

RESOLUTION NUMBER R- 313815

DATE OF FINAL PASSAGE DEC 07 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO ADOPTING FINDINGS FOR AND GRANTING
PLANNED DEVELOPMENT PERMIT NO. 2487055 FOR THE
MONTEZUMA ROAD PROJECT NO. 623199.

WHEREAS, Pacific Residential LLC, a California Limited Liability Company
(Owner/Permittee), filed an application with the City of San Diego for a Planned Development
Permit to demolish three detached residential single-family dwelling units and to construct a
five-story building with 38 residential apartment units (the project), located at 6253, 6263, and
6273 Montezuma Road, within the College Community Redevelopment Project, the Parking
Standards Transit Priority Area, the Transit Priority Area, the Parking Impact Overlay Zone
(Campus Impact), the Very High Fire Hazard Severity Zone, the Airport Land Use Compatibility
Overlay Zone for Montgomery Field Airport (MFA), the Airport Influence Area (MFA-Review
Area 2), and the College Area Community Plan area; and

WHEREAS, the project site is legally described as Portions of Lots 192, 193 & 194 of
Collwood Park Unit No. 2, in the City of San Diego, County of San Diego, State of California,
according to Map thereof No. 2495, filed in the Office of the County Recorder of San Diego
County, August 12, 1948; in the College Area Community Plan area, in the RM 1-1 Zone which
is proposed to be rezoned to the RM 3-9 Zone; and

WHEREAS, on September 9, 2021, the Planning Commission of the City of San Diego
considered Planned Development Permit (PDP) No. 2487055, and pursuant to Resolution
No. 5155 PC, voted to recommend approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the
Mayor because this matter requires the City Council to act as a quasi-judicial body and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on December 7, 2021, 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 Planned Development Permit No. 2487055:

A. PLANNED DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0605(a)

Findings for all Planned Development Permits:

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

The project site is located at 6253, 6262, and 6273 Montezuma Road within the College Community Redevelopment Project area, Parking Standards Transit Priority Area, Transit Priority Area, Parking Impact Overlay Zone (Campus Impact), Very High Fire Hazard Severity Zone, Airport Land Use Compatibility Overlay Zone for Montgomery Field Airport (MFA), and the Airport Influence Area (MFA-Review Area 2), and the College Area Community Plan area.

The project proposes demolition of three single family residences and construction of a five-story, 52,350 square-foot, 38-unit multi-family residential building with roof deck, on a 0.43-acre site. The project requires a Community Plan Amendment (CPA) and a re-zone. The proposed amendment would re-designate the subject site from Low-Medium Density Residential (10-15 dwelling units per acre (du/acre)) to Residential High (45-73 du/acre) and would require a re-zone from RM-1-1 Zone to RM-3-9 Zone. Development within the vicinity of the project site includes single-story, single-family residential units immediately to the northeast, east, and south; and a five-story multi-family residential development borders the project site to the west. San Diego State University (SDSU) is located to the west and the College Rolando Branch library to the east.

The General Plan focuses on creating walkable and transit friendly communities. The site is located a quarter mile from San Diego State and a transit stop hub. The Project is located within a Transit Priority Area and is less than a half mile from the San Diego State University Transit Center, which is served by the Green Line Trolley. The site is currently served by Metropolitan Transit Service (MTS) bus route 14.

The General Plan Mobility Element and the Community Plan Transportation Element encourage bicycling as a viable travel choice, particularly for trips of less than five miles, and safe, convenient, and adequate short-term and long-term bicycle parking facilities and other bicycle amenities for employment, retail uses, multi-family housing, schools, and transit facility uses (ME-F.4). The Project would meet these goals by providing 24 bicycle parking spaces to complement the existing Class II bike lanes on Montezuma Road linking students to the San Diego State University campus.

The General Plan Urban Design Element includes policies for new development to contribute to a positive neighborhood character and relate to neighborhood and community context (UD-A. 5). The Project scale would be consistent with the existing multifamily development directly adjacent and to the west of the project site. The Project design and exterior materials contribute to a sense of quality and permanence, consistent with a positive neighborhood character.

The Urban Design Element recommends maximizing planting of new trees, street trees and other plants for shading, air quality, and livability benefits (UD-A.8, a). The Urban Design Element also includes policies for water conservation through the use of drought-tolerant landscape. (UD-A.8, b). The Project would provide new Gold Medallion street trees on Montezuma Road and a variety of trees, shrubs, vines and ground covers and low water usage and drought tolerant landscape species. The proposed landscaping and street trees would implement policies for maintaining landscaped residential streets in the community. (UD-A.8, g).

Community Plan: The Urban Design Element of the Community Plan specifies that multifamily development along Montezuma Road should front the public street and provide identifiable pedestrian access from the street into the Project. The Community Plan also specifies that Montezuma Road, between Fairmount Avenue and 63rd Street should be developed with a strong sense of edge to spatially define streets. The Project would front Montezuma Road with direct pedestrian access and provide Gold Medallion street trees along Montezuma Road.

The project will provide two affordable units. The project has been conditioned to require an agreement with the San Diego Housing Commission secured by a deed of trust. The affordable housing units would be built off-site under a separate permit (Project No. 642574, Building Permit No. 2318052), which is currently under review, located at 6204 Hobart Street and 6206 Hobart Street, also within the College Community Plan area.

As the project will be located close to available transit, encourage bicycle use by providing twenty-four (24) bicycle parking spaces in proximity to existing Class II bicycle lanes along Montezuma Road, provide new street trees and low water usage and drought tolerant landscaping and affordable housing, the proposed use and project design meet the purpose and intent of the General Plan, College Area Community Plan, College Redevelopment Project, and Core Sub-Area Design Manual. Therefore, the proposed development will not adversely affect the College Area Community Plan or the General Plan of the City of San Diego.

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

The proposed development with deviations is consistent with the relevant San Diego Municipal Code (SDMC) provisions, policies, and regulations whose primary focus is the protection of the public's health, safety, and welfare. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable SDMC regulations in effect for this project. For instance, prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the reconstruction of the existing curb with City Standard curb and gutter, adjacent to the site on Montezuma Road and 63rd Street. The Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with current City Standard non-contiguous sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Montezuma Road and 63rd Street. The Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the sidewalk underdrain/curb outlet and landscape in the Montezuma Road and 63rd Street Right-of-Way, satisfactory to the City Engineer. Such conditions within the permit have been determined necessary to avoid adverse impacts upon the public health, safety, and general welfare of persons residing or working in the surrounding area.

The project shall comply with the development conditions in effect for the subject property and other regulations and guidelines pertaining to the subject property per the SDMC. Although the site is located within the Very High Fire Hazard Severity Zone (VHFHSZ), brush management is not required due to the following site conditions: the site is surrounded by existing development, there is no connectivity or adjacency to a canyon system, there are no steep hillsides, and the site is located more than 100 feet from native/naturalized vegetation.

Prior to issuance of any construction permit for the proposed development, the plans require review for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, including the requirement to obtain grading and public improvement permits. Compliance with these regulations during and after construction will be enforced through building inspections completed by the City's building inspectors.

The project has been reviewed pursuant to the California Environmental Quality Act, and a Negative Declaration was prepared for this project. The environmental analysis concluded there were no significant impacts to the public health and safety.

As the project improvements and compliance with development conditions, regulations and guidelines will avoid adverse impacts upon the public health, safety and welfare, the proposed development 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 project proposes to demolish three detached residential single-family dwelling units and construct a five-story building with thirty-eight residential apartment units. The project proposes a Community Plan Amendment to the existing land use designation, as well as a Rezone, to allow the proposed use. The College Area Community Plan designates the project site as Low/Medium Density Residential (10-15 du/ac). The proposed Amendment to the College Area Community Plan would change the land use designation to Residential High (45-73 du/ac). The project site is currently zoned RM-1-1 (Residential—Multiple Unit); the project proposes a rezone to RM-3-9 (Residential—Multiple Unit). The purpose of the RM zones is to provide for multiple dwelling unit development at varying densities. The RM-3-9 zone, specifically, is intended to accommodate medium density multiple dwelling units with limited commercial uses and permits a maximum density of one dwelling unit for each 600 square feet of lot area, which would allow 73 dwelling units per acre to be constructed on the project site.

The square footage of the project site is 18,751. Per the proposed RM-3-9 zone the maximum number of units allowed is 31.25 units, the maximum square footage allowed is 50,628, the maximum height allowed is 60 feet, and the maximum allowable commercial square footage is 12,657, though no commercial uses are proposed.

The Project proposes to develop 38 multi-family units in a five story, 52,350-square-foot residential building. The applicant proposes 5% of the units ($32 \times 5\% = 1.60$ rounded to 2 units) will be affordable to very-low income households with rents at 30% of 50% of Area Median Income for a period of 55 years from December 7, 2021, which allows for a 20% density bonus ($32 \times 20\% = 6.40$ rounded to 7 units) for a total of 38 units and 1 incentive. The project has been conditioned to require an agreement with the San Diego Housing Commission secured by a deed of trust. The affordable housing units will be constructed off-site under a separate permit (Project No. 642574, Building Permit No. 2318052), which is currently under review, located at 6204 Hobart Street and 6206 Hobart Street within the College Community Plan area. A deed restriction in compliance with SDMC Section 143.0745(f) shall be recorded to secure the offsite affordable units prior to issuance of the first building permit at the Montezuma Road market-rate site. The offsite affordable units are required to receive a certificate of occupancy within 36 months of the issuance of the first building permit at the Montezuma Road site.

The proposed 38 multifamily dwelling unit development is consistent with the amended Community Plan and the General Plan residential land use designations.

The project requires a PDP to allow deviations from certain regulations of the RM-3-9 Zone, as discussed below. The project would comply with all zoning and development regulations of the RM-3-9 Zone, with the exception of the required private storage, private open space, minimum driveway widths, and maximum floor area ratio.

Private Storage

SDMC Section 131.0454, states that each residential unit is to have a fully enclosed personal storage area. The project proposes that 39 percent of the units would have storage located in storage rooms on levels two through five. A deviation to provide less than the required private storage is necessary to allow for the provision of unit composition at a density to serve the needs of students near San Diego State University. As the project is primarily designed to serve students and the resident population for the project would for the most part not be long-term, reduction in personal storage space is appropriate. Additionally, this deviation allows for what would be underutilized storage space to be used as residential space, patio/courtyard elements, and amenities.

Useable Private Exterior Open Space.

SDMC Section 131.0455(c) requires that 75 percent of the dwelling units be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of six feet. The project does not include private exterior open space. Instead, the project provides for increased common exterior open space in lieu of private exterior open space (8,220 square feet common exterior open space provided where 950 square feet private exterior open space is required). This deviation allows for improved site amenities for residents, as well as for the provision of two courtyards that create interest along the Montezuma Road elevation of the building, providing an attractive interface for the community.

Minimum Driveway Width

The project is located in a Parking Standards Transit Priority Area. Pursuant to SDMC Table 142-05C, the project is not required to provide vehicle parking spaces. Motorcycle and bicycle parking will be provided on the project site at the street level, with driveway access from 63rd Street. Pedestrian access to the site would be from existing sidewalks along Montezuma Road and 63rd Street.

SDMC Table 142-05M requires a minimum driveway width of 20 feet; the project's driveway width is designed at 10 feet. The project's driveway provides access to motorcycle parking spaces only. The reduced width of the driveway is commensurate with the size of the vehicles utilizing this driveway (motorcycles), minimizes the curb cut for pedestrians and therefore is appropriate.

Floor-Area Ratio

Per SDMC Table 131-04(G), the maximum floor-area ratio in the RM-3-9 Zone is 2.7. The project proposes a FAR of 2.79. The increased FAR allows for an increased project footprint and associated square footage and amenities, maximizes site efficiency and responds to the community housing needs more than would be possible in strict conformance with regulations in the RM-3-9 Zone.

Approval of the deviations will allow for the maximal use and greatest efficiency of the site's small footprint, while providing much needed housing for the community. The 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, and any allowable deviations that are otherwise authorized pursuant to the Land Development Code.

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

BE IT FURTHER RESOLVED, that Planned Development Permit No. 2487055 is granted to Pacific Residential LLC, a California Limited Liability Company, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By/s/ Jeanne L. Mackinnon

Jeanne L. Mackinnon

Deputy City Attorney

JLM:hm:cw

November 8, 2021

Or.Dept:DSD

CC No.: N/A

Doc. No.: 2810773

Attachment: Planned Development Permit No. 2487055

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

**WHEN RECORDED MAIL
TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501**

**INTERNAL ORDER NUMBER: 24008104SPACE ABOVE THIS LINE FOR RECORDER'S
USE**

**PLANNED DEVELOPMENT PERMIT NO. 2487055
MONTEZUMA ROAD - PDP/RZ/COMMUNITY PLAN AMENDMENT - PROJECT NO.
623199
CITY COUNCIL**

This Planned Development Permit No. 2487055 is granted by the Council of the City of San Diego to Pacific Residential LLC, a California Limited Liability Company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 143.0401, and 123.0105. The 0.43-acre site is located at 6253, 6263, and 6273 Montezuma Road, in the RM-1-1 Zone, the College Community Redevelopment Project, the Parking Standards Transit Priority Area, the Transit Priority Area, the Parking Impact Overlay Zone (Campus Impact), the Very High Fire Hazard Severity Zone, the Airport Land Use Compatibility Overlay Zone, and the Airport Influence Area (Review Area 2), within the College Area Community Plan area. The project site is legally described as: Portions of Lots 192, 193 & 194 of Collwood Park Unit 2, City of San Diego, County of San Diego, State of California, according to Map thereof No. 2495, filed in the Office of the County Recorder of San Diego County, August 12, 1948;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish three detached residential single-family residences and construct a five-story building with 38 residential apartment units. The project will also provide two affordable housing units. The affordable housing units would be built off-site under a separate permit (Project No. 642574, Building Permit No. 2318052), which is currently under review, located at 6204 Hobart Street and 6206 Hobart Street, San Diego, CA. 92115, within the College Area Community Plan area, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 7, 2021, on file in the Development Services Department.

The project shall include:

- a. Demolition of approximately 18,751 square feet of existing buildings and related facilities and the construction of a five-story, 52,350-square-foot residential building with 38 units. The project will also provide two affordable housing units. The

affordable housing units will be built off-site under a separate permit (Project No. 642574, Building Permit No. 2318052), which is currently under review, located at 6204 Hobart Street and 6206 Hobart Street, San Diego, CA. 92115, within the College Community Plan area. The first level of the five-story residential building would have a gross area of 11,405 square feet, the second level would have a gross area of 11,465 square feet, levels three and four would have gross areas of 10,210 square feet, and the fifth level would have a gross area of 9,060 square feet. Elements of the proposed structure would be 57 feet, six inches in height; and

- b. Landscaping (planting, irrigation, and landscape related improvements);
- c. Off-street motorcycle parking; and
- d. 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 December 22, 2024.
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 the Owner/Permittee signs and returns the Permit to the Development Services Department, and 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.

CLIMATE ACTION PLAN REQUIREMENTS:

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

AFFORDABLE HOUSING REQUIREMENTS:

12. Prior to issuance of any Occupancy Permits associated with this Project the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Housing requirements of San Diego Municipal Code Chapter 14, Article 2, Division 13. The project is proposing to develop 38 multi-family units. The applicant proposes 5% of the units ($32 \times 5\% = 1.60$ rounded to 2 units) will be affordable to very-low income households with rents at 30% of 50% of Area Median Income for a period of 55 years from December 7, 2021, which allows for a 20% density bonus ($32 \times 20\% = 6.40$ rounded to 7 units) for a total of 38 units and 1 incentive. The project has been conditioned to require an agreement with the San Diego Housing Commission secured by a deed of trust. The affordable housing units will be constructed off-site under a separate permit (Project No. 642574, Building Permit No. 2318052), which is currently under review, located at 6204 Hobart Street and 6206 Hobart Street within the College Community Plan area. A deed restriction in compliance with SDMC Section 143.0745(f) shall be recorded to secure the offsite affordable units prior to issuance of the first building permit at the Montezuma Road market-rate site. The offsite affordable units are required to receive a certificate of occupancy within 36 months of the issuance of the first building permit at the Montezuma Road site.

ENGINEERING REQUIREMENTS:

13. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond, the reconstruction of the existing curb with City Standard curb and gutter, adjacent to the site on Montezuma Road and 63rd Street, satisfactory to City Engineer.

14. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of the existing sidewalk with current City Standard non-contiguous sidewalk, maintaining the existing sidewalk scoring pattern and preserving the contractor's stamp, adjacent to the site on Montezuma Road and 63rd Street, satisfactory to the City Engineer.

15. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the sidewalk underdrain/curb outlet and landscape in the Montezuma Road and 63rd Street Right-of-Way, satisfactory to the City Engineer.

16. The drainage system proposed for this development, as shown on the site plan, is subject to approval by the City Engineer.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.

20. 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.

21. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

22. Prior to issuance of any construction permit (including any shell buildings), the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are 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 provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

23. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, 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 Development Services Department.

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

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

26. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

PLANNING/DESIGN REQUIREMENTS:

27. The motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site 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 City decision maker in accordance with the SDMC.

28. 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.

29. 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.

30. The affordable housing units will be constructed off-site under a separate permit (Project No. 642574, Building Permit No. 2318052), located at 6204 Hobart Street and 6206 Hobart Street, San Diego, CA. 92115, within the College Community Plan area

TRANSPORTATION REQUIREMENTS

31. The motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site 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 authorized by the appropriate City decision maker in accordance with the SDMC.

32. Prior to the issuance of any construction permit, the Owner/Permittee shall dedicate along project frontage on Montezuma Road for public right-of-way purposes (per Exhibit A) and assure by permit and bond the construction of a six foot wide non-contiguous sidewalk, curb and gutter (per Exhibit A), satisfactory to the City Engineer.

33. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond, the construction of a 10-foot wide driveway along 63rd Street to serve the motorcycle access and parking, satisfactory to the City Engineer.
34. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond, the construction of a bus stop slab along Montezuma Road along the project frontage (per Exhibit A), satisfactory to the City Engineer.
35. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond, the construction of a bus shelter along Montezuma Road along the project frontage (per Exhibit A), satisfactory to the City Engineer and MTS.
36. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond, the closure of the non-utilized driveway, adjacent to site on Montezuma Road with current City Standard curb and gutter, satisfactory to the City Engineer.
37. Prior to any work starting in the City of San Diego street right-of-way, the Owner/Permittee shall obtain a public right-of-way permit for traffic control, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

38. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.
39. Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) (BFPD), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
40. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
41. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary 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 December 7, 2021, pursuant to Resolution No. R-313815.

**AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT**

Derrick Johnson (D.J.)
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.**

Pacific Residential LLC
Owner/Permittee

By _____
Joel Berman
Managing Member

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

Passed by the Council of The City of San Diego on DEC 07 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 07 2021.

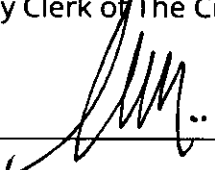
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313815