

RESOLUTION NUMBER R- 310215

DATE OF FINAL PASSAGE JAN 12 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING THE APPEAL, REVERSING THE PLANNING COMMISSION'S DECISION, AND APPROVING PLANNED DEVELOPMENT PERMIT NO. 1229240, SITE DEVELOPMENT PERMIT NO. 1491098, AND NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1491096 FOR COLLEGE AVENUE APARTMENTS – PROJECT NO. 350930.

WHEREAS, SDSU FOUNDATION, A CALIFORNIA NOT FOR PROFIT CORPORATION/Owner and CAPSTONE DEVELOPMENT PARTNERS, LLC/Permittee, filed an application with the City of San Diego for a permit to construct a 91-unit apartment development over subterranean parking (as described in and by reference to the approved Exhibits “A” and corresponding conditions of approval for the associated Permit Nos. 1229240, 1491098, and 1491096) on portions of a 1.51-acre site (Project); and

WHEREAS, the Project site is located at 5030 College Avenue in the RM-3-9 zone, Parking Area Impact Overlay Zone, within the College Community Planning area; and

WHEREAS, on September 24, 2015, the Planning Commission of the City of San Diego considered Planned Development Permit No. 1228240, Site Development Permit No. 1491098 and Neighborhood Development Permit No. 1491096 pursuant to the Land Development Code of the City of San Diego; and

WHEREAS, after Project presentations, the Planning Commission heard public testimony and evidence having been submitted, determined that the Project could not be approved and denied the Project; and

WHEREAS, Capstone Development Partners, LLC appealed the Planning Commission decision to deny approval of Planned Development Permit No. 1228240, Site Development

Permit No. 1491098 and Neighborhood Development Permit No. 1491096, and Easement Vacation No. 1491103 (Appeal); and

WHEREAS, the matter was set for public hearing to be conducted by the City Council; and

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

WHEREAS, the Project is located in the College Area Community Plan and is subject to the Core Sub-Area Design Manual which contains a guideline that “[a] maximum street frontage height of four stories is established” in the residential district; and

WHEREAS, the Core Sub-Area Design Manual further clarifies that for purposes of calculating building height the plan defines ground floor story as a maximum of 20 feet (to allow for lobbies, etc.) with subsequent stories at a maximum of 12 feet each. Therefore, in calculating the maximum number of stories allowed for the Project, the first story begins at the ground floor level and does not include the subterranean parking; and

WHEREAS, the Project also complies with the maximum allowable height of 60'-0" in the RM-3-9 zone; and

WHEREAS, the Appeal was heard before the City Council on January 12, 2016, including considering the Addendum, 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 City Council of the City of San Diego, that the City Council, having heard the arguments both in favor and opposition to the Project, and having reviewed all the available documentation, hereby determines to grant the Appeal of Capstone Development Partners, LLC, reverse the Planning Commission's decision to deny the Project, and approve Planned Development Permit No. 1228240, Site Development Permit No. 1491098, and Neighborhood Development Permit No. 1491096 using the findings presented by City staff to the Planning Commission in their recommendation for approval of the Project with the necessary changes to reflect the applicant's revisions to the Project.

BE IT FURTHER RESOLVED, that the City Council adopts the following written Findings, dated January 12, 2016:

FINDINGS:

- I. PLANNED DEVELOPMENT PERMIT FINDINGS – SECTION 126.0604
- 1. **THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.**

The 1.51-acre Project site is located at 5030 College Avenue and is a previously disturbed, vacant site in the College Area community. The Project site is designated as High Density Residential (45 to 75 dwelling units per net residential acre) in the College Area Community Plan (CACP) and is zoned RM-3-9. The Project is located in the Parking Impact Overlay Zone. Based on the CACP, 68 to 113 dwelling units would be allowed on the site. The project proposes to develop a new, 91-unit apartment project, consisting of three and four levels of apartments over subterranean parking. As proposed, the Project implements the land use designation and residential density range recommended by the community plan. The CACP and the Core Subarea of the College Community Redevelopment Project Master Project Plan (MPP) recommend increasing the availability of student housing and vehicular parking spaces in close proximity to the San Diego State University (SDSU) campus, as well as the development of a strong pedestrian orientation between new residential and commercial development and the campus environment. The Project meets these recommendations by helping to establish a more residential campus since it seeks to locate additional student residences in close proximity to SDSU and minimize student dispersal into established single family neighborhoods.

The Project site is subject to the Core Sub-Area Design Manual (Design Manual) of the College Community Redevelopment Project and the proposed Project is located within the Residential District of the Core Sub-Area. The four-story project is consistent with the CACP, the MPP and the Design Manual, which recommends as a guideline that building heights be a maximum of four stories along College Avenue south of Montezuma for the Core Sub-Area and the Project is below the maximum structure height of 60 feet required by the underlying zone. The 91-unit project is consistent with the density of development for the Project site specified in the CACP (45-75 dwelling units per acre) and with the density allowed by the existing RM-3-9 zone (up to 110 dwelling units on the 1.51-acre site). Additionally, the Design Manual limits lot coverage to 60 percent. The Project would result in 49 percent lot coverage.

The overall appearance of the new structure will be compatible with the architectural and landscape design treatments of the adjacent neighborhood in scale, materials, color and style and is intended to add to the harmonious diversity of the surrounding aesthetic. The Project incorporates a contemporary style which utilizes façade articulation, color and fenestration groupings to create a horizontal orientation which reduces the scale of the building. The variety of residential scaled elements serve to provide an appropriate transition from the single family residential neighborhood to the south of the Project and the increased density surrounding the SDSU campus. Design characteristics reflective of the contemporary style that have been applied to the Project include a shaded arcade at the building entry, varying wall planes and roof heights, tower elements clad with simple stucco walls that provide areas of relief, and neutral earth tone colors. Additionally, the Project intentionally utilizes architectural elements to reduce bulk and scale and blend into the adjacent hillsides including the use of a building step down at the West, Southwest and Southeast corners, façade treatments and building articulation, and the use of landscape screening elements to further help to create unity among the Project and its neighbors as suggested in the Design Manual.

By providing a thriving residential environment for students located adjacent to SDSU the Project will bring desired density closer to campus and develop a strong pedestrian character so that walking, biking and use of transit is encouraged. Therefore, the Project implements several goals, objectives and recommendations of the CACP and MPP and it will not adversely affect the applicable land use plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The Project, including the review of grading, design, utilities, drainage, infrastructure, architecture, landscape and environmental impacts has been designed to conform with the City's codes, policies and regulations whose primary focus is the protection of the public's health, safety and welfare. The conditions of approval for the Project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who reside at the site and within the community.

The Project has been designed without balconies/patios, and with an enclosed, inward-facing courtyard and amenity area, strategically located landscaping, increased visibility and transparency at the building entrance, increased building and site lighting to avoid dark spots, a single identifiable and secured front entrance and entry reception and desk area, and a locking gate at the parking garage to address potential health, safety and welfare concerns.

Vehicular and pedestrian ingress/egress to the Project would be provided from College Avenue. The Project is required to restripe College Avenue along the Project frontage to include a left turn pocket into the site and a two-way left turn lane along the Project frontage north of the driveway. A single driveway in the southwest portion of the site would provide vehicular entry to the parking garage. Pedestrian access would be provided along College Avenue in the northeast portion of the Project site with direct access from College Avenue. Additionally, emergency fire access would be provided from College Avenue in the northeast corner of the Project site, controlled by removable bollards. Storm drain access for a public storm drain would be provided from the main entry driveway around to the western portion of the Project site per City design standards.

All proposed improvement plans associated with the Project will be reviewed prior to issuance of ministerial permit(s) and inspected during construction to assure the Project will meet or exceed all relevant and applicable building, fire, plumbing, electrical, mechanical codes and specific city regulations governing the development's construction and continued operation to prevent adverse effects to those persons or property in the vicinity of the Project. Therefore, the Project will not be detrimental to the public health, safety and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REGULATIONS OF THE LAND DEVELOPMENT CODE INCLUDING ANY PROPOSED DEVIATIONS PURSUANT TO SECTION 126.0602(B)(1) THAT 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, AND ANY ALLOWABLE DEVIATIONS THAT ARE OTHERWISE AUTHORIZED PURSUANT TO THE LAND DEVELOPMENT CODE.

The purpose of the Planned Development Permit (PDP) is to provide flexibility in the application of the development regulations for projects where strict application of the base zone regulations would result in a less desirable project. The intent of the regulations is to accommodate to the greatest extent possible an equitable balance of development types, measures, styles, site constraints, project amenities, public improvements, and community and City benefits. The intent is to encourage imaginative and innovative planning and to assure that the developments achieve the purpose and intent of the applicable land use plan and that it would be preferable to what would be achieved by strict conformance with the regulations.

Deviations shall be permitted only if it is shown that similar situations exist within the surrounding neighborhood, or that the deviations to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject property. The Project is consistent with the general regulations of the RM-3-9 zone. The Project requests a PDP to deviate from the requirement to provide private open space where the San Diego Municipal Code (SDMC) requires 75 percent of the dwelling units provide at least 60 square feet of usable private open space abutting the dwelling unit. The Project is requesting to eliminate the private usable open space abutting the unit and to add the private open space requirement of 4,095 square feet to the common open space requirement of 2,375 square feet. The Project would provide 6,973 square feet of common open space.

The elimination of private balconies/patios from each unit will allow the Project to limit potential noise and other nuisance behavior from the Project from reaching adjacent residential development. Consolidating public and private open space in one location allows the Project to provide a larger, inward-facing central courtyard and amenity space that serves all Project residents and encourages interaction among the residents. The common open spaces for passive and recreational activities are being provided within the courtyard and pool deck and other amenity spaces within the Project. Placing the pool, turf area, BBQ areas, study rooms, fitness center, game tables and more within the building and within an enclosed courtyard allows these areas to be monitored and managed by the onsite management team.

Excepting the deviation outlined above, the Project complies with the underlying RM-3-9 zoning requirements as well as the PDP "Criteria for Development Design" provided in Section 143.0410(j). Specifically, the Project relates to the site, the adjacent fraternity and sorority uses, and implements the recommendations of the CACP and the MPP to increase the availability of student housing and vehicular parking spaces in close proximity to the SDSU campus. These plans recommend that development of the property be oriented toward College Avenue which is a four-lane major roadway that serves the larger College Area community. These plans recommend that the development of the property be oriented toward College Avenue, a four-lane public right-of-way that serves the large College Area community. The Project intentionally utilizes architectural elements to reduce bulk and scale and blend into the adjacent hillsides including the use of a building step down at the West, Southwest and Southeast corners, façade treatments and building articulation, and the use of landscape screening elements to further help to create unity among the Project and its neighbors.

The Project implements the design criteria of the MMP and the Core Subarea Design Manual through the inclusion of architectural features to reduce the scale of the structure relative to the single-family homes south and west of the site. These architectural features include a step-back along the southern, eastern and western elevations, articulated and varying rooflines and elements, and exterior façade treatments such as off-setting and varying wall planes, the use of color, and textures. The structure is further softened through the use of landscaping to screen and enhance the Project. The landscape plan includes trees, shrubs, and vines to conceal the lower portions of the Project, create an

interesting streetscape, and visual appeal. The overall use of materials and colors are complimentary to the residential neighbors to the south of the project and the contemporary architectural expression provides an appropriate transition to the increased density of the neighboring San Diego State University.

Given the unique nature of the Project, the provision of enhanced amenities in a public open space that can be monitored and managed by the onsite management team instead of private open space balconies/patios results in a more desirable project for the adjacent community and the onsite residents than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

II. SITE DEVELOPMENT PERMIT FINDINGS - SECTION 126.0504

1. **THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.**

The 1.51-acre Project site is located at 5030 College Avenue and is a previously disturbed, vacant site in the College Area community. The Project site is designated as High Density Residential (45 to 75 dwelling units per net residential acre) in the College Area Community Plan (CACP) and is zoned RM-3-9. The Project is located in the Parking Impact Overlay Zone. Based on the CACP, 68 to 113 dwelling units would be allowed on the site. A Site Development Permit is required due to the presence of environmentally sensitive lands in the form of biological resources.

The Project proposes to develop a new, 91-unit apartment project, consisting of three and four levels of apartments over a partially subterranean community space area with two levels of subterranean parking. As proposed, the Project implements the land use designation and residential density range recommended by the community plan. The CACP and the Core Sub-Area of the College Community Redevelopment Project Master Project Plan (MPP) recommend increasing the availability of student housing and vehicular parking spaces in close proximity to the San Diego State University (SDSU) campus, as well as the development of a strong pedestrian orientation between new residential and commercial development and the campus environment. The Project meets these recommendations by helping to establish a more residential campus since it seeks to locate additional student residences in close proximity to SDSU and minimize student dispersal into established family neighborhoods.

The Project site is regulated by the Core Sub-Area Design Manual (Design Manual) of the College Community Redevelopment Project and the proposed Project is located within the Residential District of the Core Sub-Area. The four-story project is consistent with the CACP, the MPP and the Design Manual, which recommends as a guideline that building heights be a maximum of four stories along College Avenue south of Montezuma for the Core Sub-Area and the Project is below the maximum structure height of 60 feet required by the underlying zone. The 91-unit project is consistent with the density of development for the Project site specified in the CACP (45-75 dwelling units per acre) and with the density allowed by the existing RM-3-9 zone (up to 110

dwelling units on the 1.51-acre site). Additionally, the Design Manual limits lot coverage to 60 percent. The Project would result in 49 percent lot coverage.

The overall appearance of the new structure will be compatible with the architectural and landscape design treatments of the adjacent neighborhood in scale, materials, color and style and is intended to add to the harmonious diversity of the surrounding aesthetic. The Project incorporates a contemporary style which utilizes façade articulation, color and fenestration groupings to create a horizontal orientation which reduces the scale of the building. The variety of residential scaled elements serve to provide an appropriate transition from the single family residential neighborhood to the south of the Project and the increased density surrounding the SDSU campus. Design characteristics reflective of the contemporary style that have been applied to the Project include a shaded arcade at the building entry, varying wall planes and roof heights, tower elements clad with simple stucco walls that provide areas of relief, and neutral earth tone colors. Additionally the Project intentionally utilizes architectural elements to reduce bulk and scale and blend into the adjacent hillsides including the use of a building step down at the West, Southwest and Southeast corners, façade treatments and building articulation, and the use of landscape screening elements to further help to create unity among the Project and its neighbors as suggested in the Design Manual.

By providing a thriving residential environment for students located adjacent to SDSU the Project will bring desired density closer to campus and develop a strong pedestrian character so that walking, biking and use of transit is encouraged. Therefore, the Project implements several goals, objectives and recommendations of the CACP and MPP and it will not adversely affect the applicable land use plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The Project, including the review of grading, design, utilities, drainage, infrastructure, architecture, landscape and environmental impacts has been designed to conform with the City's codes, policies and regulations whose primary focus is the protection of the public's health, safety and welfare. The conditions of approval for the Project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who reside at the site and within the community.

The Project has been designed without balconies/patios, and with an enclosed, inward-facing courtyard and amenity area, strategically located landscaping, increased visibility and transparency at the building entrance, increased building and site lighting to avoid dark spots, a single identifiable and secured front entrance and entry reception and desk area, and a locking gate at the parking garage to address potential health, safety and welfare concerns.

Vehicular and pedestrian ingress/egress to the Project would be provided from College Avenue. The Project is required to restripe College Avenue along the Project frontage to

include a left turn pocket into the site and a two-way left turn lane along the Project frontage north of the driveway. A single driveway in the southwest portion of the site would provide vehicular entry to the parking garage. Pedestrian access would be provided along College Avenue in the northeast portion of the Project site with direct access from College Avenue. Additionally, emergency fire access would be provided from College Avenue in the northeast corner of the Project site, controlled by removable bollards. Storm drain access for a public storm drain would be provided from the main entry driveway around to the western portion of the Project site per City design standards.

All proposed improvement plans associated with the Project will be reviewed prior to issuance of ministerial permit(s) and inspected during construction to assure the Project will meet or exceed all relevant and applicable building, fire, plumbing, electrical, mechanical codes and specific city regulations governing the development's construction and continued operation to prevent adverse effects to those persons or property in the vicinity of the Project. Therefore the Project will not be detrimental to the public health, safety and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REGULATIONS OF THE LAND DEVELOPMENT CODE INCLUDING ANY PROPOSED DEVIATIONS PURSUANT TO THE LAND DEVELOPMENT CODE.

The 1.51-acre Project site is located at 5030 College Avenue and is a previously disturbed, vacant site in the College Area community. A Site Development Permit is required due to the presence of biological resources. The Project proposes to develop a new, 91-unit apartment project, consisting of three and four levels of apartments over subterranean parking.

The previously approved Sorority Row Project No. 6036 required a Mitigated Negative Declaration for potential impacts to paleontological and biological resources. Mitigation for potential impacts to biological resources required either the purchase of credits in an off-site land bank or payment into the City's Habitat Acquisition Fund. Payment was made as part of the Sorority Row Project, thereby satisfying the mitigation measure. As the Sorority Row Project was not developed, habitat currently remains on site. An updated biology survey has been conducted for the current Project which concluded that the amount of Diegan coastal sage scrub and non-native grassland has decreased and the amount of disturbed habitat has increased. Since the site still contains environmentally sensitive lands, a Site Development Permit is included in the Project approvals.

The development requests a Planned Development Permit (PDP) to deviate from the requirement to provide private open space. No deviations are requested to the environmentally sensitive lands regulations. Therefore, the Project will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.

III. SITE DEVELOPMENT PERMIT FINDINGS – SUPPLEMENTAL ENVIRONMENTALLY SENSITIVE LANDS – SDMC SECTION 126.0504(B)

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 previously approved Sorority Row Project No. 6036 required a Mitigated Negative Declaration for potential impacts to paleontological and biological resources. The biological survey completed for the Mitigated Negative Declaration determined that there was 0.10 acre of Tier II Diegan coastal sage scrub and 1.24 acres of Tier IIIB non-native grassland. An updated biological survey completed for the Addendum determined that the same vegetation types exist onsite, but today there is 0.09 acre of Tier II Diegan coastal sage scrub and 1.04 acres of Tier IIIB non-native grassland.

Mitigation for potential impacts to biological resources required the purchase of credits in either an off-site land bank or payment into the City's Habitat Acquisition Fund. Payment was made as part of the Sorority Row Project, thereby satisfying the mitigation measure. As the Sorority Row Project was not developed, habitat currently remains on site. An updated biology survey has been conducted for the current Project, which concluded that the amount of Diegan coastal sage scrub and non-native grassland has decreased and the amount of disturbed habitat has increased. Since the site still contains environmentally sensitive lands, a Site Development Permit is included in the Project approvals.

The required mitigation has been implemented to ensure that sensitive wildlife and plants are not adversely impacted directly or indirectly by the Project. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimal disturbance to environmentally sensitive lands.

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 Projects plans call for the construction of a new residential building. The Project does not increase the risk of exposure to geological hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards. Exposure of soils to significant erosion hazards will not occur. The implementation of the Project will not increase erosion of soils due to wind or water, and impacts associated with soils are not significant. The Project will be stepped to retain the integrity of the slope and the amount of grading will be the minimum necessary for the proposed development. Proper engineering design of the proposed structure will ensure that the potential for geological impacts would be insignificant and no mitigation would be required. Therefore, 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.

3. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ADJACENT ENVIRONMENTALLY SENSITIVE LANDS.

The Project site is not within or adjacent to the City's Multi-Habitat Planning Area nor adjacent to environmentally sensitive lands and, no narrow endemic species exist on-site. Therefore, the proposed development will be sited 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 is not within or adjacent to the City's Multi-Habitat Planning Area and no narrow endemic species exist on-site. Therefore, the proposed development will be consistent with the City's Multiple Species Conservation Program Subarea Plan.

5. THE PROPOSED DEVELOPMENT WILL NOT CONTRIBUTE TO THE EROSION OF PUBLIC BEACHES OR ADVERSELY IMPACT LOCAL SHORELINE SAND SUPPLY.

The Project site is not located within the coastal overlay zone and is not near any public beaches or the local shoreline. The Project includes Best Management Practices (BMPs) suitable for the site in compliance with local and state regulations to ensure downstream hydrology is not significantly affected. 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 previously approved Sorority Row Project No. 6036 required a Mitigated Negative Declaration for potential impacts to paleontological and biological resources. Mitigation for potential impacts to biological resources required either the purchase of credits in an off-site land bank or payment into the City's Habitat Acquisition Fund. Payment was made as part of the Sorority Row Project, thereby satisfying the mitigation measure. As the Sorority Row Project was not developed, habitat currently remains on site. An updated biology survey has been conducted for the current Project which concluded that the amount of Diegan coastal sage scrub and non-native grassland has decreased and the amount of disturbed habitat has increased. Since the site still contains environmentally sensitive lands, a Site Development Permit is included in the Project approvals.

The Project site is underlain by the Mission Valley geologic formation which has produced very rare marine fossils and has been assigned a high resource potential for fossils. The Project requires excavating approximately 21,200 cubic yards of soil at a maximum depth of 31.1 feet which exceeds the City's thresholds of significations for potential impacts to paleontological resources. Therefore, the Project would be required to implement the mitigation measure for potential impacts to paleontological resources included in the original Mitigation Monitoring and Reporting Program for MND No. 6036. This mitigation measure has been incorporated into the Addendum No. 350930.

Therefore, the proposed mitigation is reasonably related to and appropriately calculated to alleviate any impacts created by the proposed development.

IV. NEIGHBORHOOD DEVELOPMENT PERMIT FINDINGS - SECTION 126.0404

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The 1.51-acre Project site is located at 5030 College Avenue and is a previously disturbed, vacant site in the College Area community. The Project requires a Neighborhood Development Permit to allow 148 of the required 225 parking spaces to count as two spaces, where the site is not located within the Tandem Parking Overlay Zone. The Project site is designated as High Density Residential (45 to 75 dwelling units per net residential acre) in the College Area Community Plan (CACP) and is zoned RM-3-9. The Project is located in the Parking Impact Overlay Zone. Based on the CACP, 68 to 113 dwelling units would be allowed on the site. The Project proposes to develop a new, 91-unit apartment project, consisting of three and four levels of apartments over subterranean parking.

The Project site is subject to the Core Sub-Area Design Manual (Design Manual) of the College Community Redevelopment Project and the proposed Project is located within the Residential District of the Core Sub-Area. The four-story project is consistent with the CACP, the College Community Redevelopment Project Master Project Plan (MPP) and the Design Manual, which recommends as a guideline that building heights be a maximum of four stories along College Avenue south of Montezuma for the Core Sub-Area and the Project is below the maximum structure height of 60 feet required by the underlying zone. The 91-unit project is consistent with the density of development for the Project site specified in the CACP (45-75 dwelling units per acre) and with the density allowed by the existing RM-3-9 zone (up to 110 dwelling units on the 1.51-acre site). Additionally, the Design Manual limits lot coverage to 60 percent. The Project would result in 49 percent lot coverage.

The CACP does not provide specific recommendations pertaining to the use of tandem parking on the proposed Project site, nor does it preclude the use of tandem parking. In providing tandem parking, the Project is able to facilitate consistency with the CACP by bringing needed density to the Core Subarea, increasing the supply of available parking

near the SDSU campus and by reducing the impact to on-street parking in the surrounding neighborhood.

By providing a thriving student living environment adjacent to SDSU, the Project will bring desired density closer to campus and develop a strong pedestrian character so that walking, biking and the use of transit is encouraged. Therefore, the Project implements several relevant goals, objectives, and recommendations of the CACP and MPP and it will not adversely affect the applicable land use plan.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE.

The Project, including the review of grading, design, utilities, drainage, infrastructure, architecture, landscape, and environmental impacts has been designed to conform with the City's codes, policies, and regulations whose primary focus is the protection of the public's health, safety and welfare. The conditions of approval for the Project require compliance with several operational constraints and development controls intended to assure the continued public health, safety, and welfare for those who reside at the site and within the community.

As identified in the CACP and MPP, the provision of much needed student housing will have a positive effect on the neighborhood by increasing the availability of student residences and vehicular parking spaces in close proximity to the campus and reducing the impact of students residing in and disrupting the single family neighborhoods of the College Area Community. The Project complies with the Land Development Code for required parking in a Parking Impact Overlay Zone by providing 236 off-street (225 required), subterranean parking spaces, 16 motorcycle parking spaces, and 93 bicycle parking spaces with secure bicycle storage within the parking garage. Tandem parking for the Project will comply with the specific conditions outlined in SDMC 132.0905(b), (c), and (d), in that at least one of the two parking spaces shall be within a completely enclosed structure, both of the tandem spaces shall be assigned to the same dwelling unit and the use restrictions shall be enforced by the owner's assigned representative on the premises.

Tandem parking is an important option that can help reduce housing costs and allow for better development when incorporated with consideration to the neighborhood context. In providing tandem parking, this Project is able to facilitate consistency with the CACP and the MPP by bringing density to the Core Sub-Area, increasing the supply of available parking near the SDSU campus and reducing the impact to on-street parking in the surrounding neighborhood. The Project's proximity (0.3 miles) to SDSU and the SDSU Transit Center encourages an active student-oriented pedestrian environment with less vehicular usage.

All proposed improvement plans associated with the Project will be reviewed prior to issuance of ministerial permit(s) and inspected during construction to assure the Project will meet or exceed all relevant and applicable building, fire, plumbing, electrical,

mechanical codes and specific city regulations governing the development's construction and continued operation to prevent adverse effects to those persons or property in the vicinity of the Project. Therefore, the Project will not be detrimental to the public health, safety and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE REGULATIONS OF THE LAND DEVELOPMENT CODE INCLUDING ANY PROPOSED DEVIATIONS PURSUANT TO THE LAND DEVELOPMENT CODE.


The Project proposes to provide tandem parking where the Project site is not located within the Tandem Parking Overlay Zone through the approval of a Neighborhood Development Permit. The Project complies with the parking requirement of the underlying zone by providing 236 off-street, subterranean parking spaces. The Project is requesting to provide 148 of the total off-street parking space requirement within tandem parking spaces. Tandem parking for the Project will comply with the specific conditions outlined in Land Development Code section 132.0905(b), (c), and (d), in that at least one of the two parking spaces shall be within a completely enclosed structure, both of the tandem spaces shall be assigned to the same dwelling unit and the use restrictions shall be enforced by the owner's assigned representative on the premises.

Tandem parking is an important option that can help reduce housing costs and allow for better development when incorporated with consideration to the neighborhood context. In providing tandem parking, this Project is able to facilitate consistency CACP and the MPP by bringing density to the Core Sub-Area, increasing the supply of available parking near the SDSU campus and reducing the impact to on-street parking in the surrounding neighborhood. The Project's proximity (0.3 miles) to SDSU and the SDSU Transit Center encourages an active student-oriented pedestrian environment with less vehicular usage.

No deviations are requested to the parking requirements. Therefore, the Project will comply with the applicable regulations of the Land Development Code, including any proposed deviations pursuant to the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City Council, Planned Development Permit No. 1229240, Site Development Permit No. 1491098 and Neighborhood Development Permit No. 1491096, are hereby GRANTED by the City Council to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 1229240, 1491098, and 1491096, a copy of which is attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
January 19, 2016
Or.Dept:DSD
Doc. No.: 1207352

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

INTERNAL ORDER NUMBER: 24004264

**PLANNED DEVELOPMENT PERMIT NO. 1229240
SITE DEVELOPMENT PERMIT NO. 1491098
NEIGHBORHOOD DEVELOPMENT PERMIT NO. 1491096
COLLEGE AVENUE APARTMENTS - PROJECT NO. 350930
CITY COUNCIL**

This Planned Development Permit No. 1229240, Site Development Permit No. 1491098 and Neighborhood Development Permit No. 1491096 is granted by the Planning Commission of the City of San Diego to CAPSTONE DEVELOPMENT PARTNERS, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0601, 126.0501 and 126.0201. The 1.51-acre site is located at 5030 College Avenue in the RM-3-9 zone, Parking Area Impact Overlay Zone, FAA Part 77 Notification Area within the College Community Planning area. The project site is legally described as a portion of Lot 21 of Rancho Mission, Map No. 330.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to construct 91-unit apartment development over a subterranean parking, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 12, 2016 on file in the Development Services Department.

The project shall include the following:

- a. The construction of 91 apartment units totally 212,825-square feet containing 1, 2, 3 and 4-bedroom units over subterranean parking;
- b. A Planned Development Permit for one deviation to the private open space requirement where the project will not provide 60 square feet of open space for 75 percent of the

units and instead add the square footage to the common open space for a total of 6,973 square feet of common open space;

- c. A Neighborhood Development Permit to allow 148 tandem parking spaces to count as two spaces, where the site is not located within the Tandem Parking Overlay Zone.
- d. Landscaping (planting, irrigation and landscape related improvements);
- b. Off-street parking;
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void 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. This permit must be utilized by January 12, 2019.
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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee 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, Owner/Permittee 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 Owner/Permittee 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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Addendum No. 350930 to Mitigated Negative Declaration No. 6036, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Addendum No. 350930, to Mitigated Negative Declaration No. 6036, to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for Paleontology.

TRANSPORTATION REQUIREMENTS:

14. Prior to the issuance of the first construction permit, the Owner/Permittee shall dedicate 5 feet of right-of-way along the entire project frontage on College Avenue to achieve a 10 foot parkway between the curb and the property line, satisfactory to the City Engineer.

15. Prior to the issuance of the first construction permit, the Owner/Permittee shall grant an irrevocable offer of dedication for an additional 10 feet in to achieve a center line to property line dimension of 55 feet along College Avenue satisfactory to the City Engineer.

16. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the construction of two driveways onto College Avenue: a 20 foot wide driveway on the south side of the property to serve the project traffic and a 15 foot wide driveway on the north side of the property to serve as an emergency access only (closed to traffic with removable bollards), to the satisfaction of the City Engineer.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond construction of a minimum 5 foot wide noncontiguous sidewalk on the west side of College Avenue adjacent to the project site and transition to the adjacent properties to the satisfaction of the City Engineer. Improvement shall be completed and accepted by the City Engineer prior to issuance of the first Certificate of Occupancy.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond restriping of College Avenue to provide a left turn pocket into the project driveway with appropriate transitions to the north and south per the Conceptual Striping Plan (Figure 7) in the March 25, 2015, memo by Fehr & Peers Engineers, made part of Exhibit "A", to the satisfaction of the City Engineer. Improvement shall be completed and accepted by the City Engineer prior to issuance of the first Certificate of Occupancy.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall insure installation of red curb (no parking) on the west side of College Avenue from the northern project boundary to the northern intersection of Cresita Drive to the satisfaction of the City Engineer, both to provide sight distance and to allow Fire Department aerial access to the site. Installation of red curb shall be completed prior to issuance of the first Certificate of Occupancy.

20. A minimum of 225 automobile (236 provided), 9 motorcycle (16 provided), 54 bicycle parking (93 provided) spaces and one loading space shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A". Further, all parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code, and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the appropriate decision maker.

ENGINEERING REQUIREMENTS:

21. Prior to the issuance of any building permit, the Owner/Permittee shall vacate the existing drainage easement crossing the project site, satisfactory to the City Engineer.

22. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the private brow ditch that will encroached into the City's easement, satisfactory to the City Engineer.

23. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a new public drainage system as shown on the approved Exhibit "A," satisfactory to the City Engineer.

24. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

25. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction BMPs necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.

26. Prior to the issuance of any construction permit, the Water Quality Technical Report will be subject to final review and approval by the City Engineer.

27. The drainage system for this project will be subject to approval by the City Engineer.

28. Prior to the issuance of any building permits, the Owner/Permittee 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.

29. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-00090DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2007-0001, or subsequent order. In accordance with Order No. 2009-0009DWQ, or subsequent order, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

30. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

LANDSCAPE REQUIREMENTS:

31. Prior to issuance of a grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the 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.

32. In the event that a foundation only permit is requested, the Owner/Permittee shall submit a site plan or staking layout plan identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as "landscaping area."

33. Prior to issuance of any building permit, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the 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 Development Services Department. Construction plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by hardscape and utilities.

34. Prior to issuance of any construction permits for structures, the Owner/Permittee shall submit a water budget in accordance with the Water Conservation Requirements per SDMC 142.0413, Table 142-04I, to be included with the construction documents. An irrigation audit shall be submitted consistent with Section 2.7 of the Landscape Standards of the Land Development Manual at final inspection. The irrigation audit shall certify that all irrigation systems have been installed and operate as approved by the Development Services Department.

35. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility

of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

36. 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 Owner/Permittee shall repair and/or replace it in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

AFFORDABLE HOUSING REQUIREMENTS:

37. Prior to receiving the first residential building permit, Owner/Permittee shall comply with the provisions of Chapter 14, Article 2, Division 13 of the San Diego Municipal Code ("Inclusionary Affordable Housing Regulations") by paying to the City of San Diego the full Inclusionary Affordable Housing Fee based upon the aggregate square footage of all residential units in the project, on terms set forth within the Inclusionary Affordable Housing Regulations.

PLANNING/DESIGN REQUIREMENTS:

38. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations.

39. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

40. A topographical survey conforming to the provisions of the Municipal/Land Development Code 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

41. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

42. Prior to the issuance of any engineering permit the Owner/Permittee is required to make a one-time payment to the City in the amount of \$ 293,900 for sewer upgrades in the project area.

43. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the design and construction of all proposed water and sewer service(s), the disconnection at the water main of any existing unused water service(s), and the abandonment at the property line of any existing unused sewer services in a manner satisfactory to the Public Utilities Director and the City Engineer.

44. Prior to the issuance of any building permits, the Owner/Permittee shall construct, and obtain operational acceptance of, all new water and sewer facilities deemed necessary to serve this development by the Public Utilities Department.

45. Prior to the issuance of a certificate of occupancy, the Owner/Permittee shall construct and obtain operational acceptance of, all new public water and sewer facilities required by the Public Utilities Department as described and identified on the approved exhibits [Exhibit "A"] associated with this Permit.

46. Prior to the issuance of any ministerial permits, the Owner/Permittee is required to record (in a manner satisfactory to the Public Utilities Director and the City Engineer) the following documents:

- a. A sewer access easement to ensure that operational access is maintained from College Avenue through the property to the existing canyon access path serving the public sewer facilities located in Baja Canyon just to the south of the southwest corner of the property.
- b. A sewer easement for the new on-site public sewer manhole required to properly terminate the existing public sewer main and connect the proposed private sewer lateral to the public sewer system.
- c. A sewer access easement to ensure operational access to the new public sewer manhole and associated public sewer easement.

47. All proposed public water and sewer facilities must be designed and constructed in accordance with established criteria in the most current edition of the City of San Diego Water and Sewer Facility Design Guidelines, City regulations, and standards and practices pertaining thereto.

48. All proposed private sewer facilities located within a single lot are to be designed to meet the requirements of the California Plumbing Code and will be reviewed as part of the building permit plan check.

49. No tree or shrub expected to exceed three (3) feet in height at maturity shall be planted or retained within five (5) feet of any public water facility, or within ten (10) feet of any public sewer facility.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed

on this permit are fully completed and all required ministerial permits have been issued and received final inspection.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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-section 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 January 12, 2016.

Permit Type/PTS Approval Nos. 1229240, 1491098, 1491096:
Date of Approval: January 12, 2016

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

MIKE WESTLAKE
Assistant Deputy Director

**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.**

CAPSTONE DEVELOPMENT PARTNERS, LLC
Owner/Permittee

By _____
Owner

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

Passed by the Council of The City of San Diego on JAN 12 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 12 2016.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Jernandy*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310215