. Prior to filing a final map or the issuance of building permits, the Owner/Permittee shall show evidence that relocation assistance has been paid to displaced tenants under San Diego Municipal Code provisions for Tenant Relocation Regulations (Chapter 14, Article 3, Division 6, §143.0630) and San Diego Housing Commission Policy 300.401.

17. Prior to issuance of the first residential building permit, the Owner/Permittee shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code), and shall enter into an Agreement with the San Diego Housing Commission to ensure that the Inclusionary and Voluntary

affordable units (a total of 20 percent required) are built and occupied by the appropriate households.

ENGINEERING REQUIREMENTS:

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

GEOLOGY REQUIREMENTS:

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

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

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

LANDSCAPE REQUIREMENTS:

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

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

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

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

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

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

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

29. Prior to issuance of construction permits for grading; the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in "Table 1" of the Landscape Standards shall not be permitted.

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

PLANNING/DESIGN REQUIREMENTS:

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

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

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

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

PARK AND RECREATION REQUIREMENTS:

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

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

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

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

LONG RANGE PLANNING REQUIREMENTS:

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

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

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

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

TRANSPORTATION REQUIREMENTS:

43. All off site transportation mitigation shall be completed within the time frames outlined in the Environmental Impact Report (EIR), to the satisfaction of the City Engineer.
44. No fewer than 809 parking spaces (796 required), 49 motorcycle (44 required), 226 bicycle spaces (205 required), 9 accessible stalls (9 required) and 4 off-street loading areas shall be provided on site and permanently maintained on the site within the approximate location shown on the project's Exhibit "A," to the satisfaction of the City Engineer.
45. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code (accessible spaces per CBC Chapter 11A, Section 1118A.), and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Director of the Development Services Department.
46. The Owner/Permittee shall offer a 26 foot wide irrevocable offer of dedication (IOD) for a future right-of-way for a street on the north side of the project site, to the satisfaction of the City Engineer.
47. The Owner/Permittee shall relinquish access rights onto Mission Gorge Road except for the three driveways which access the project site, to the satisfaction of the City Engineer.
48. The Owner/Permittee shall dedicate an additional 15 feet of right-of-way and shall construct travel lanes, raised median, curb, gutter and 5 foot sidewalks with a 92 foot curb-to-curb within a 114 feet to 117 feet right-of-way, with three travel lanes and a bike lane in each direction on Mission Gorge Road, to the satisfaction of the City Engineer.
49. The Owner/Permittee shall construct a signalized intersection at Greenbrier Avenue / Mission Gorge Road with signalized interconnect with the existing traffic signal at Old Cliffs Road / Mission Gorge Road, a 250 foot left turn pocket, two thru and one thru/right turn lane for eastbound, a 250 foot left turn pocket, three thru and one right turn lane for the westbound traffic, one left and one thru/right turn lane for northbound traffic on Greenbrier and a 60 foot driveway with one left and one thru/right turn lane for southbound project traffic, to the satisfaction of the City Engineer.
50. The Owner/Permittee shall construct two 26 foot wide emergency driveways onto Mission Gorge Road, with rolled curbs and bollards, to the satisfaction of the City Engineer.
51. The Owner/Permittee shall make a monetary fair-share contribution calculated at 5.5 percent towards the improvements to seven roadway segments that are not built to the ultimate classification.
52. The Owner/Permittee shall provide and maintain a private shuttle connecting the project to the trolley station and nearby retail services. Consequently, the City and the project Owner/Permittee shall coordinate to provide this ridesharing service, which should be

satisfactory to both parties. The ridesharing service will be limited to the peak hours from 6:00 AM through 10:00 AM in the morning and 3:00 PM through 7:00PM in the evening.

WASTEWATER REQUIREMENTS:

53. All proposed sewer facilities serving this development shall be private.
54. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
55. Prior to the issuance of any engineering permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for all proposed private sewer facilities serving this site located in or over the public right-of-way.
56. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.
57. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check.
58. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
59. No medians shall be installed within five feet of any public sewer facilities.
60. Prior to the installation of any medians, all existing public manholes that will be temporarily covered (prior to completion of the capital improvement project that will relocate the sewer main) shall be raised and concrete encased, satisfactory to the Metropolitan Wastewater Department Director.
61. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each condominium will have its own sewer lateral or provide CC&R's for the operation and maintenance of private sewer facilities that serve more than one ownership.

WATER REQUIREMENTS:

62. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.
63. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on

each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

64. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

65. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on _____.

Permit Type/PTS Approval No.: SDP/498703
Date of Approval: _____

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Jeffrey A. Peterson
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

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

ASN MISSION GORGE LLC,
A Delaware Limited Liability Company

Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Rezone Ordinance

(O-INSERT~)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

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

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

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

Section 1. That 11.34 acres located 6850 Mission Gorge Road, and legally described as Lot 1 of Mission Valley Village Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 6315, filed in the Office of the County Recorder of San Diego County, February 28, 1969, and the westerly portion of Mission Gorge Road that fronts said Lot 1, in the Navajo Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. C-674.1, filed in the office of the City Clerk as Document No.

768539, are rezoned from RM-3-7 (Mobile Home Park Overlay Zone) into the RM-3-7, as the zone described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4 Section 131.0406. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

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

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

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

APPROVED: MICHAEL AGUIRRE, City Attorney

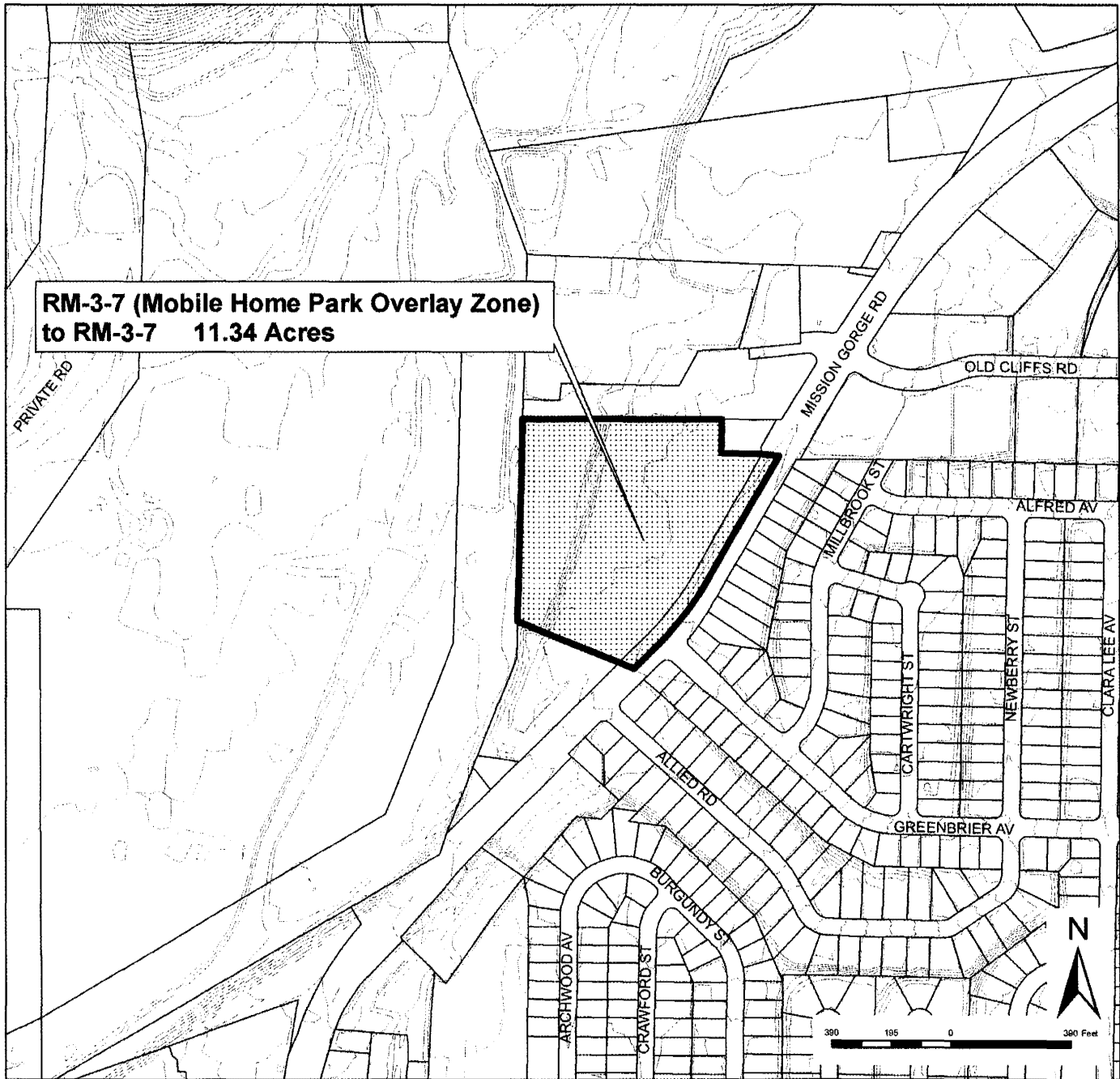
By _____
INSERT ~Attorney Name
Deputy City Attorney

Initials~
Date~
Or.Dept: DSD
Case No. 142570
O-INSERT~
Form=inloto.frm(61203wct)



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



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

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

REQUEST RM-3-7

PLANNING COMM.
RECOMMENDATIONCITY COUNCIL
ACTION

CASE NO. 142570

DEVELOPMENT SERVICES MANAGER

B- 4271

APN:458-030-17

(226-1737) 6-25-08 LDJ

(R-2002-INSERT)

RESOLUTION NUMBER R-_____

ADOPTED ON _____

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

WHEREAS, ASN Mission Gorge LLC, A Delaware Limited Liability Company, requested an amendment to the General Plan and the Navajo Community Plan to the remove the Mobile Home Park Overlay Zone to allow for the demolish of an existing 119-space mobile home park and construct a 444-unit rental condominium complex of two-, three-, and four-story buildings, leasing facility, fitness facility, and club room that would wrap around a 5.5-level parking structure, with 20 percent on-site affordable rental condominium units on a 10.2-acre site located 6850 Mission Gorge Road, the intersection of Mission Gorge Road and Greenbrier Avenue, the site is legally described as Lot 1 of Mission Valley Village Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to Map Thereof No. 6315, filed in the Office of the County Recorder of San Diego County, February 28, 1969; and

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

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the General Plan; and

WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

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

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

APPROVED: MICHAEL AGUIRRE, City Attorney

By _____
INSERT ~Attorney Name
Deputy City Attorney

Initials ~

Date ~

Or.Dept: DSD

Case No. 142570

R-2002- INSERT~

Form=r-t.frm(61203wct)

NAVAJO COMMUNITY PLAN

Community Plan Amendment

for the

ARCHSTONE-MISSION GORGE PROJECT

Draft: September 2008

Formatted: Font: Tahoma, Italic

NAVAJO COMMUNITY PLAN AMENDMENTS

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

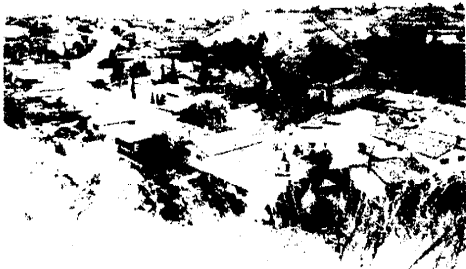
Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council		Resolution Number
Navajo Community Plan adopted	July 29, 1982	3946	December 7, 1982		R-257606
Grantville Amendment- updates existing conditions, provides design guidelines, and establishes supplemental development regulations	January 5, 1989	0333-PC	April 4, 1989		R-273164
The Circulation and Public Transportation Element was added			August 5, 2002		R-296956
Amendment to delete Mobile Home Park Overlay from 10 22-acre site located on the east side of Mission Gorge Road at Old Cliffs Road	_____ 2008	_____	_____ 2008	_____	

RESIDENTIAL

EXISTING CONDITIONS

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

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



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

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

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

Deleted: T
Deleted: are
Deleted: .
Deleted: O
Deleted: is
Deleted: is
Deleted: has been
Deleted: This

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

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

Dwelling Unit Density

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

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

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

Formatted: Font color: Red

Formatted: Font: Bold, Font color: Red

Formatted: Font color: Red

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

Deleted:


Site Design


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




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

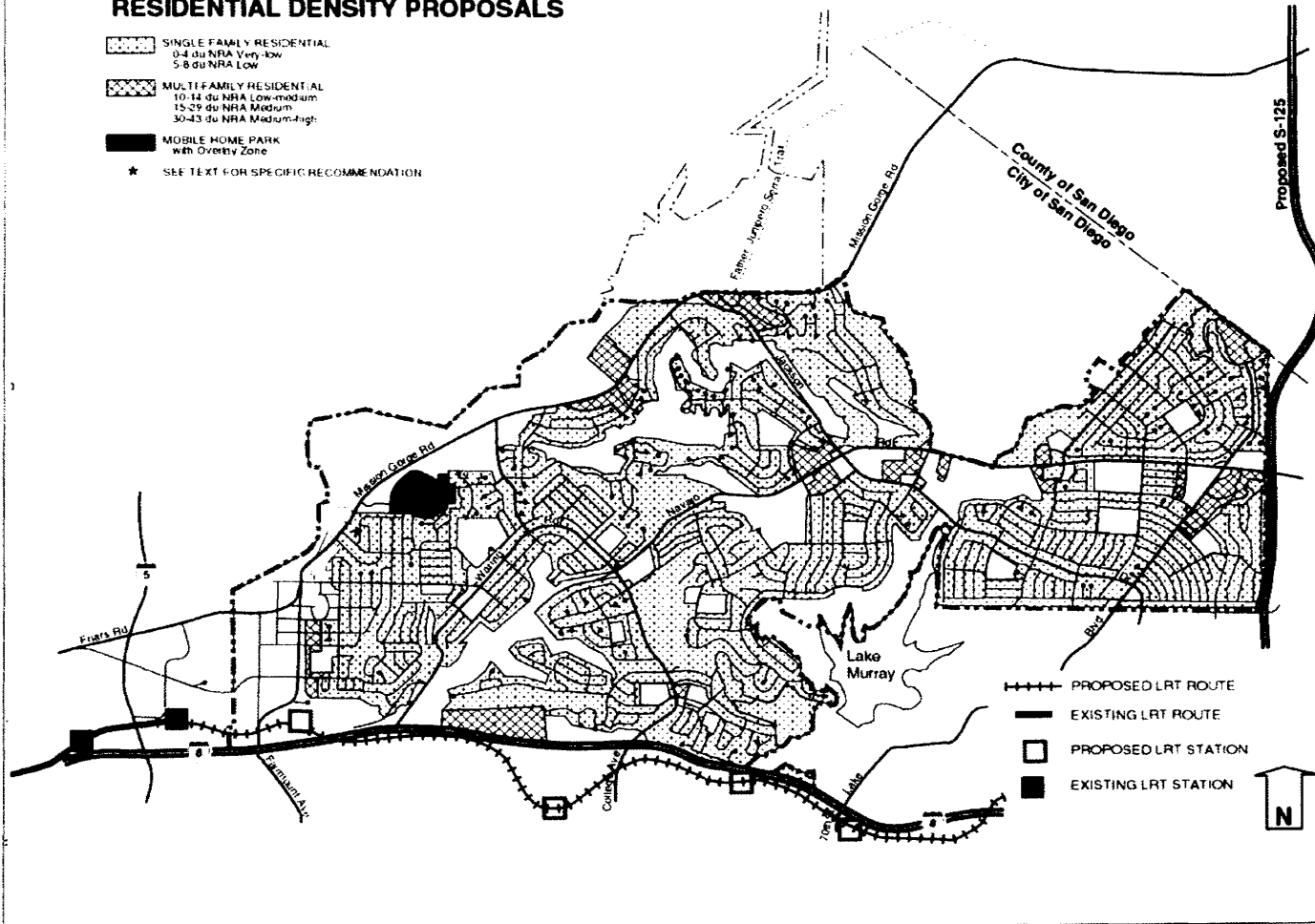
RESIDENTIAL DENSITY PROPOSALS

 SINGLE FAMILY RESIDENTIAL
0-4 du NRA Very-low
5-8 du NRA Low

 MULTI-FAMILY RESIDENTIAL
10-14 du NRA Low-medium
15-29 du NRA Medium
30-43 du NRA Medium-high

 MOBILE HOME PARK
with Overlay Zone

★ SEE TEXT FOR SPECIFIC RECOMMENDATION



CITY OF SAN DIEGO • PLANNING DEPARTMENT

PLANNING COMMISSION RESOLUTION NO. _____
 RECOMMENDING TO THE CITY COUNCIL APPROVAL AND ADOPTION OF THE
 GENERAL PLAN AND THE NAVAJO COMMUNITY PLAN AMENDMENTS NO. 498721;
 REZONING ORDINANCE NO. 586364; VESTING TENTATIVE MAP NO. 498719; SITE
 DEVELOPMENT PERMIT NO. 498703; EASEMENT ABANDONMENT NO. 589137; AND TO
 CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 142570, ADOPT THE MITIGATION
 MONITORING AND REPORTING PROGRAM, AND ADOPT THE FINDINGS AND
 STATEMENT OF OVERRIDING CONSIDERATIONS
ARCHSTONE MISSION GORGE PROJECT - PROJECT NO. 142570 [MMRP]

WHEREAS, on October 9, 2008, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering and recommending to the Council of The City of San Diego approval and adoption of General Plan and the Navajo Community Plan Amendments No. 498721, Rezoning Ordinance No. 586364; Vesting Tentative Map No. 498719, Site Development Permit No. 498703, and Easement Abandonment No. 589137; and to Certify Environmental Impact Report No. 142570, Adopt the Mitigation Monitoring and Reporting Program, and Adopt the Findings and Statement of Overriding Considerations; and

WHEREAS, the land use plan amendments and rezone requests are to remove the Mobile Home Park Overlay Zone (MHPOZ) from the property; and

WHEREAS, ASN Mission Gorge LLC, a Delaware Limited Liability Company, requested a General Plan and the Navajo Community Plan Amendments and Rezoning Ordinance No. to remove the property from the MHPOZ; Site Development Permit for deviations from the applicable development regulations, for development on a premise containing environmentally sensitive lands (i.e. floodplains), for development within the CPIOZ Area B, and for discontinuance of the mobile home park within the MHPOZ; Vesting Tentative Map for condominium development; and Easement Abandonment to vacate the existing easements that are no longer needed.

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

BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby recommends to the Council of the City of San Diego approval and adoption of the General Plan and the Navajo Community Plan Amendments No. 498721, Rezoning Ordinance No. 586364; Vesting Tentative Map No. 498719, Site Development Permit No. 498703, and Easement Abandonment No. 589137; and to Certify Environmental Impact Report No. 142570, Adopt the Mitigation Monitoring and Reporting Program, and Adopt the Findings and Statement of Overriding Considerations, and incorporate all other listed actions.

Jeffrey A. Peterson
 Development Project Manager
 Development Services

Dated October 9, 2008

By a vote of ____:____:____



City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5210

Community Planning Committee Distribution Form Part 2

Project Name : ARCHSTONE MISSION GORGE		Project Number 142570	Distribution Date 05/07/08
Project Scope : NAVAJO JO#42-8782, ** AFFORDABLE HOUSING EXPEDITE PROG ** (PROCESS 5) Community Plan Amendment, Vesting Tentative Map, Site Development Permit for Environmentally Sensitive Lands and to remove Mobile Home Overlay and Vesting Tentative Map to construct 444 residential for rent units, with affordable units on a 10.22 acre site at 6850 Mission Gorge Rd in the RM-3-7 Zone within the Navajo Community Plan, CPIOZ Area B, FAA Part 77. Council District 7. Notice Cards=3.			
Project Location 6850 Mission Gorge Rd			
Applicant Name: Karen Ruggels		Applicant Phone No. 619-578-9505	
Related Projects			
Project Manager Jeff Peterson	Phone Number 446-5237	Fax Number (619) 446-5245	E-mail Address JAPeterson@sandiego.gov
Community Plan Navajo		Council District	
Existing Zone	Proposed Zone	Building Height	Number of Stories
FAR			
Committee Recommendations (To be completed for Initial Review):			
<input type="checkbox"/> Vote to Approve	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Conditions Listed Below	Members Yes	Members No	Members Abstain
<input type="checkbox"/> Vote to Approve With Non-Binding Recommendations Listed Below	Members Yes	Members No	Members Abstain
<input checked="" type="checkbox"/> Vote to Deny	Members Yes 9	Members No 3	Members Abstain
Agenda Date: 9-15-08	<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)		<input type="checkbox"/> Continued
CONDITIONS:			
NAME MATTHEW J. ADAMS		TITLE CHAIR	
SIGNATURE [Signature]		DATE 9-17-08	
Attach Additional Pages If Necessary. <div style="float: right; text-align: right;"> Please Return Within 30 Days of Distribution of Project Plans To: Project Management Division City Of San Diego Development Services Department 1222 First Avenue, MS 302 San Diego, CA 92101 </div>			

Project Title: <u>Archstone Mission Gorge CA</u>	Project No. (For City Use Only) <u>142570</u>
--	---

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. _____

☐ 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): <u>ASN Mission Gorge LLC</u> <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant/Lessee Street Address: <u>One Spectrum Points Drive, Suite 225</u> City/State/Zip: <u>Lake Forest, California 92630</u> Phone No: <u>949.455.4562</u> Fax No: <u>949.206.1408</u> Name of Corporate Officer/Partner (type or print): <u>Michael Walsch</u> Title (type or print): <u>Land Acquisition Director</u> Signature: <u>Michael Walsch</u> Date: <u>8/16/2007</u>	Corporate/Partnership Name (type or print): _____ <input type="checkbox"/> Owner <input type="checkbox"/> 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): _____ <input type="checkbox"/> Owner <input type="checkbox"/> 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): _____ <input type="checkbox"/> Owner <input type="checkbox"/> 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): _____ <input type="checkbox"/> Owner <input type="checkbox"/> 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): _____ <input type="checkbox"/> Owner <input type="checkbox"/> 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: _____

SCHEDULE D

<u>OFFICERS</u>	<u>TITLE</u>	<u>Department</u>
R. Scot Sellers	Chief Executive Officer	Executive
Charles E. Mueller, Jr.	Chief Financial Officer	Executive
Jack R. Callison, Jr.	President - U.S. Operations	Executive
Gerald R. Morgan	Senior Vice President	Executive
Caroline Brower	General Counsel, Secretary and Executive Vice President	Legal
Rick D. Jacobsen	Senior Vice President and Treasurer	Finance
Ash K. Atwood	Group Vice President	Accounting
Michael R. Berman	Group Vice President and Assistant Treasurer	Finance
Robert Koltiska	Group Vice President	Property Tax
Thomas S. Reif	Associate General Counsel, Assistant Secretary and Group Vice President	Legal
Brian C. Wilkinson	Group Vice President	Accounting
Robert C. Lund	Vice President	Tax
Brian Schley	Vice President	Risk Management
Carl Wade	Vice President	Due Diligence
Richard P. Ruby	Assistant Secretary	Legal

DEVELOPMENT SERVICES DEPARTMENT
PROJECT CHRONOLOGY
ARCHSTONE MISSION GORGE PROJECT - PROJECT NO. 142570

Date	Action	Description	City Review Time (Working Days)	Applicant Response
2/8/08	First Submittal	Project Deemed Complete	-	-
3/7/08	First Assessment Letter		19 days	
4/1/08	EIR Submittal			17 days
5/6/08	Second Submittal			25 days
5/20/08	Second Assessment Letter		10 days	
6/9/08	Third Submittal			13 days
6/20/08	Third Assessment Letter		10 days	
7/3/08	Fourth Submittal			9 days
7/21/08	Fourth Assessment Letter		11 days	
8/6/08	Fifth Submittal			12 days
8/19/08	Fifth Review Completed	Outstanding review issues completed except Community Group vote	9 days	
9/15/08	Community Group	Community Group voted		19 days
9/24/08	Environmental	EIR Finalized	7 days	
10/9/08	Public Hearing	First available date	11 days	
TOTAL STAFF TIME		(Does not include City Holidays)	77 days	
TOTAL APPLICANT TIME		(Does not include City Holidays)		95 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Hearing	172 working days (244 calendar days)	