



THE CITY OF SAN DIEGO

## Report to the Hearing Officer

DATE ISSUED: April 21, 2021 REPORT NO. HO-21-012

HEARING DATE: April 28, 2021

SUBJECT: COLLEGE VIEW APARTMENTS, Process Three Decision

PROJECT NUMBER: 646497

OWNER/APPLICANT: College View Apartments LLC/PEP-JSW SDSU, LLC.

### SUMMARY

Issue: Should the Hearing Officer approve the construction of a 6-story, 90 unit, 175,667-square-foot apartment building with a one-story subterranean parking garage on a 2.39-acre site?

### Staff Recommendations:

1. ADOPT Mitigated Negative Declaration (MND) No. 646497 and the associated Mitigation, Monitoring, and Reporting Program (MMRP); and
2. APPROVE Site Development Permit 2343282 and Neighborhood Development Permit 2351788.
3. APPROVE Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment

Community Planning Group Recommendation: On January 13, 2021, the College Area Community Council voted 13 to 6 to recommend denial of the project, with no abstentions (Attachment 07).

Environmental Review: MND 646497 has been prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines, and a draft was circulated for public comment from February 19 to March 22, 2021. An MMRP has been prepared and will be implemented which will reduce any potential impacts to below a level of significance.

## BACKGROUND

The 2.39-acre project site is located at 5420 55th Street in the RM-3-9 and RS-1-1 zones within the College Area Community Plan (CACP). The College Area Community Plan (CACP) designates the site High-Density Residential (45-75 DU/acre). Within the 1.33 acres of the site that are zoned RM-3-9, this designation allows allow up to 100 units. The 55th Street Subarea further states that this area will be redeveloped residentially as a faculty, staff, and student housing area at medium to medium-high-density. The project provides 90 units, which is approximately 67.6 DU/acre, achieving the goals of the land use designation and the subarea.

The site contains Environmentally Sensitive Lands in the form of steep hillsides and sensitive biological resources. The eastern portion of the project site is currently developed with a 32-unit apartment complex that would be demolished, while the western portion of the project site consists of surface parking west of the buildings, and an undeveloped steep slope canyon. The site also contains associated hardscape, landscape and a pool.

This block of 55<sup>th</sup> Street is not a through street, and the site is bordered to the north by multiple-dwelling development, to the east by San Diego State University (SDSU) buildings including the International Student Center, and to the south by Huāxyacac Hall, an SDSU residence hall. Due to its proximity to SDSU and related amenities, the project site and surrounding neighborhood serve primarily the residential needs of SDSU students. All adjacent land on 55th Street within the City's jurisdiction in this neighborhood shares the same High-Density Residential land use designation, and all apartments north of the project site are owned by Aztec Shops and are used for student housing. West of the site, separated by a canyon is a single-dwelling unit neighborhood, designated Low Density Residential (5-10 DU/acre) in the CACP.

## DISCUSSION

### Project Description

The College View Apartments project proposes the demolition of an existing building, pool, and surface parking and the construction of a 6-story, 90-unit, 175,667-square-foot apartment building with one-story subterranean parking garage on a 2.39-acre site. The project would contain fifteen one-bedroom units, five two-bedroom units, four three-bedrooms units, and 66 four-bedroom units; as well as a 980-square-foot leasing office, 1,721-square-foot lobby, and 953-square-foot fitness center. The project would also include a courtyard, pool and spa.

The building is designed to be architecturally compatible with adjacent residential construction and nearby SDSU buildings. It will consist of wood frame construction, stucco, metal siding, stone veneer, aluminum storefront doors and windows, metal awnings, and glass railings. The project will also construct a 20-foot-wide driveway and new sidewalks adjacent to the site on 55th Street.

The project is located in a Brush Management Zone and Very High Fire Hazard Severity Zone, and has been designed in accordance with [SDMC 142.0412](#), Brush Management requirements (?). Proposed construction meets all applicable height, setback, Floor Area Ratio, and coverage requirements for the RM-3-9 and RS-1-1 zones, except for three deviations, which are discussed in detail below.

The project would be required to mitigate for 0.25 acres of Tier IIIA habitat (Mixed Chaparral). Impacts to that 0.25 acre of sensitive vegetation would be mitigated by the onsite preservation of 0.78 acre of sensitive vegetation. The project includes a MHPA Boundary Line Adjustment that received City and Wildlife Agency concurrence on November 20, 2020. Preserved habitat areas on the site would all be located within the boundaries of the adjusted MHPA, which will increase in size on-site from 0.662 acres to 0.96 acres. The preserved habitat would have long-term biological values as it is connected to a larger area of MHPA land to the north and east. Noise and nighttime lighting from the development to the south would be set back from the habitat and not expected to result in significant edge effects.

Multiple-dwelling unit projects constructed in multiple-dwelling zones do not generally require a discretionary permit. However, the project requires two discretionary permits due to its characteristics and location, as described below in Table 1. The permits are consolidated for processing in accordance with [SDMC 112.0103](#), with the Hearing Officer as the decision maker.

Table 1 – Required Permits		
Permit	Required per	Reason
Neighborhood Development Permit (NDP) – Process Two	<a href="#">SDMC 143.0920(a)</a>	Deviations to development standards on an in-fill site: <ol style="list-style-type: none"> <li>1. A maximum building height of 82 feet where 60 feet is otherwise required per SDMC Table 131-04G.</li> <li>2. No private open space provided where otherwise at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet per SDMC 131.0455(c); with 11,520 square feet of public open space provided instead.</li> <li>3. Up to 73 percent of width of the building envelope observes the minimum 10-foot front setback, where otherwise a maximum of 50 percent of the width of the building envelope may observe the minimum ten-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback per SDMC 131.0443(f)(1)(A).</li> </ol>

Site Development Permit (SDP) – Process Three	<a href="#">SDMC 143.0110</a>	Multiple-dwelling unit development on a premises containing environmentally sensitive lands (steep slopes, sensitive biological resources).
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NDP for Deviations to Development Regulations:

Deviation 1: Although this project does not qualify as student housing per the Land Development Code, these apartments are being designed for the needs of college students attending nearby SDSU, per the recommendations of the CACP. A mix of one-, two-, three- and four-bedroom units will provide the flexibility to accommodate a wide array of student living situations.

The project is seeking a total project height of 82 feet (six stories), where the RM-3-9 zone is limited to 60 feet. This deviation is requested because it allows the project to provide a mix of unit sizes, accommodate the dwelling unit range specified by the Community Plan, and minimize encroachment into environmentally sensitive lands.

A 60-foot building height typically allows approximately four residential stories. Two nearby buildings already exceed this limit: The adjacent Huāxyacac Hall at five stories (atop an extensive retaining wall that further increases the height when viewed from the west and north) and Chapultepec Hall at twelve stories. Without this deviation, it would be difficult to achieve even the minimum Community Plan densities with the desired unit mix.

Deviation 2: The project requests a deviation to eliminate private outdoor open space. In lieu of this space, the project will provide centralized recreation amenities, including a courtyard, pool area, and indoor fitness center.

This deviation also aids the project in supporting Community Plan density goals. Unit design and placement can be more flexible without the need to accommodate private outdoor space. By centralizing recreation areas into amenities such as a courtyard, pool area, and indoor fitness center, this deviation facilitates a greater unit count. In addition, this deviation enhances the ability for onsite staff to manage outdoor space, which will provide greater control over noise generation and resident safety. With this deviation, residents will still have the ability to recreate, and the project will reduce or eliminate potential noise sources during quiet hours by facilitating security and monitoring of recreational spaces. This deviation works in concert with Deviation #1 to assist the project in meeting the density goals of the Community Plan.



Deviation 3: The RM-3-9 zone has a minimum ten-foot, standard 20-foot front setback. Up to 50% of the façade can be at the minimum, and the rest is required to observe the standard.

The existing building to be demolished currently encroaches into this setback. The project requests that the proposed project be allowed to maintain this existing condition, which is also similar to existing development to the north and south. Relief from this setback requirement allows the project to provide a mix of unit sizes, while accommodating the dwelling unit range specified by the Community Plan, and minimizing encroachment into environmentally sensitive lands, similar to Deviation 1. In addition, 55th Street curves along the project frontage, making it infeasible to observe setbacks exactly with standard methods of building construction.

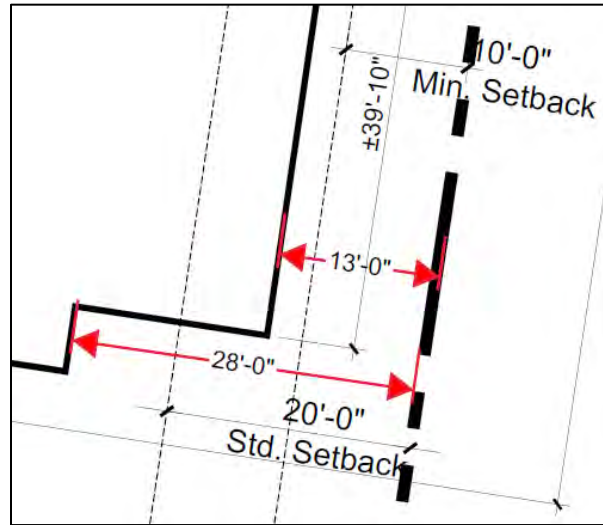


Figure 1

As shown in Figure 1 above, the smallest proposed front setback is 13 feet. There is architectural variation along the front façade that provides a maximum front setback of approximately 28 feet. Therefore, the proposed deviation meets the intent of the regulations while accommodating the project's unit count and unit size needs.

SDP for ESL:

The project site contains environmentally sensitive lands in the form of steep slopes and sensitive biological resources. The project does not propose to develop in the area of natural steep slopes onsite.

As previously mentioned, impacts to that 0.25 acre of sensitive vegetation would be mitigated by the onsite preservation of 0.78 acre of sensitive vegetation, requiring an MHPA Boundary Line Adjustment (BLA) prior to issuance of any permits. Preserved habitat areas on the site would be all within the boundaries of the adjusted MHPA,

Community Planning Group

On January 13, 2021, the College Area Community Council voted 13 to 6 to recommend denial of the project. Their stated reasons are listed below, with staff analysis.

1. *The height limit is 67% over what the Community Plan allows.*

Page 45 of the CACP discusses limiting development to four stories. Although "story" height is not defined, using an average story height of 15 feet, this is an approximately a 60-foot height limit, which is also the height limit of the RM-3-9 zone. Since height is not defined in

the CACP, it is assumed that the zone that was chosen at this location implements the plan. At 82 feet, the project is only 33 percent taller than the specified 60 feet, not 67 percent. To achieve a density range of up to 75 du/ac as outlined in the plan at a 4-story limit, units would have to be extremely small, and more of the site may have to be occupied by structures. The proposed deviation allows the project to meet Community Plan density goals and to be similar in height to nearby SDSU dormitories, fitting into the existing development context of the area.

- 2. The deck excessively encroaches over the canyon eliminating native habitat below the cantilever overhung deck. The CACC recommendation was to eliminate the pool deck entirely saving the native habitat below and provide residents shared access to the university pool within walking distance which is a block away from the project site.*

This reason for denial was not directly tied to the goals and policies of the Community Plan; however, the project would be required to mitigate for 0.25 acres of Tier IIIA habitat, which is adequately mitigated by the onsite preservation of 0.78 acre of sensitive vegetation. The preserved habitat areas on the site would be all within the boundaries of the adjusted MHPA. The preserved habitat on-site would have long-term biological values as it is connected to a larger area of MHPA land to the north and east. The elimination of the pool deck alone would not prevent habitat disturbance, several parking spaces are located below.

- 3. The noise study provided did not adequately accommodate noise impact on the residents living on the rim of the canyon.*

This reason for denial was not directly tied to the goals and policies of the Community Plan. The project's noise study did not identify significant noise impacts within the study area, and no alternative study was discussed by the CACC.

- 4. No traffic mitigation study was provided for review.*

This reason for denial was not directly tied to the goals and policies of the Community Plan. No traffic mitigation study was required by the City, and no alternative study was discussed by the CACC. No study was required because the project is presumed to have a less than significant Vehicle Miles Travelled (VMT) impact because it is located within Census Tract 41 with a 2016 residential VMT per capita of 15.5 miles, which is 81.8% of the 2016 regional average of 19.0 miles per resident. The project density is consistent with the Community Plan/Zoning designation and it generates less than 1,000 Average Daily Trips (ADT).

- 5. No light mitigation study was provided for review.*

This reason for denial was not directly tied to the goals and policies of the Community Plan. No such study was required by the City, and no alternative study was discussed by the CACC. However, the project would not be expected to cause substantial light or glare. All lighting would be required to comply with all current outdoor lighting regulations, [SDMC 142.0740, Outdoor Lighting Regulations](#). Additionally, the project would comply with Multi-Habitat Planning Area (MHPA) Land Use Adjacency Guidelines lighting requirements which states lighting adjacent to the HPA should be directed away from the MHPA. The project would

comply with [SDMC 142.0730 Glare Regulations](#), which require that exterior materials utilized for proposed structures be limited to specific reflectivity ratings. The project proposes structures which would consist of wood frame construction, stucco, metal siding, stone veneer, aluminum storefront doors and windows, metal awnings, and glass railings that would not create significant glare.

### Community Plan Analysis

The project supports several CACP recommendations, including:

Housing Recommendation 2: Development occurring in steep slopes areas of the community should be sensitive to existing topography and vegetation on the site as outlined in the Steep Hillside guidelines and the urban design guidelines of this Plan. Development which is inappropriate for hillside sites, for instance, tennis courts or parking areas, should be avoided. Development should be clustered on flatter portions of a site and located close to access streets in order to minimize grading for roadways and driveways.

Development is clustered on an existing flat pad and cantilevered out over the slope.

Housing Recommendation 15: All new multifamily development projects, including student housing, should provide a variety of on-site recreational facilities.

The project provides an on-site fitness center, a pool, and a courtyard.

55th Street Subarea Condition 2: Emphasis should be placed on locating non-residential uses/commercial services on the ground floor of multifamily buildings, integrated into the wall design of the structure.

The ground floor has a commercial feel and floorplate at the ground floor, which is where the leasing office and fitness center are located.

55th Street Subarea Condition 3: Secured parking areas for bicycles and motorcycles should be included.

The project provides secured parking for both bicycles and motorcycles.

55th Street Subarea Condition 4: Development within the area should minimize impacts to slopes and natural hillsides; and

Hillside Development Recommendation 4: housing should be designed to fit into the hillside, complementing the land's natural character, rather than altering the hillside to fit the structure. Multi-level structures, pole or cantilever construction should be used rather than grading for flat building pads.

Development is clustered on an existing flat pad and cantilevered out over the slope. It does not reshape the existing hillside.

Streetscape Recommendation 8: Existing mature trees within the public right-of-way or adjacent to it should be preserved.

Existing palm trees will be preserved and enhanced with additional landscaping.

Bicycle Recommendation 4: As part of all new commercial and multifamily residential development projects, require bicycle parking facilities.

The project provides secured parking for bicycles.

### Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies, CACP, General Plan and regulations of the Land Development Code. Staff has provided draft findings and conditions of approval to support the proposed project. Staff recommends that the Hearing Officer adopt Mitigated Negative Declaration (MND) No. 646497 and the associated Mitigation, Monitoring, and Reporting Program (MMRP), approve Site Development Permit 2343282 and Neighborhood Development Permit 2351788, and approve MHPA Boundary Line Adjustment.

### ALTERNATIVES

1. Adopt Mitigated Negative Declaration (MND) No. 646497 and the associated Mitigation, Monitoring, and Reporting Program (MMRP) and approve Site Development Permit 2343282 and Neighborhood Development Permit 2351788 with modifications.
2. Deny Site Development Permit 2343282 and Neighborhood Development Permit 2351788 if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Travis Cleveland, Development Project Manager

### Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Draft Permit Resolution with Findings
5. Draft Permit with Conditions
6. Draft Environmental Resolution with MMRP
7. Community Planning Group Recommendation
8. Site Photos
9. Project Plans
10. Ownership Disclosure Statement

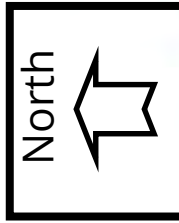




# Aerial Photo



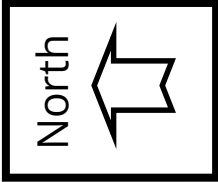
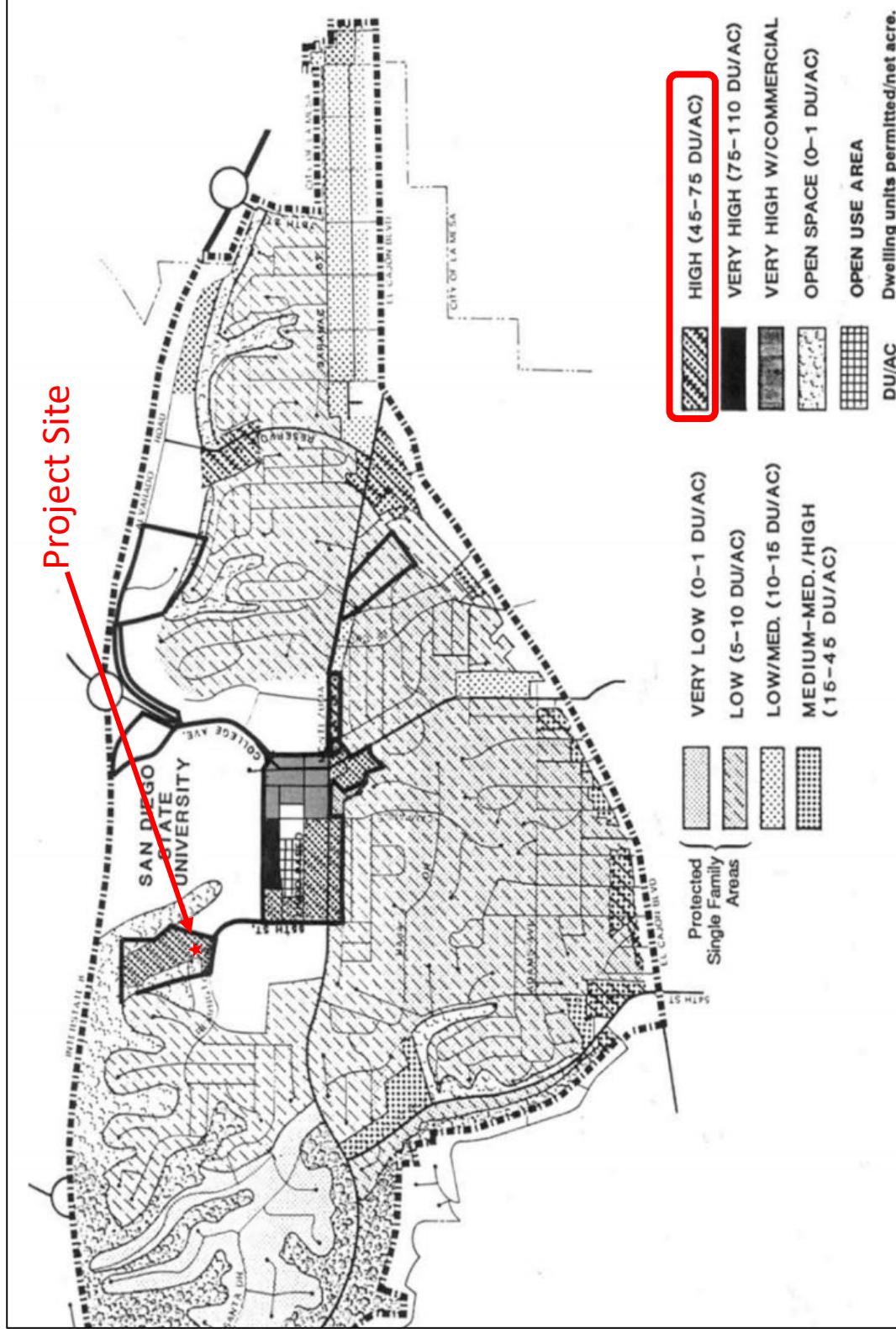
**Project No. 646497, College View Apartments  
5420 55th Street**





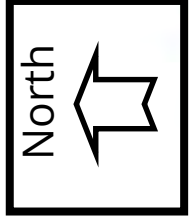
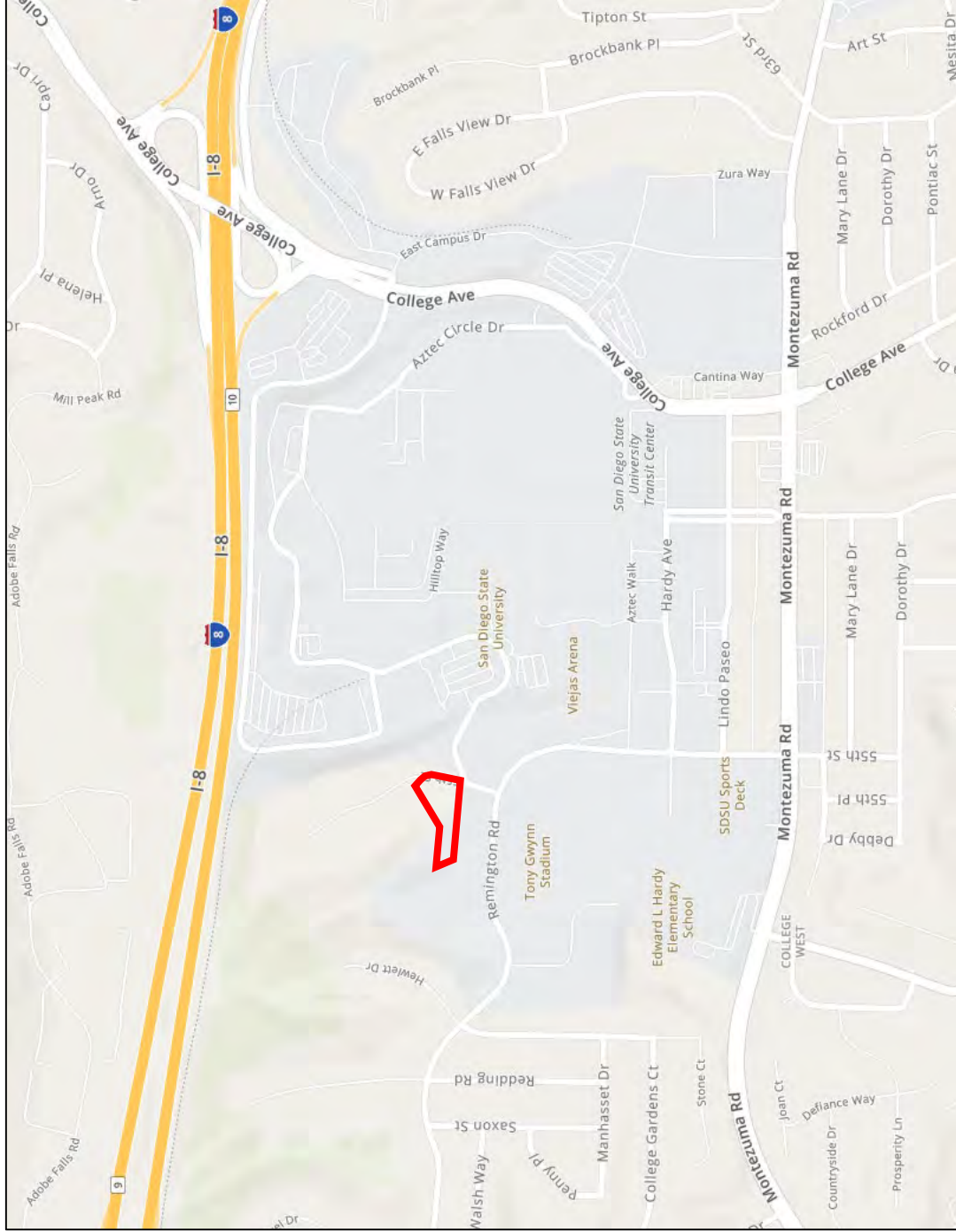


# Community Plan





# Project Location Map



**Project No. 646497, College View Apartments  
5420 55th Street**

HEARING OFFICER RESOLUTION NO. XXXXXX  
SITE DEVELOPMENT PERMIT 2343282  
NEIGHBORHOOD DEVELOPMENT PERMIT 2351788  
**COLLEGE VIEW APARTMENTS PROJECT NO. 646497 (MMRP)**

WHEREAS, PEP-JSW SDSU, LLC, Owner/Permittee, filed an application with the City of San Diego for a Neighborhood Development Permit, Site Development Permit, and Multi-Habitat Planning Area (MHPA) Boundary Line Adjustment to construct a 90-unit, six-story, 175,667-square-foot apartment building, with one-, two-, three-, and four-bedroom units ranging in size from 479 square feet to 1,477 square feet, with leasing office, fitness area, pool, and MHPA Boundary Line Adjustment, known as the College View Apartments project, located at 5420 55th Street in the RM-3-9 and RS-1-7 zones of the College Area Community Plan, and legally described as: LOTS 108 and 109 OF COLLEGE VIEW ESTATES UNIT NO. 3 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACORDING TO MAP THEREOF NO. 3157, FILED IN THE OFFICE OF THE COUTNY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 19, 1954;

WHEREAS, on April 28th, the Hearing Officer of the City of San Diego considered Neighborhood Development Permit No. 2351788 and Site Development Permit No. 2343282 (Permit) pursuant to the Land Development Code of the City of San Diego.

NOW, THEREFORE BE IT RESOLVED, by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Neighborhood Development Permit No. 2351788 and Site Development Permit No. 2343282:

**A. NEIGHBORHOOD DEVELOPMENT PERMIT – San Diego Municipal Code (SDMC) SECTION 126.0404**

- 1. Findings for all Neighborhood Development Permits-SDMC Section 126.0404(a):**
  - a. The proposed development will not adversely affect the applicable land use plan.**



The College View Apartments project proposes demolition of an existing building, pool, and surface parking and the construction of a 6-story, 90-unit, 175,667-square-foot apartment building with one-story subterranean parking garage on a 2.39-acre site. The project would contain fifteen one-bedroom units, five two-bedroom units, four three-bedrooms units, and 66 four-bedroom units, a 980-square-foot leasing office, 1,721-square-foot lobby, and 953-square-foot fitness center. The project would also include a courtyard, pool and spa.

The building is designed to be architecturally compatible with adjacent residential construction and nearby SDSU buildings. It will consist of wood frame construction, stucco, metal siding, stone veneer, aluminum storefront doors and windows, metal awnings, and glass railings. The project will also construct a 20-foot-wide driveway and new sidewalks adjacent to the site on 55th Street.

The project is located in a Brush Management Zone and Very High Fire Hazard Severity Zone, and has been designed in accordance with SDMC 142.0412, Brush Management. Proposed construction meets all applicable height, setback, Floor Area Ratio, and coverage requirements for the RM-3-9 and RS-1-1 zones, except for three deviations, which are discussed in detail below under Finding 3.

The project would be required to mitigate for 0.25 acres of Tier IIIA habitat (Mixed Chaparral). Impacts to that 0.25 acre of sensitive vegetation would be mitigated by the onsite preservation of 0.78 acre of sensitive vegetation. The project will require a Boundary Line Adjustment (BLA) prior to issuance of any permits, and the preserved habitat areas on the site would be all within the boundaries of the adjusted MHPA. The preserved habitat would have long-term biological values as it is connected to a larger area of MHPA land to the north and east. Noise and nighttime lighting from the development to the south would be well above the habitat and not expected to result in significant edge effects.

The College Area Community Plan (CACP) designates the site High Density Residential (45-75 DU/acre). Within the 1.33 acres of the site that are zoned RM-3-9, this designation allows allow up to 100 units. The 55th Street Subarea further states that this area will be redeveloped residentially as a faculty, staff, and student housing area at medium to medium-high density. The project provides 90 units, which is approximately 67.6 DU/acre, achieving the goals of the land use designation and the subarea.

The project supports several CACP recommendations, including:

Housing Recommendation 2: Development occurring in steep slopes areas of the community should be sensitive to existing topography and vegetation on the site as outlined in the Steep Hillside guidelines and the urban design guidelines of this Plan. Development which is inappropriate for hillside sites, for instance, tennis courts or parking areas, should be avoided. Development should be clustered on flatter portions of a site and located close to access streets in order to minimize grading for roadways and driveways.

Development is clustered on an existing flat pad and cantilevered out over the slope.

Housing Recommendation 15: All new multifamily development projects, including student housing, should provide a variety of on-site recreational facilities.

The project provides an on-site fitness center, a pool, and a courtyard.

55th Street Subarea Condition 2: Emphasis should be placed on locating non-residential uses/commercial services on the ground floor of multifamily buildings, integrated into the wall design of the structure.

The ground floor has a commercial feel and floorplate at the ground floor, which is where the leasing office and fitness center are located.

55th Street Subarea Condition 3: Secured parking areas for bicycles and motorcycles should be included.

The project provides secured parking for both bicycles and motorcycles.

55th Street Subarea Condition 4: Development within the area should minimize impacts to slopes and natural hillsides; and

Hillside Development Recommendation 4: housing should be designed to fit into the hillside, complementing the land's natural character, rather than altering the hillside to fit the structure. Multi-level structures, pole or cantilever construction should be used rather than grading for flat building pads.

Development is clustered on an existing flat pad and cantilevered out over the slope. It does not reshape the existing hillside.

Streetscape Recommendation 8: Existing mature trees within the public right-of-way or adjacent to it should be preserved.

Existing palm trees will be preserved and enhanced with additional landscaping.

Bicycle Recommendation 4: As part of all new commercial and multifamily residential development projects, require bicycle parking facilities.

The project provides secured parking for bicycles.

Based on the above, the proposed development will not adversely affect the applicable land use plan.

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

The proposed development is consistent with the relevant SDMC, 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 regulations of SDMC in effect for this project. Such conditions within the permit have been determined necessary to avoid adverse impact 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.

Prior to issuance of any building permit for the proposed development, the plans shall be reviewed for compliance with all building, electrical, mechanical, plumbing and fire Code requirements, and the owner/permittee shall be required 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 is located within the Airport Land Use Compatibility Overlay Zone (Montgomery Field), and the Airport Influence Area (Montgomery Field-Review Area 2), and City staff determined the project did not require a consistency determination (it is located in Review Area 2 and/or FAA Notification (it is not located within the FAA Part 77 Noticing Area).

Furthermore, the project has been reviewed pursuant to the California Environmental Quality Act, and the environmental analysis did not find any significant impacts to the public health and safety. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

The project is located in the RM-3-9 (Residential, Medium Density Multiple Dwelling Units) and is consistent with the base zone with the allowable deviations. The site is also located in a Brush Management Zone and Very High Fire Hazard Severity Zone, and has been designed in accordance with SDMC 142.0412, Brush Management. The project is located within the Airport Land Use Compatibility Overlay Zone (Montgomery Field), and the Airport Influence Area (Montgomery Field-Review Area 2), however City staff determined the project did not require a consistency determination and/or FAA Notification.

The Project complies with the regulations of the Land Development Code (LDC), including requirements for parking, landscaping, and all other requirements of the development criteria for its zoning, except where three deviations are allowed on an in-fill site through the Neighborhood Development Permit process pursuant to SDMC Section 143.0920. The proposed deviations are:

1. A maximum building height of 82 feet where 60 feet is otherwise required per SDMC Table 131-04G.

Although this project does not qualify as student housing per the Land Development Code, these apartments are being designed for the needs of college students attending nearby SDSU, per the recommendations of the CACP. To more strictly meet the desired density range on this site would likely have resulted in smaller units with fewer bedrooms and/or more of a need to encroach into environmentally sensitive lands. However, a mix of one-, two-, three- and four-bedroom units will provide the flexibility to accommodate a wide array of student living situations. This deviation is requested because it allows the project to accommodate the dwelling unit range specified by the Community Plan, minimize encroachment into environmentally sensitive lands, and provide a unit count and mix that reflects the varied living preferences of the desired demographic (college students, per the CACP).

A 60-foot building height typically allows approximately four residential stories. Two nearby buildings already exceed this limit: The adjacent Huāxyacac Hall at five stories (atop an extensive retaining wall that further increases the height when viewed from the west and north) and Chapultepec Hall at twelve stories. Without this deviation, it would be difficult to achieve Community Plan densities with the desired unit mix.

2. No private open space provided where otherwise at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet per SDMC 131.0455(c); with 11,520 square feet of public open space provided instead.

This deviation also aids the project in supporting Community Plan density and land use goals. Unit design and placement can be more flexible without the need to accommodate private outdoor space. By centralizing recreation areas into amenities such as a courtyard, pool area, and indoor fitness center, this deviation facilitates a greater unit count. In addition, this deviation enhances the ability for onsite staff to manage outdoor space, which will provide greater control over noise generation and resident safety. With this deviation, residents will still have the ability to recreate, and the project will reduce/eliminate potential noise sources during quiet hours by facilitating security and monitoring of recreational spaces. This deviation works in concert with Deviation #1 to assist the project in meeting the density goals of the Community plan.

3. Up to 73 percent of width of the building envelope observes the minimum 10-foot front setback, where otherwise a maximum of 50 percent of the width of the building envelope may observe the minimum ten-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback per SDMC 131.0443(f)(1)(A).

Relief from this setback requirement combines with deviations 1 and 2 to further facilitate a mix of unit sizes that accommodates the dwelling unit range specified by

the Community Plan and minimizes encroachment into environmentally sensitive lands, by moving closer to the street. The existing building to be demolished currently encroaches into this setback. The project requests that the proposed project be allowed to maintain this existing condition, which is also similar to existing development to the north and south. In addition, 55th Street curves along the project frontage, making it infeasible to observe setbacks exactly with standard methods of building construction.

There is architectural variation along the front façade that provides a maximum front setback of approximately 28 feet. The smallest proposed front setback is 13 feet. The proposed deviation meets the intent of the regulations while accommodating the project's unit count and unit size needs.

Therefore, the proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code

**2. Supplemental Findings-Affordable Housing, In-Fill Projects, Sustainable Buildings Deviation- SDMC Section 126.0404 (f)**

**a. The development will materially assist in accomplishing the goal of providing affordable housing, in-fill projects, or sustainable buildings opportunities.**

The site is designated High Density Residential (45-75 DU/acre) within the CACP. Within the 1.33 acres of the site that are zoned RM-3-9, this designation allows up to 100 units. The 55th Street Subarea further states that it will be redeveloped residentially as a faculty, staff, and student housing area at medium to medium-high density. The project provides 90 units, which is approximately 67.6 DU/acre, achieving this goal.

By receiving the three deviations outlined above in Finding A.1.c., the project materially assists in the provision of providing an in-fill building opportunity that meets the medium-/medium-high density requirements of the CACP while providing a unit count and mix that reflects the varied living preferences of the desired demographic (college students, per the CACP). To more strictly meet the desired density range on this site would likely have resulted in smaller units with fewer bedrooms and/or more of a need to encroach into environmentally sensitive lands.

Maximizing housing within this infill development site furthers General Plan and CACP goals and policies related to the provision of housing.

Based on the above, the development will materially assist in accomplishing the goal of providing affordable housing, in-fill development, and sustainable buildings.

**b. Any proposed deviations are appropriate for the proposed location.**

The purpose of the Affordable Housing, In-Fill Projects, and Sustainable Buildings Development Regulations is to provide flexibility in the application of development regulations for projects providing affordable shelter and to provide an additional incentive to facilitate the development of affordable housing, in-fill projects, and sustainable buildings while assuring that the development achieves the purpose and intent of the applicable land use plan. Maximizing housing within this vacant infill development site furthers General Plan and GHCP goals and policies related to the provision of housing.

The three deviations outlined above in Finding A.1.c. above are necessary due to site constraints (a relatively small flat pad with a relatively high allowable density). They allow the project to maximize density while accommodating the flexible and varied needs of students, maintain the architectural character of the project, minimize effects on environmentally sensitive lands on an otherwise underutilized site. The proposed deviations provide a design that is suitable for the proposed development and are appropriate for this location.

**B. SITE DEVELOPMENT PERMIT FINDINGS – SDMC SECTION 126.0505**

**1. Findings for all Site Development Permit- SDMC Section 126.0505(a) [per SDMC Section 143.0920(a)]**

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

See Finding A.1.a above.

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

See Finding A.1.b above.

**c. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code.**

See Finding A.1.c above.

**2. Supplemental Findings-Environmentally Sensitive Lands – SDMC Section 126.0505 (b)**

**a. 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 College View Apartments project proposes demolition of an existing building, pool, and surface parking and the construction of a 6-story, 90 unit, 175,667 square-foot apartment building with one-story subterranean parking garage on a 2.39-acre site. The

project would contain fifteen one-bedroom units, five two-bedroom units, four three-bedroom units, and 66 four-bedroom units, a 980-square-foot leasing office, 1,721-square-foot lobby, and 953-square-foot fitness center. The project would also include a courtyard, pool and spa.

The existing apartments to be demolished occupy an existing flat building pad. The proposed project uses this pad almost exclusively, with only very small portion of the project (pool and parking garage) extending beyond this area.

The project site contains the Multiple Habitat Planning Area, and generally contains Environmentally Sensitive Lands in the form of Steep Hillside and Biological Resources. The project does not propose development in natural Steep Hillside. It would be required to mitigate for 0.25 acres of Tier IIIA habitat (Mixed Chaparral). Impacts to that 0.25 acre of sensitive vegetation would be mitigated by the onsite preservation of 0.78 acre of sensitive vegetation. The project will require a Boundary Line Adjustment (BLA) prior to issuance of any permits, and the preserved habitat areas on the site would be all within the boundaries of the adjusted MHPA. The preserved habitat would have long-term biological values as it is connected to a larger area of MHPA land to the north and east. Noise and nighttime lighting from the development to the south would be well above the habitat and not expected to result in significant edge effects.

Based on the above, 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.

**b. The proposed development will minimize the alteration of natural landforms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.**

The project is located in a Brush Management Zone and Very High Fire Hazard Severity Zone, and has been designed in accordance with [SDMC 142.0412](#), Brush Management. It will occupy an existing flat pad and does not alter existing natural landforms. All drainage from the site is conveyed according to accepted civil engineering standards, and drainage flow rates from the project site are not increased over existing conditions.

According to a geotechnical investigation report prepared for the project by **NOVA Services, Inc.**, the site is suitable for the proposed development provided the geotechnical recommendations are incorporated into project design. **The project has been conditioned to require the preparation of a geotechnical investigation report in accordance with the City's Guidelines for Geotechnical Reports that specifically addresses the proposed grading plans prior to the issuance of any grading permits.** Additionally, the project would be required to comply with the California Building Code, City of San Diego Grading Ordinance, as well as the Storm Water Standards, and utilize proper engineering design and construction practices. 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.

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

As stated previously, although the project site contains the Multiple Habitat Planning Area, and generally contains Environmentally Sensitive Lands in the form of Steep Hillides and Biological Resources, it is sited on an existing flat pad and maintains existing drainage patterns.

The project does not propose development in natural Steep Hillides. The project would be required to mitigate for 0.25 acres of Tier IIIA habitat (Mixed Chaparral). Impacts to that 0.25 acre of sensitive vegetation would be mitigated by the onsite preservation of 0.78 acre of sensitive vegetation. The project will require a Boundary Line Adjustment (BLA) prior to issuance of any permits, and the preserved habitat areas on the site would be all within the boundaries of the adjusted MHPA. The preserved habitat would have long-term biological values as it is connected to a larger area of MHPA land to the north and east. Noise and nighttime lighting from the development to the south would be well above the habitat and not expected to result in significant edge effects.

The project will comply with all applicable water quality regulations, including obtaining and complying with those conditions established in State Waste Discharge equirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits. Both of these permits include the treatment of all surface runoff from paved and developed areas, the implementation of applicable Best Management Practices (BMPs) during construction activities and the installation and proper maintenance of structural BMPs to ensure adequate long-term treatment of water before entering into any stream course or offsite conservation areas. The project will include the development of an onsite bioretention basin for the capture, treatment and release of project related runoff.

Therefore, the proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

**d. The proposed development will be consistent with the City of San Diego's [Multiple Species Conservation Program] MSCP Subarea Plan and [Vernal Pool Habitat Conservation Plan] VPHCP.**

The 2.39-acre project site is located within the City of San Diego's MSCP Subarea Plan and contains the Multi-Habitat Planning Area (MHPA). The project would be required to mitigate for 0.25 acres of Tier IIIA habitat (Mixed Chaparral). Impacts to that 0.25 acre of sensitive vegetation would be mitigated by the onsite preservation of 0.78 acre of sensitive vegetation. The project will require a Boundary Line Adjustment (BLA) prior to issuance of any permits, and the preserved habitat areas on the site would be all within the boundaries of the adjusted MHPA. The preserved habitat would have long-term biological values as it is connected to a larger area of MHPA land to the north and east. Noise and nighttime lighting from the development to the south would be well above the habitat and not expected to result in significant edge effects. No vernal pools exist on the site.



Therefore, the proposed development will be consistent with the City of San Diego's MSCP Subarea Plan and VPHCP.

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

The project site is located over seven miles from the shoreline and does not increase drainage flow rates over existing conditions. Therefore, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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

The project would be required to mitigate for 0.25 acres of Tier IIIA habitat (Mixed Chaparral). Impacts to that 0.25 acre of sensitive vegetation would be mitigated by the onsite preservation of 0.78 acre of sensitive vegetation. The project will require a Boundary Line Adjustment (BLA) prior to issuance of any permits, and the preserved habitat areas on the site would be all within the boundaries of the adjusted MHPA.

Preserved habitat would have long-term biological values as it is connected to a larger area of MHPA land to the north and east. Noise and nighttime lighting from the development to the south would be well above the habitat and not expected to result in significant edge effects. The nature and extent of mitigation required as a condition of the permit is reasonably calculated to alleviate negative impacts created by the proposed development.

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 Site Development Permit 2343282 and Neighborhood Development Permit 2351788 are granted to PEP-JSW SDSU, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

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Travis Cleveland  
Development Project Manager  
Development Services

Adopted on: April 28, 2021

IO#: 24008382

DRAFT

**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: 24008382

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT 2343282  
NEIGHBORHOOD DEVELOPMENT PERMIT 2351788  
**COLLEGE VIEW APARTMENTS PROJECT NO. 646497 (MMRP)**  
HEARING OFFICER

This Site Development Permit 2343282 and Neighborhood Development Permit 2351788 is granted by the Hearing Officer of the City of San Diego to PEP-JSW SDSU, LLC, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] sections 126.0602(a), 143.0110(a), 143.0465, and 143.0920. The 2.39-acre site is located at 5420 55th Street in the RM-3-9 and RS-1-7 zones of the College Area Community Plan. The project site is legally described as: LOTS 108 and 109 OF COLLEGE VIEW ESTATES UNIT NO. 3 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACORDING TO MAP THEREOF NO. 3157, FILED IN THE OFFICE OF THE COUTNY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 19, 1954.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to construct a 90-unit apartment building, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated April 14, 2021, on file in the Development Services Department.

The project shall include:

- a. A 90-unit, six-story, 175,667-square-foot apartment building, with one-, two-, three-, and four-bedroom units ranging in size from 479 square feet to 1,477 square feet, with leasing office, fitness area, and pool;
- b. Three zoning deviations:
  - 1. A maximum building height of 82 feet where 60 feet is otherwise required per SDMC Table 131-04G.
  - 2. No private open space provided where otherwise at least 75 percent of the dwelling units shall be provided with at least 60 square feet of usable, private, exterior open space abutting the unit with a minimum dimension of 6 feet per SDMC 131.0455(c); with 11,520 square feet of public open space provided instead.

3. Up to 73 percent of the width of the building envelope observes the minimum 10-foot front setback, where otherwise a maximum of 50 percent of the width of the building envelope may observe the minimum 10-foot front setback, provided the remaining percentage of the building envelope width observes the standard 20-foot setback per SDMC 131.0443(f)(1)(A).
- c. Landscaping (planting, irrigation and landscape related improvements);
  - d. Off-street parking;
  - e. An MHPA Boundary Line Adjustment; and
  - f. 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 April 28, 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:
  - 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. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the federal Endangered Species Act [ESA] and by the California Department of Fish and Wildlife [CDFW] pursuant to California Fish and Wildlife Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFW, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, in accordance with Section 17.1D of the IA.
8. 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.
9. 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.
10. 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" conditions(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.

11. 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/MITIGATION REQUIREMENTS:**

12. 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.

13. The mitigation measures specified in the MMRP and outlined in MITIGATED NEGATIVE DECLARATION NO. 646497 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in MITIGATED NEGATIVE DECLARATION NO. 646497 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 the following issue areas:

**Biological Resources**

**CLIMATE ACTION PLAN REQUIREMENTS:**

15. 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:**

16. Prior to issuance of any building permit associated with this Project, the Owner/Permittee shall demonstrate compliance with the provisions of the Inclusionary Affordable Housing Regulations of San Diego Municipal Code Chapter 14, Article 2, Division 13 and the Inclusionary Housing Procedures Manual. The Owner/Permittee shall either pay the Inclusionary In-Lieu Fee or provide affordable housing units onsite. If affordable units are provided, the Owner/Permittee shall enter into a written Agreement with the San Diego Housing Commission which shall be drafted and approved by the San Diego Housing Commission, executed by the Owner/Permittee, and secured by a deed of trust which incorporates applicable affordability conditions consistent with the San Diego Municipal Code. The Agreement will specify that in exchange for the City's approval of the Project, the Owner/Permittee shall provide 2 affordable units with rents of no more than 30% of 60% of AMI for no fewer than 55 years.

**ENGINEERING REQUIREMENTS:**

17. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a new City standard 20 ft driveway, adjacent to the site on 55th Street, satisfactory to the City Engineer.

18. Prior to the issuance of any building 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 55th Street, satisfactory to the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the and landscape and street trees in the 55th Street Right-of-Way, satisfactory to the City Engineer.

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

21. 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 the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

22. 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.

23. 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.

24. Prior to the issuance of any building permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
25. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009DWQ, or subsequent order, and the Municipal Storm Water Permit, Order No. R9-2013-0001, 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.
26. 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:**

27. 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.
28. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
29. Prior to issuance of any building permit (including shell), 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.
30. 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.'

31. 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.

32. 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.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

33. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.

34. The Brush Management Program shall be based on a standard Zone One of 35-ft. in width and a Zone Two of 65-ft. in width, exercising the Zone Two reduction option and Alternative Compliance measures set forth under §142.0412(f), §142.0412(i), and §142.0412(j). Zone One shall range from 35-ft. to 53-ft. in width with a corresponding Zone Two of 38-ft. to 65-ft. in width, extending out from the habitable structures towards the native/naturalized vegetation as shown on Exhibit "A." Where the full brush management zones cannot be provided, openings along the brush side of the habitable structures, plus a 10-ft. perpendicular return along adjacent wall faces, shall be upgraded to dual-glazed, dual-tempered panes as alternative compliance for the reduced brush management zones.

35. Prior to issuance of any grading permit, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

36. Prior to issuance of any Building Permits, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

37. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

**MULTIPLE SPECIES CONSERVATION PROGRAM:**

38. Prior to recordation of the first final map and/or issuance of any grading permits, the on-site MHPA shall be conveyed to the City's MSCP preserve through either fee title to the City, covenant of easement granted in favor of the City and wildlife agencies or dedication of land in fee title to the City. Conveyance of any land in fee to the City shall require approval from the Park and Recreation Department Open Space Division Deputy Director and shall exclude detention basins or other stormwater control facilities, brush management areas, landscape/revegetation areas, and graded slopes.

To facilitate MHPA conveyance, any non-fee areas shall have covenant of easements for MHPA lands placed over them if located in the MHPA, and be maintained in perpetuity by the owner/Permittee/Applicant unless otherwise agreed to by the City for acceptance of dedicated land in fee title.

39. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, the owner/permittee shall depict the following requirements on the construction documents and plans for Project Site.

- **Grading/Land Development/MHPA Boundaries** -Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint.
- **Drainage** - All staging and developed/paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved temporary and permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
- **Toxics/Project Staging Areas/Equipment Storage** - Projects that use chemicals or generate by-products such as pesticides, herbicides, and animal waste, and other substances that are potentially toxic or impactive to native habitats/flora/fauna (including water) shall incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. No trash, oil, parking, or other construction/development-related material/activities shall be allowed outside any approved construction limits. Provide a note in/on the CD's that states: "All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA."
- **Lighting** -All lighting within or adjacent to the MHPA is directed away/shielded from the MHPA or limited to the immediate area and is in compliance with City Outdoor Lighting Regulations per LDC Section 142.0740.

- **Barriers** -Existing fences/walls; and/or signage along the MHPA boundaries shall remain and or be added to direct public access to appropriate locations, reduce domestic animal predation, protect wildlife in the preserve, and provide adequate noise reduction where needed.
- **Invasives** - No invasive, non-native plant species shall be introduced into areas within or adjacent to the MHPA.
- **Brush Management** -Brush management zones will not be greater in size that is currently required by the City's regulations (this includes use of approved alternative compliance). Within Zone 2 the amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a home-owner's association or other private party.
- **Noise** - Construction noise that exceeds the maximum levels allowed (60 dB or greater at the beginning edge of the habitat) shall be avoided during the breeding seasons for any species identified as listed, candidate, sensitive, or special status in the MSCP (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a preconstruction survey to determine the presence or absence of nesting for these three sensitive bird species on the proposed area of disturbance. The preconstruction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the preconstruction survey to the City's Development Services Department for review and approval prior to initiating any construction activities. If nesting coastal California gnatcatchers, sensitive, or MSCP-covered birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section or Resident Engineer, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction

#### **PLANNING/DESIGN REQUIREMENTS:**

40. 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.

41. Prior to the issuance of any construction permits, the Owner/Permittee shall execute and record a Covenant of Easement which ensures preservation of the Environmentally Sensitive Lands that are outside the allowable development area on the premises as shown on Exhibit "A". The Covenant of Easement shall include a legal description and an illustration of the premises showing the development area and the Environmentally Sensitive Lands as shown on Exhibit "A."

42. 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.

#### **GEOLOGY REQUIREMENTS:**

43. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

44. The Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to exoneration of the bond and grading permit close-out.

#### **TRANSPORTATION REQUIREMENTS**

45. The automobile, 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.

46. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the construction of a two new emergency access only driveways per 'Exhibit A', satisfactory to the City Engineer.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

47. Prior to the issuance of any Building Construction Permit, the Owner/Permittee shall have constructed, or ensured the construction of via permit and bond, all proposed public and private water and sewer facilities within the public ROW, and/or public easement, in accordance with the criteria established in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and all applicable City regulations, standards and practices.

48. Prior to any Building Construction Permit being issued, any private improvements which lie within a public ROW fronting the development, or within a public easement inside the development,

which could inhibit the City's right to access, maintain, repair, or replace its public water and sewer facilities must be removed unless the Owner/Permittee has or obtains a City approved/County Recorded Encroachment and Maintenance Removal Agreement (EMRA) specific to that encroachment.

49. Prior to any Certificate of Occupancy being issued, all domestic, irrigation, and fire water lines serving this development must pass through a permitted, private, above ground, backflow prevention device (BFPD).

50. Prior to any Certificate of Occupancy being issued, any damages caused to the City of San Diego's public water and/or sewer facilities, which are due to the activities associated with this development, shall be repaired or reconstructed in a manner satisfactory to the Public Utilities Director and the City Engineer in accordance with Municipal Code section 142.0607.

51. No trees or shrubs exceeding three feet in height at maturity shall be installed, or allowed to remain, within ten feet of any public sewer facilities or within five feet of any public 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 Hearing Officer of the City of San Diego on April 28, 2021 and [Approved Resolution Number].

Site Development Permit 2343282 and Neighborhood Development Permit 2351788  
Date of Approval: April 28, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Travis Cleveland  
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.

**PEP-JSW SDSU, LLC**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

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

RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

WHEREAS, on November 6, 2019, PEP-JSW SDSU, LLC submitted an application to the Development Services Department for a Site Development Permit for Environmentally Sensitive Lands, Neighborhood Development Permit, and MSCP Multi-Habitat Planning (MHPA) Boundary Line Adjustment for the College View Apartment (Project); and

WHEREAS, the matter was set for a Public Hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on April 28, 2021; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigated Negative Declaration No. 646497 (Declaration) prepared for this Project; NOW THEREFORE,

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

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

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

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Staff is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego.

By: \_\_\_\_\_  
Travis Cleveland, Development Project Manager

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



## EXHIBIT A

### MITIGATION MONITORING AND REPORTING PROGRAM

Site Development Permit for Environmentally Sensitive Lands, Neighborhood Development Permit, and MSCP Multi-Habitat Planning (MHPA) Boundary Line Adjustment for the College View Apartment (Project);

PROJECT NO. 646497

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 646497 shall be made conditions of Site Development Permit for Environmentally Sensitive Lands, Neighborhood Development Permit, and MSCP Multi-Habitat Planning (MHPA) Boundary Line Adjustment as may be further described below.

#### V. MITIGATION MONITORING REPORTING PROGRAM (MMRP):

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

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

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

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

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

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

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is

authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

**B. GENERAL REQUIREMENTS – PART II**

**Post Plan Check (After permit issuance/Prior to start of construction)**

**1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

**Qualified Biologist**

**Note:**

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

CONTACT INFORMATION:

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

**2. MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) #646497 and /or Environmental Document #646497, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

**Note:**

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

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

California Department of Fish and Wildlife (concurrence)  
U.S. Fish and Wildlife Service (concurrence)

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

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

**5. OTHER SUBMITTALS AND INSPECTIONS:**

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

**Document Submittal/Inspection Checklist**

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
Biology	Consultant Qualified Letter	MMC Approval/prior to precon
Biology	Biology Monitoring Exhibit	
Biology	Protocol or other Survey	
Biology	Limit of Work Verification Letter	MMC Inspection/1 week after MMC inspection Prior to starting work
Final Approval	Request for Final	Final Inspection/ 1 week after request
Bond Release	Request letter	Final to MMRP Inspection prior Bond Release Letter.

**B. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

**Biological Resource Protection During Construction**

**I. Prior to Construction**

- A. **Biologist Verification** - The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City's Biological Guidelines (2018), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. **Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

- C. **Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per the City's Biology Guidelines, MSCP, ESL Ordinance, project permit conditions; CEQA; endangered species acts (ESAs); and/or other local, state or federal requirements.
- D. **Biological Construction Mitigation/Monitoring Exhibit (BCME)** - The Qualified Biologist shall present a BCME, which includes the biological documents in "C" above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including U.S. Fish and Wildlife Service protocol), timing of surveys, wetland buffers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City Assistant Deputy Director (ADD)/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.
- E. **Avian Protection Requirements** - To avoid any indirect impacts to the Southern California rufous-crowned sparrow and Bell's sage sparrow, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a preconstruction survey to determine the presence or absence for these two sensitive bird species on the proposed area of disturbance. The preconstruction survey shall be conducted within 3 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the preconstruction survey to the City's Development Services Department for review and approval prior to initiating any construction activities. If Southern California Rufous crowned-sparrow and Bell's sage sparrow are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable state and federal law (i.e., appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section or Resident Engineer, and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.
- F. **Resource Delineation** - Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora and fauna species) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

- G. **Education** – Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

- A. **Monitoring** – All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on “Exhibit A” and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the preconstruction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to the MMC on the first day of monitoring, the first week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.
- B. **Subsequent Resource Identification** – The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna on-site (e.g., flag plant specimens for avoidance during access, etc.). If active nests for Cooper’s hawk, rufous-crowned sparrow, and coastal California gnatcatcher, or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

## III. Post Construction Measures

- A. In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

**MITIGATION REQUIREMENTS FOR IMPACTS TO SENSITIVE VEGETATION**

Table 4 Mitigation Requirement for Sensitive Vegetation Communities									
Vegetation Community (Tier)	Impact Inside MHPA (acres)	Mitigation Ratio for Impacts Inside the MHPA with Preservation Located Inside MHPA	Sub-Total (acres)	Impact Outside MHPA (acres)	Mitigation Ratio for Impacts Outside the MHPA with Preservation Located Inside MHPA	Sub-Total (acres)	Total Mitigation Requirement (acres)	On-site Preservation Inside MHPA <sup>1</sup> (acres)	Remaining Mitigation Requirement
Southern Mixed Chaparral (Tier IIIA)	0.10	1:1	0.10 <sup>2</sup>	0.15	0.5:1	0.075 <sup>2</sup>	0.175 <sup>2</sup>	0.78	0
<b>Total</b>	<b>0.10</b>		<b>0.10</b>	<b>0.15</b>		<b>0.075</b>	<b>0.175</b>	<b>0.78</b>	<b>0</b>

The project would be required to mitigate for 0.25 acres of Tier IIIA habitat. Impacts to a total of 0.25 acre of sensitive vegetation would be mitigated by the onsite preservation of 0.78 acre of sensitive vegetation, as summarized by habitat type in Table 4. The project will require a Boundary Line Adjustment (BLA), prior to issuance of any permits. The preserved habitat areas on the site would be all within the boundaries of the adjusted MHPA.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.



City of San Diego  
 Development Services  
 1222 First Ave., MS-302  
 San Diego, CA 92101

THE CITY OF SAN DIEGO

# Community Planning Committee Distribution Form Part 1

<b>Project Name:</b>	<b>Project Number:</b>	<b>Distribution Date:</b>
----------------------	------------------------	---------------------------

**Project Scope/Location:**

<b>Applicant Name:</b>	<b>Applicant Phone Number:</b>
------------------------	--------------------------------

<b>Project Manager:</b>	<b>Phone Number:</b>	<b>Fax Number:</b> (619) 321-3200	<b>E-mail Address:</b>
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**Project Issues (To be completed by Community Planning Committee for initial review):**

<p><i>Attach Additional Pages If Necessary.</i></p>	<p><b>Please return to:</b>  <b>Project Management Division</b>  <b>City of San Diego</b>  <b>Development Services Department</b>  <b>1222 First Avenue, MS 302</b>  <b>San Diego, CA 92101</b></p>
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 Upon request, this information is available in alternative formats for persons with disabilities.



City of San Diego  
 Development Services  
 1222 First Ave., MS-302  
 San Diego, CA 92101

THE CITY OF SAN DIEGO

# Community Planning Committee Distribution Form Part 2

<b>Project Name:</b>		<b>Project Number:</b>		<b>Distribution Date:</b>	
<b>Project Scope/Location:</b>					
<b>Applicant Name:</b>				<b>Applicant Phone Number:</b>	
<b>Project Manager:</b>		<b>Phone Number:</b>	<b>Fax Number:</b> (619) 321-3200	<b>E-mail Address:</b>	
<b>Committee Recommendations (To be completed for Initial Review):</b>					
<input type="checkbox"/> <b>Vote to Approve</b>		<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>	
<input type="checkbox"/> <b>Vote to Approve With Conditions Listed Below</b>		<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>	
<input type="checkbox"/> <b>Vote to Approve With Non-Binding Recommendations Listed Below</b>		<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>	
<input type="checkbox"/> <b>Vote to Deny</b>		<b>Members Yes</b>	<b>Members No</b>	<b>Members Abstain</b>	
<input type="checkbox"/> <b>No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)</b>				<input type="checkbox"/> <b>Continued</b>	
<b>CONDITIONS:</b>					
<b>NAME:</b>			<b>TITLE:</b>		
<b>SIGNATURE:</b>			<b>DATE:</b>		
<i>Attach Additional Pages If Necessary.</i>			<b>Please return to:</b> <b>Project Management Division</b> <b>City of San Diego</b> <b>Development Services Department</b> <b>1222 First Avenue, MS 302</b> <b>San Diego, CA 92101</b>		
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# Site Photos



**Project No. 646497, College View Apartments: Looking northwest at project site  
5420 55<sup>th</sup> Street**



# Site Photos



**Project No. 646497, College View Apartments: Looking southwest at project site  
5420 55<sup>th</sup> Street**





## Site Photos



**Project No. 646497, College View Apartments: Looking northeast at existing building  
5420 55<sup>th</sup> Street**



# Site Photos



**Project No. 646497, College View Apartments: Looking west from project site  
5420 55<sup>th</sup> Street**





## Site Photos



**Project No. 646497, College View Apartments: Looking east toward existing buildings  
5420 55<sup>th</sup> Street**





## Site Photos



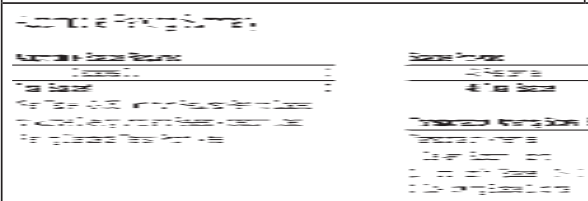
**Project No. 646497, College View Apartments: Looking north from southern property line across open space 5420 55<sup>th</sup> Street**

Table with 2 columns: Section Name and Description. Sections include Project Narrative, Planning Information, Product Narrative, Environmental, Landmarks, and Accessibility.

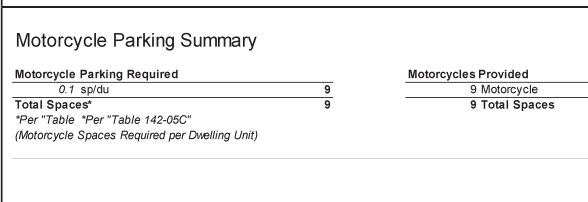
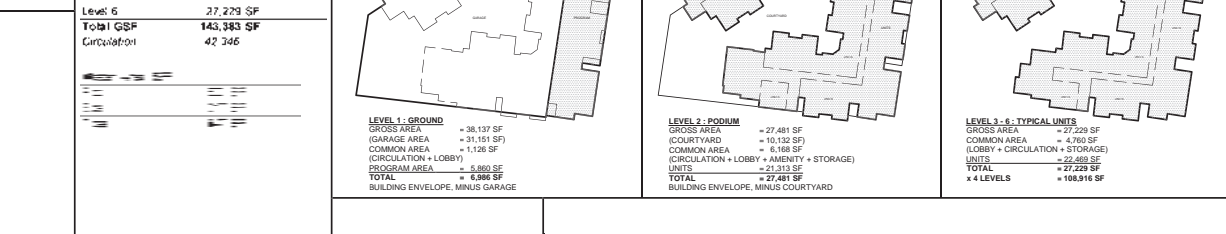
Table with 2 columns: Section Name and Description. Sections include Additional Information, Environmental, Landmarks, and Accessibility. This table continues the information from the left table.

Table with 2 columns: Regulation Name and Requirements. Includes Development Regulations for RS-1-1 and RM-3-9 zones, covering metrics like Max permitted density, Min lot area, and Setback requirements.

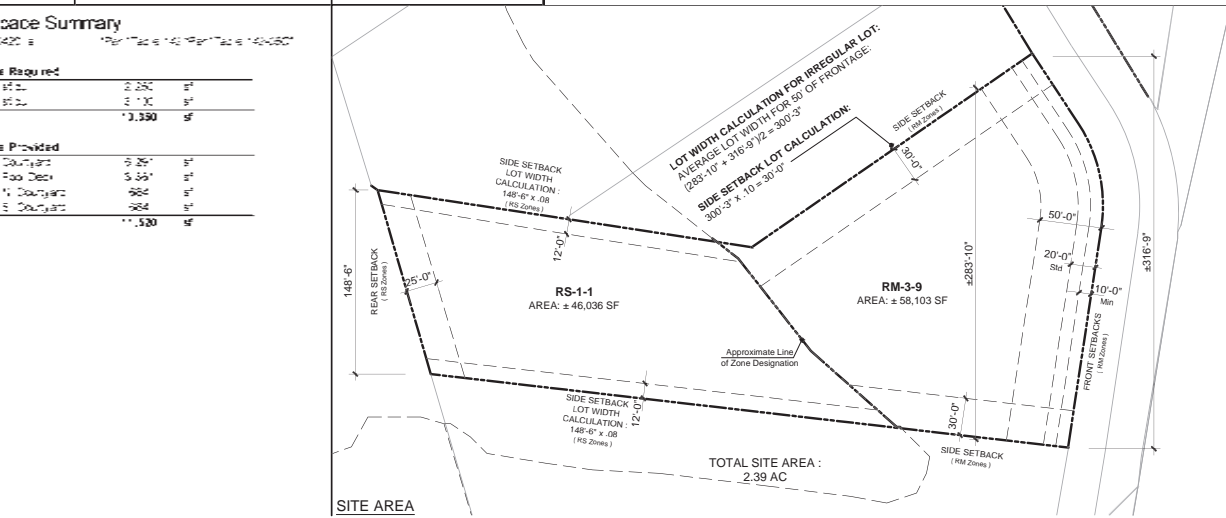
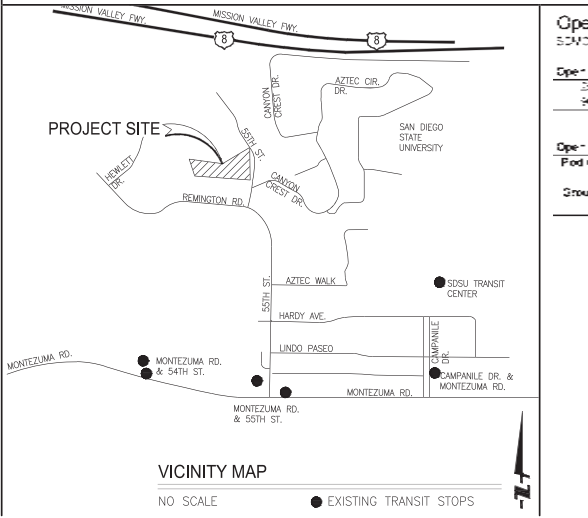
Building Summary table with columns for Unit Type, Description, and various metrics. Includes a 'Lessing & Amenities (SF)' table and a 'Gross Building Area (SF)' table.



Motorcycle Parking Summary table with columns for Motorcycle Parking Required and Motorcycles Provided. Shows a total of 9 motorcycle spaces required and provided.



Open Space Summary table with columns for Open Space Required and Open Space Provided. Shows 2,390 SF required and 1,520 SF provided.



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888.456.5849
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Pierce Education Properties
8880 Rio San Diego Drive, Suite 750
San Diego, CA 92108

COLLEGE VIEW
SAN DIEGO, CALIFORNIA # 2018-0195

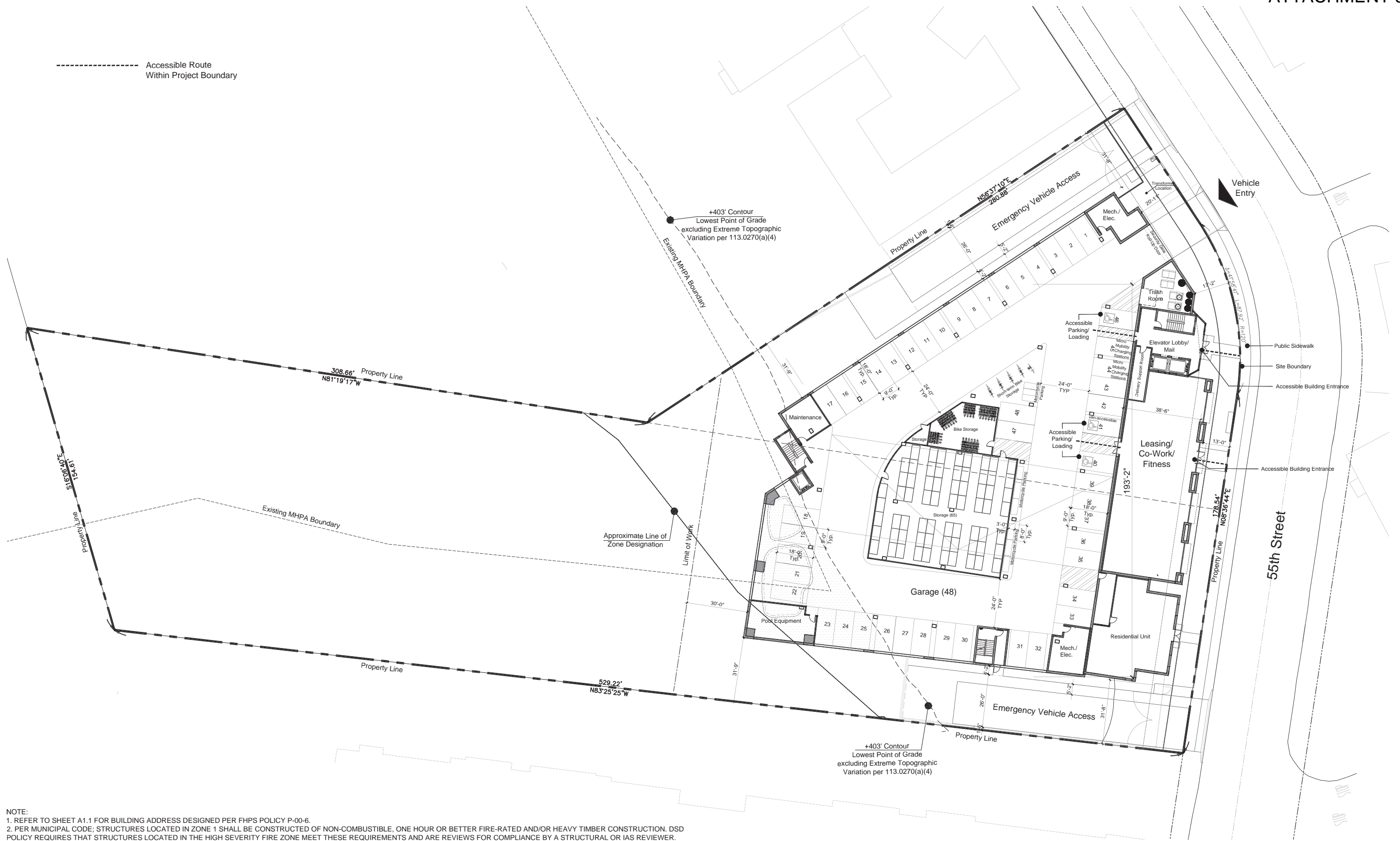
SCHEMATIC DESIGN

ORIGINAL DRAWING PREPARATION DATE: 8/22/2019
REVISION DATE(S): 11/01/2019, 07/02/2020, 03/24/2020, 10/12/2020

DEVELOPMENT SUMMARY

A0.0





NOTE:  
 1. REFER TO SHEET A1.1 FOR BUILDING ADDRESS DESIGNED PER FHPS POLICY P-00-6.  
 2. PER MUNICIPAL CODE; STRUCTURES LOCATED IN ZONE 1 SHALL BE CONSTRUCTED OF NON-COMBUSTIBLE, ONE HOUR OR BETTER FIRE-RATED AND/OR HEAVY TIMBER CONSTRUCTION. DSD POLICY REQUIRES THAT STRUCTURES LOCATED IN THE HIGH SEVERITY FIRE ZONE MEET THESE REQUIREMENTS AND ARE REVIEWS FOR COMPLIANCE BY A STRUCTURAL OR IAS REVIEWER.

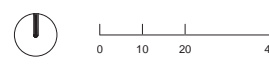


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 San Diego, CA 92108

COLLEGE VIEW  
 SAN DIEGO, CALIFORNIA # 2018-0195

SCHEMATIC DESIGN



ORIGINAL DRAWING  
 PREPARATION DATE:  
 8/22/2019

REVISION DATE(S):  
 11/01/2019 07/02/2020  
 03/24/2020 10/12/2020

SITE PLAN

A1.0