



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** September 30, 2009 **REPORT NO.** PC-09-082

**ATTENTION:** **Planning Commission, Agenda of October 8, 2009**

**SUBJECT:** 5566 LINDO PASEO – PROJECT NO. 170668  
PROCESS FOUR

**REFERENCE:** College Area Community Plan -  
<http://www.sandiego.gov/planning/pdf/commplans/collegearea/cacpfullversion.pdf>

College Community Redevelopment Project Master Project Plan -  
<http://www.sandiego.gov/redevelopment-agency/pdf/masterprojectplan.pdf>

**OWNER/  
APPLICANT:** 5566 Lindo Paseo, LLC (Attachment 10)

### SUMMARY

**Issue(s):** Should the Planning Commission approve a Conditional Use Permit and a Planned Development Permit to allow the demolition of an existing single-family residence and the construction of a three-story fraternity house with 22 beds on a 0.13-acre site located at 5566 Lindo Paseo in the RM-3-9 Zone within the College Area Community Plan?

**Staff Recommendation:** Approve Conditional Use Permit No. 613432 and Planned Development Permit No. 679638.

**Community Planning Group Recommendation:** On June 10, 2009, the College Area Community Planning Group voted 8-0-0, to recommend approval of the project with no conditions (Attachment 8).

**Environmental Review:** In accordance with the State of California Environmental Quality Act (CEQA) Guidelines, this project was determined to be categorically exempt

from the California Environmental Quality Act on March 19, 2009 and the opportunity to appeal that determination ended on April 3, 2009.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid by the applicant through a deposit account.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** The project proposes to demolish an existing single-family residence and construct a 22-room fraternity house. The College Area Community Plan designates the site for high-density residential development at a rate of 45-75 dwelling units per acre, or 8-13 units allowed on this 0.13-acre site. The Community Plan also specifically designates the site for fraternity housing or uses that could be converted to fraternity housing.

## **BACKGROUND**

The 0.13-acre urban infill project site is located at 5566 Lindo Paseo, on the north side of Lindo Paseo between 55<sup>th</sup> Street and Campanile Drive within the College Area Community Plan, the College Area Redevelopment Project Plan Area and the Campus Parking Impact Overlay Zone. The site is zoned RM-3-9, which allows multi-family development at a rate of one unit per 600 square feet of lot area, or 12 units allowed on this 5,662-square-foot site. The College Area Community Plan designates the site for high-density residential development at a rate of 45-75 dwelling units per acre, or 8-13 units allowed on this site.

The Community Plan also designates this site for fraternity housing and uses which are intended to serve fraternity residents, or multi-family uses which are convertible to sorority or fraternity use. In addition to the College Area Community Plan, applicable policy documents for this site include the College Community Redevelopment Master Project Plan and the Core Subarea Design Manual.

There is an existing, approximately 1,655-square-foot, single-family residence built in 1951 on the project site. Staff has reviewed the existing residence for historicity and concluded the structure is not historic. The property to the north of the project site is developed with three- to four-story multi-family housing units. The properties to the east include multi-family structures, a surface parking lot and a multi-level parking structure. Directly south of the property is a vacant lot and to the west is a three-story fraternity house.

The College Area Community Plan (CACP) was last amended by the City Council on August 3, 2002, and reflects the long range goals of this site being devoted to fraternity use. The CACP references the College Community Redevelopment Project (CCRP), and requires the creation of a Master Project Plan to implement the College Area Community Plan and the College Community Redevelopment Project, as well as aid in the redevelopment of five subareas surrounding San Diego State University. The Master Project Plan (MPP) for the College Community Redevelopment Project was approved by the City Council on October 12, 1993. This project site is within the "Core Subarea" of the CCRP. The Core Subarea Design Manual

was adopted by the City Council on August 12, 1997. Both the MPP and Core Subarea Design Manual contain guidelines and regulations regarding the development of this project site.

## **DISCUSSION**

### **Project Description:**

The applicant proposes to demolish the existing residence and construct an approximately 7,771-square-foot, three-story fraternity house consisting of 22 single-occupancy bedrooms, common-areas including study/meeting/TV/storage rooms and two kitchens. The structure would house 21 fraternity members and one resident manager. The project would also include two decks located on the second and third floor totaling approximately 893-square-feet.

The site is located within the Core Sub-Area portion of the College Community Master Plan and within the Campus Parking Impact Area, and the required parking ratio is 0.75 parking spaces per resident for fraternity projects. The total number of residents is limited to 22 per Condition No. 26 of the project permit (Attachment 6), ensuring that the 6 onsite spaces and 11 off-site spaces provided would be adequate (22 residents x 0.75 = 17). Bicycle parking would also be provided in the garage.

The project would provide 6 on-site, on grade parking spaces accessed from Lindo Paseo at the front of the site. The remaining 11 parking spaces would be provided off-site through a shared parking agreement (Attachment 9) per Condition No. 34 of the project permit (Attachment 6). The owner of the property located at 5566 Lindo Paseo, San Diego, CA, agrees to provide all subsequent tenants with 11 annual parking passes at any publicly owned parking garage on the campus of San Diego State University and within 600 feet of the project site.

The maximum height of the three-story structure would be approximately 40 feet, which complies with the 60-foot maximum height allowance in the RM-3-9 Zone and is similar to the height of the three- to four-story multi-family development located just north of the project site. With the exception of the requested deviations to the drive aisle width and sewer line separation distance discussed on Page Four of this report, the project meets all of the applicable development and design standards for the RM-3-9 Zone, the Community Plan and the College Community Redevelopment Project Master Plan.

The building would feature a stucco finish with multiple offsetting planes and deep-set scoring lines to provide visual interest and reduce the bulk of the structure. Complementing paint colors would be utilized for several of the offsetting planes along with wood and aluminum framed custom windows and placement of the brushed aluminum fraternity signage element. The composition fiberglass roof shingles would be an angled design with a trellis above the third floor deck area. Also incorporated into the building design is the landscaping which will help to define the future look of Lindo Paseo by establishing a pattern of non-continuous sidewalks street trees located within the parkway, as envisioned in the Community Plan.

The project has been conditioned to upgrade portions of the existing water lines in the neighborhood. This would include construction of a new 12-inch water main to replace the



existing 5-inch and 6-inch water facilities in Lindo Paseo, from 55th Street to Campanile Drive and the construction of a new 12-inch water main in Campanile Drive, from Lindo Paseo to Montezuma Road.

#### Required Permits

As described in Section 131.0422 of the Municipal Code, *Use Regulations Table for Residential Zones*, the development of a fraternity house in the RM-3-9 Zone requires the approval of a Conditional Use Permit. In order to allow the requested deviations (as described below), the approval of a Planned Development Permit (PDP) is required as described in Section 143.0402 of the Municipal Code, *When Planned Development Permit Regulations Apply*. The project would also require the approval of a Phased Project Redevelopment Permit (PPRP), as described in the College Community Redevelopment Project Master Plan. Because the PPRP is not a defined permit within the Municipal Code, the Planned Development Permit (PDP) included with this project functions to implement this requirement.

#### Deviations for Drive Aisle Width and Sewer Line Separation Distance

The project includes a request to deviate from the drive aisle width and sewer line separation distance requirements, which is allowed with the approval of a Planned Development Permit (PDP).

The project as proposed would utilize a 16-foot drive aisle in lieu of the 24-foot minimum required by Section 142.0560 of the Municipal Code. The applicant is requesting this deviation due to the minimal width of the lot which is 58 feet. City staff is supportive of the requested deviation as it provides for a more pedestrian oriented development, a well marked entrance with shade producing trees, a non-contiguous sidewalk and a shallow setback that locates the residence closer to the sidewalk.

The project as proposed would utilize a 9-foot separation from the proposed structure to the existing public sewer main where 10 feet is the minimum required. Staff is supportive of the requested deviation as the applicant has agreed to relocate an existing sewer lateral to the existing sewer main to allow for a future sewer main in Lindo Paseo in exchange for this deviation.

#### Community Plan Analysis:

The College Area Community Plan designates the proposed project site for fraternity use with a density of 45 to 75 dwelling units per acre and a maximum allowable height of 60 feet. This designation supports the proposed three-story, 22-bedroom fraternity house and fulfills the goals of the community plan to locate Greek housing within close proximity of San Diego State University.

The proposed project helps to carry out the community plan's objectives to promote a "community campus" by increasing new student housing and providing strong pedestrian orientation between students' residences, the university, and existing retail uses. The proposed project is oriented along Lindo Paseo to encourage pedestrian access from the street. The



pedestrian environment is enhanced through a well marked entrance with shade producing trees, a non-contiguous sidewalk and a shallow setback that locates the residence closer to the sidewalk. In addition, the proposed project provides a bicycle storage area to support bicycling as an alternative form of transportation. These elements and the project's convenient location should facilitate the reduction of vehicle trips and reduce local traffic congestion, fulfilling yet another community plan objective. In addition, the project includes a recreation room and two decks which comply with the community plan recommendation to provide residents with on-site recreational facilities.

### **Environmental Analysis:**

In accordance with the State of California Environmental Quality Act (CEQA) Guidelines per Section 15332, Infill Development, this project was determined to be categorically exempt from the California Environmental Quality Act on March 19, 2009, and the opportunity to appeal that determination ended on April 3, 2009.

### **Conclusion:**

In summary, staff finds that the project is consistent with the recommended land use, design guidelines and development regulations in effect for this site per the adopted College Area Community Plan, the College Community Redevelopment Master Project Plan and the Core Subarea Design Manual, and the RM-3-9 Zone. Staff is supportive of the requested drive aisle and sewer line separation distance deviations which are allowed through the Planned Development Permit process. Draft permit conditions have been prepared for this project (Attachment 6) and all of the findings required to approve the project can be made and are included in the draft resolution (Attachment 7).

### **ALTERNATIVES**

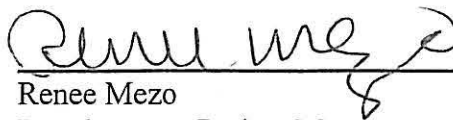
1. **Approve** Conditional Use Permit No. 613432 and Planned Development Permit No. 679638, **with modifications.**
2. **Deny** Conditional Use Permit No. 613432 and Planned Development Permit No. 679638, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



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Mike Westlake  
Program Manager  
Development Services Department



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Renee Mezo  
Development Project Manager  
Development Services Department

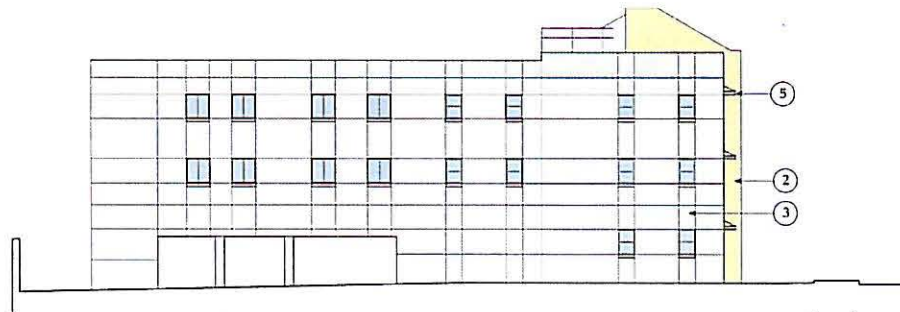
WESTLAKE/ROM

Attachments:

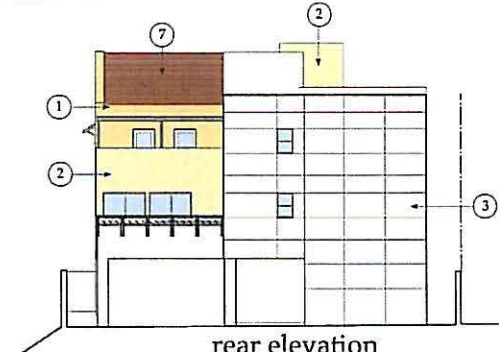
1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Plans
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Draft Shared Parking Permit
9. Ownership Disclosure Statement
10. Photos- Front and Rear Elevations







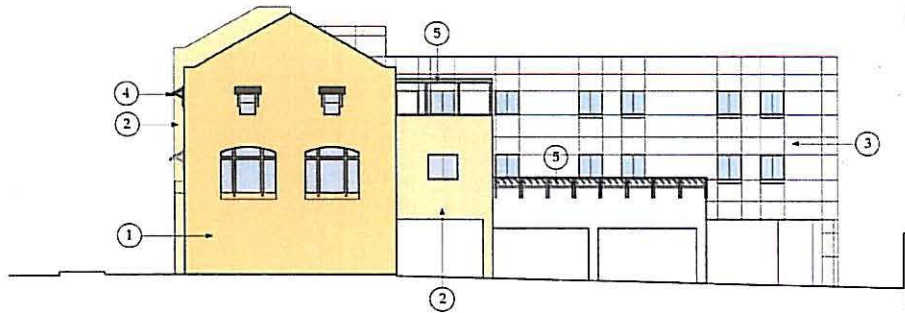
west elevation  
1/8" = 1' 0"



rear elevation  
1/8" = 1' 0"



street elevation  
1/8" = 1' 0"



east elevation  
1/8" = 1' 0"

- color key
- ① Frazee #CL1853M, "fanfare"
  - ② Frazee #CL1721V, "manchu"
  - ③ Frazee #001, "white"
  - ④ Olympic #717
  - ⑤ Frazee #CL3236A, "estate"
  - ⑥ Owings Corning, "desert tan"
  - ⑦ Owings Corning, "autumn brown"



color selections  
EXTERIOR ELEVATIONS

5566 LINDO PASEO  
proposed Fraternity House  
5566 Lindo Paseo  
San Diego, California 92115

ARCHITECTS Richard Bundy & David Thompson

EXTERIOR ELEVATIONS  
color

Conditional Use Permit submittal  
Planned Development Permit submittal

date: 5/15/2014  
project no.: 7-2389

sheet no.:  
4a  
of 10 sheets



photo collage/ context  
 LINDO PASEO, north street ELEVATIONS

5566 LINDO PASEO  
 proposed Fraternity House  
 5566 Lindo Paseo  
 San Diego, California 92115

ARCHITECTS Richard Bundy & David Thompson

PHOTO COLLAGE/CONTEXT

Conditional Use Permit submittal  
 Planned Development Permit submittal

DATE 2/16/2011  
 APPROVED DATE 4/15/2011

SHEET NO.  
**4b**  
 OF 13 SHEETS





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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 43-1967

CONDITIONAL USE PERMIT NO. 613432  
PLANNED DEVELOPMENT PERMIT NO. 679638  
**5566 LINDO PASEO – PROJECT NO. 170668**  
PLANNING COMMISSION  
**DRAFT**

This Conditional Use Permit and Planned Development Permit are granted by the Planning Commission of the City of San Diego to 5566 LINDO PASEO, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0303 (Conditional Use Permit) and 126.0602 (Planned Development Permit). The 0.13-acre site is located at 5566 Lindo Paseo in the RM-3-9 zone, the College Area Redevelopment Project Plan Area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan. The project site is legally described as Lot 21, Block 18 of College Park Unit No. 3, Map No. 2527.

Subject to the terms and conditions set forth in this Permit, permission is granted to the Owner/Permittee to demolish an existing 1,655-square-foot, single-family residence and construct an approximately 7,771-square-foot, 22-bedroom, three-story fraternity house with parking and deviations to the drive aisle width and sewer line separation distance, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated October 8, 2009, on file in the Development Services Department.

The project shall include:

- a. The demolition of the existing 1,655-square-foot, single-family residence;
- b. The construction of an approximately 7,771-square foot, three-story, 22-bedroom fraternity house;
- b. 6 off-street, on grade spaces and 11 parking spaces through a Shared Parking Agreement pursuant to Condition No. 35;
- c. Landscaping (planting, irrigation and landscape related improvements);

- d. A deviation to allow a 16-foot drive aisle width where 24-feet is the minimum required pursuant to Condition No. 32;
- e. A deviation to allow a 9-foot separation distance from the sewer main to the proposed structure where 10-feet is the minimum required pursuant to Condition No. 43;
- f. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

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

#### **ENGINEERING REQUIREMENTS:**

11. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the replacement of the existing rolled curb with City standard curb and gutter with



offsite transitions, along the project frontage on Lindo Paseo, per Standard Drawings G-2 and SDG-100, satisfactory to the City Engineer.

12. Prior to the issuance of any building permit, the Owner/Permittee shall construct a City standard driveway, on Lindo Paseo, per Standard Drawings G-14A, G-16 and SDG-100, satisfactory to the City Engineer.

13. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

14. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

15. 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 Municipal Code, into the construction plans or specifications.

16. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for sidewalk under drain, landscape and irrigation located within Lindo Paseo right-of-way.

**LANDSCAPE REQUIREMENTS:**

17. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

18. Prior to issuance of any construction permits for structures (including shell), complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Concept Plan, on file in the Office of the Development Services Department. Construction plans shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.

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

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

21. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

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

23. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced 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.

**PLANNING/DESIGN REQUIREMENTS:**

24. 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.

25. A resident manager shall reside in the premises at all times and this fraternity may accommodate no more than 22 residents at any one time.

26. The structure shall incorporate the architectural treatments and color scheme consistent with the approved exhibits [Exhibit "A"] dated October 8, 2009, on file in the Development Services Department.

27. The project shall maintain bike storage areas to accommodate a minimum of 12 bicycles.

28. 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 San Diego Municipal Code.

**TRANSPORTATION REQUIREMENTS**

29. Prior to the issuance of the first building permit, the Applicant/Permittee shall pay \$44,000.00 to be used towards the construction of transportation mitigation measures listed in

The College Community Redevelopment Final Program Environmental Report, and to be deposited to a separate interest earning account, satisfactory to the City Engineer.

30. A deviation to allow a 16-foot drive aisle width where 24-feet is the minimum required, is approved as shown on the approved Exhibit "A" for this project.

31. This fraternity may accommodate no more than 22 residents at any one time.

32. A minimum of 6 on-site automobile spaces (including 1 van accessible space) shall be provided as shown on the project's Exhibit "A". All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

33. Prior to the issuance of the first building permit, the Applicant/Permittee shall record an off-site Shared Parking Agreement, to provide a minimum of 11 off-site automobile parking spaces, satisfactory to the City Engineer.

**WATER REQUIREMENTS:**

34. Prior to the issuance of the certificate of occupancy, the Owner/Permittee must provide evidence of the operational acceptance of the construction of a new 12-inch water main to replace the existing 5-inch and 6-inch water facilities in Lindo Paseo, from 55th Street to Campanile Drive, in a manner satisfactory to the Water Department Director and the City Engineer. If these facilities have not received operational acceptance by the Water Department prior to the issuance of certificate of occupancy, then these facilities will be considered as off-site improvements.

35. Prior to the issuance of the certificate of occupancy, the Owner/Permittee must provide evidence of the operational acceptance of the construction of a new 12-inch water main in Campanile Drive, from Lindo Paseo to Montezuma Road, in a manner satisfactory to the Director of Public Utilities and the City Engineer. If these facilities have not received operational acceptance by the Water Department prior to the issuance of certificate of occupancy, then these facilities will be considered as off-site improvements.

36. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) outside of any driveway, and the removal of all existing unused services, within the right-of-way adjacent to the project site, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

37. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.



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

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

**WASTEWATER REQUIREMENTS:**

40. Prior to the issuance of any building permits, the developer shall grant adequate sewer and access easements for all public sewer facilities that are not located within public right of ways, satisfactory to the City of San Diego Director of Public Utilities. Easements shall be surfaced with suitable approved material satisfactory to the Metropolitan Wastewater Department Director.

41. A deviation to allow a 9-foot separation distance from the proposed structure to the sewer main where 10-feet is the minimum required, is approved as shown on the approved Exhibit "A" for this project.

42. Prior to the issuance of any engineering or building permits, the developer shall obtain an Encroachment Maintenance and Removal Agreement for all existing and proposed improvements, including grading, utilities, landscaping, and enhanced paving located in or over the public sewer access easement.

43. No structures or landscaping shall be installed in or over any sewer easement that would inhibit access to replace a section of main or provide access to any manhole or isolated section of main.

44. No trees shall be installed within ten feet of any sewer facilities or in any sewer access easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easements.

45. No other utilities, including gas, electric, telephone and fiber optic cable, shall be installed within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements in private roads and driveways shall be sized with sufficient width to provide for other agencies facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Metropolitan Wastewater Department. Other agencies will require separate easements.

46. No substructures, footings and foundations shall be installed in any sewer easement.

47. The developer shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

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

**INFORMATION ONLY:**

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

APPROVED by the Planning Commission of the City of San Diego on October 8, 2009,  
Resolution No. XXXX

PLANNING COMMISSION  
RESOLUTION NO. XXXX  
CONDITIONAL USE PERMIT NO. 613432 AND  
PLANNED DEVELOPMENT PERMIT NO. 679638  
**5566 LINDO PASEO – PROJECT NO. 170668**  
**DRAFT**

WHEREAS, 5566 LINDO PASEO, LLC, Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit and a Planned Development Permit to allow demolition of the existing single-family residence and the construction of a 22-room, three-story fraternity house with deviations to the drive aisle width and sewer line separation distance (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Conditional Use Permit No. 613432 and Planned Development Permit No. 679638), on portions of a 0.13-acre site;

WHEREAS, the project site is located at 5566 Lindo Paseo in the RM-3-9 Zone, the College Area Redevelopment Project Plan Area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan;

WHEREAS, the project site is legally described as Lot 21, Block 18 of College Park Unit No. 3, Map No. 2527;

WHEREAS, on October 8, 2009, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 613432 and Planned Development Permit No. 679638 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated October 8, 2009.

FINDINGS:

**Conditional Use Permit - Section 126.0305**

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

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

Both the College Area Community Plan and the College Area Community Redevelopment Project Master Project Plan designate the project site for fraternity uses and the project is consistent with the overall goals of these documents. Both plans recommend increasing the availability of student housing and vehicular parking spaces in close proximity to the San Diego State University (SDSU) Campus, as well as the

development of a strong pedestrian orientation between new residential and commercial development adjacent to the campus.

The project's new fraternity housing will meet these recommendations by furthering the creation of a community campus rather than a commute campus by locating additional student residences in close proximity to the campus.

The overall appearance of the new structure is compatible with the architectural detail and appearance of the surrounding neighborhood in scale, materials and style consistent with the College Area Community Plan. Furthermore, the project will increase the availability of on-campus housing and promote a strong pedestrian orientation to the SDSU Campus, consistent with the community plan. Therefore, the project would not result in a conflict with the relevant goals, objectives, and recommendations of the College Area Community Plan.

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

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

The project would not be detrimental to the public health, safety and welfare. In accordance with the State of California Environmental Quality Act (CEQA) Guidelines per Section 15332, Infill Development, this project was determined to be categorically exempt from the California Environmental Quality Act on March 19, 2009. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Additionally, the project conditions include water system and public right-of-way upgrades. Therefore, the project as proposed would not be detrimental to the public health, safety and welfare.

**3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code; and**

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

The project is compatible with all applicable plans and regulations associated with the project site, including the RM-3-9 Zone regulations, the College Area Community Plan and the College Community Redevelopment Project Master Project Plan. The site is located in an area designated by the Community Plan and Redevelopment Plan for fraternity uses. The RM-3-9 Zone allows for fraternity uses with the approval of a Conditional Use Permit, which is included in the proposal.



With the exception of the requested deviations to the drive aisle width and sewer line separation distance, which is allowed by the Land Development Code with the approval of a Planned Development Permit, the project meets all applicable development regulations, including, height, setbacks, design, landscape and public improvements. Therefore, the project as proposed will comply to the maximum extent feasible with the regulations of the Land Development Code.

**4. The proposed use is appropriate at the proposed location.**

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

The project is appropriate at the proposed location because the site is designated by the Community Plan and Redevelopment Plan for fraternity uses. The RM-3-9 Zone allows for fraternity uses with the approval of a Conditional Use Permit, which is the subject of this proposal. Surrounding development includes multi-story apartment structures to the north and south which are primarily occupied by students. The project will provide needed student housing near the existing SDSU campus. Therefore, the proposed use is appropriate at the proposed location.

**Planned Development Permit - Section 126.0604**

**A. Findings for all Planned Development Permits**

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

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

Both the College Area Community Plan and the College Area Community Redevelopment Project Master Project Plan designate the project site for fraternity uses and the project is consistent with the overall goals of these documents. Both plans recommend increasing the availability of student housing and vehicular parking spaces in close proximity to the San Diego State University (SDSU) Campus, as well as the development of a strong pedestrian orientation between new residential and commercial development adjacent to the campus. The project's new fraternity housing will meet these recommendations by furthering the creation of a community campus rather than a commute campus by locating additional student residences in close proximity to the campus.

The overall appearance of the new structure is compatible with the architectural detail and appearance of the surrounding neighborhood in scale, materials and style consistent with the College Area Community Plan.

Furthermore, the project will increase the availability of on-campus housing and promote a strong pedestrian orientation to the SDSU Campus, consistent with the community plan. Therefore, the project would not result in a conflict with the relevant goals, objectives, and recommendations of the College Area Community Plan.

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

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

The project would not be detrimental to the public health, safety and welfare. In accordance with the State of California Environmental Quality Act (CEQA) Guidelines per Section 15332, Infill Development, this project was determined to be categorically exempt from the California Environmental Quality Act on March 19, 2009. All Uniform Building, Fire, Plumbing, Electrical and Mechanical Code regulations and permitting requirements governing the construction and continued operation of the development apply to this project. Additionally, the project conditions include water system and public right-of-way upgrades. Therefore, the project as proposed would not be detrimental to the public health, safety and welfare

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

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

The project is compatible with all applicable plans and regulations associated with the project site, including the RM-3-9 Zone regulations, the College Area Community Plan and the College Community Redevelopment Project Master Project Plan. The site is located in an area designated by the Community Plan and Redevelopment Plan for fraternity uses. The RM-3-9 Zone allows for fraternity uses with the approval of a Conditional Use Permit, which is included in the proposal.

With the exception of the requested deviations to the drive aisle width and sewer line separation distance, which is allowed by the Land Development Code with the approval of a Planned Development Permit, the project meets all applicable development regulations, including, height, setbacks, design, landscape and public improvements.

Therefore, the project as proposed will comply to the maximum extent feasible with the regulations of the Land Development Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community; and**

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

The proposed fraternity housing development is anticipated at this location, as evidenced by the designation of the site for fraternity use within the applicable College Area Community Plan and College Community Redevelopment Project Master Project Plan. The project will provide needed student housing near the existing SDSU campus. The overall appearance of new structures would be compatible with the architectural detail and appearance of the surrounding neighborhood in scale, materials and style consistent with the College Area Community Plan. The project's appearance will enhance the SDSU Campus and the surrounding neighborhoods benefiting the community as a whole. The project will provide a total of 17 parking spaces, 6 off-street, on grade spaces and 11 parking spaces through a Shared Parking Agreement, where 17 are required, increasing the supply of available parking near the SDSU Campus and reducing the impact on street parking in the surrounding neighborhoods while promoting a strong pedestrian link between the project and the campus. Therefore, the proposed development will be beneficial to the community.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.**

The proposed project would demolish an existing single-family residence and construct a 22-bedroom, three-story fraternity house with parking on a 0.13-acre site located in the RM-3-9 Zone, the College Redevelopment Project area and the Campus Parking Impact Overlay Zone, within the College Area Community Plan.

The project includes a request to deviate from the drive aisle width and sewer line separation distance requirements, which is allowed with the approval of a Planned Development Permit (PDP).

The project as proposed would utilize a 16-foot drive aisle in lieu of the 24-foot minimum required by Section 142.0560 of the Municipal Code. The applicant is requesting this deviation due to the minimal width of the lot which is 58 feet. City staff is supportive of the requested deviation as it provides for a more pedestrian oriented development, a well marked entrance with shade producing trees, a non-contiguous sidewalk and a shallow setback that locates the residence closer to the sidewalk.

The project as proposed would utilize a 9-foot separation from the proposed structure to the existing public sewer main where 10 feet is the minimum required. Staff is supportive of the requested deviation as the applicant has agreed to relocate an existing sewer lateral to the existing sewer main to allow for a future sewer main in Lindo Paseo in exchange for this deviation.

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

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. 613432 and Planned Development Permit No. 679638 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 613432 and Planned Development Permit No. 679638, a copy of which is attached hereto and made a part hereof.

---

Renee Mezo  
Development Project Manager  
Development Services

Adopted on: October 8, 2009

Job Order No. 43-1967

cc: Legislative Recorder, Planning Department



**College Area Community Council (CACC) and  
College Area Community Planning Board (CACPB)**

Mailing Address: P.O. Box 15723  
San Diego, CA 92175-5723

Website: CollegeNeighborhoods.com/CACC  
E-mail: cacc@CollegeNeighborhoods.com

## Approved Minutes

*These minutes were approved at the CACPB/CACC meeting on July 8, 2009.*

From the Regular Meeting held on: **Wednesday, June 10, 2009, 7 PM**

Held in: Community Room, College Rolando Library,  
6600 Montezuma Road  
San Diego, CA, 92115

P	Doug	Case	President	P	Steven	Barlow	P	Joe	Jones	
P	Rhea	Kuhlman	Vice President	P	Andy	Beauparlant	P	Mark	Larson	
P	Charles	Maze	Secretary	P	Jim	Boggus	P	Martin	Montesano	
P	R.D.	Williams	Treasurer	A2	Taylor	Cooning	P	Rob	Nelson	
P	Tyler	Sherer	SDSU Appointee	P	Ann	Cottrell	A2	Daniel	Osztreicher	
A2	Alyssa	Bruni	SDSU AS Appointee	A2	Nolan	Draves	P	Jan	Riley	
				P	Sally	Ellis	P	Mitch	Yunker	
P = Present    A1 / A2 / A3 / A4 = Absent 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup>							<b>TOTALS</b>	<b>16</b>	<b>4</b>	
<i>CP600-24, Art IV, Sec 1: a vacancy exists upon the 3<sup>rd</sup> consecutive absence or the 4<sup>th</sup> absence in 12 months (April through March)</i>										

**I. Call to Order / Pledge of Allegiance / Roll Call of Executive Board Members**

President Doug Case called the June 10, 2009 meeting of the College Area Community Council (CACC) to order at 7:04 PM. Joe Jones led the pledge of allegiance.

*Note: Events reported below did not necessarily occur in the sequence indicated in the minutes*

**II. Approval of Current Agenda**

Motion - Changes to current agenda – Aztec Court Apt Project is information only.

(Motion –Doug Case)

(16-0-0) Unanimously Approved

Motion - Approve current agenda with changes

(Motion – Doug Case)

(16-0-0) Unanimously Approved

**III. Adoption and Approval of Consent Agenda - None**

Motion - Add Lindo Paseo Fraternity House Project to consent agenda

(Motion – Doug Case)

(16-0-0) Unanimously Approved

Motion - Approve Consent agenda

(Motion – Jan Riley)

(16-0-0) Unanimously Approved

**IV. Approval of Minutes from April 8, 2009 and May 13, 2009**

Motion - Approve April 8, 2009 Minutes

(Motion – Martin Montesano )

(16-0-0) Unanimously Approved

Motion - Approve May 13, 2009 Minutes

(Motion – Martin Montesano)

(16-0-0) Unanimously Approved

**V. Public Comment on Non-Agenda Item**

A. Robert Montana – Neighbor on Mary Lane Drive. Mr. Montana spoke about “A Tale of Woe”; He discussed rezoning property, and plan amendments.

B. Susan Hopps-Tatum, Neighbor on Campanille Dr., Ms. Hopps-Tatum spoke about the “Save Our Starbucks at Campus Plaza” including a “Save Our Starbucks Day” and “Support our Barista Day”.

**VI. Report of Government Liaisons**

A. Cynthia Harris – Council District 7 Representative Marti Emerald – Ms. Harris discussed the FY10 Budget Level (more info is on-line), Water level Two Alerts, and the councilmember will be available for meetings in the neighborhood with local community members.

B. Officer Dean Thomas, Mid-City SD Police, CSO – Officer Thomas discussed the budget problems at the City and he announced that Doug Case and Jan Riley received awards from the community and Marti Emerald for their service to the community. Officer Thomas continues to pursue an active Neighborhood Watch Program in our area modeled on the Tallmadge Neighborhood Watch program. Officer Thomas is attempting to create a contact a list of Mini Dorm/Rental Property Home Owners for the police to contact if there is a compliant. Officer Thomas also offered to check individual homes for security concerns.

C. Chief John Browning, SDSU Police – Chief Browning discussed the difficulties of the budget. He also said his staff has seen an increase in stolen catalytic converters on Toyota vehicles in or around campus. Joanna McKay spoke about the recent crimes on campus.

D. Lisa Silverman, Assemblyman Marty Block - Ms. Silverman discussed potential AB 24, which focuses on the possible study of new campus in Chula Vista; the new bill does not have a cost to tax payers. Ms Silverman also announced a Dollars and Sense Workshop on June 18, 2009 at Blessed Sacrament Parish Hall.

E. Deanneka Goodwin, US Rep. Susan Davis – Ms. Goodwin handed out the Representative’s newsletter and said her office was looking for interns for the new semester. Ms. Goodwin highlighted HealthCare-related bills discussed in the newsletter. She reminded the group of the new passport laws starting June first.

- F. Tyler Sherer, SDSU Community Relations – Mr. Sherer passed out the SDSU StateLine Newsletter and discussed the graduation ceremony. He also mentioned that SDSU AS is adding Photo-voltaic cells to the hillside near the Aquaplex to provide power to heat the pool and lead the way in renewable energy.

### ***Meeting of the CACC as Community Council***

#### **VII. Treasurer's Report**

Mr. Williams passed out the account totals and proposed budget. Mr. Williams is waiting on an approved budget to present an official treasurer's report.

#### **VIII. Committee Reports**

- A. Code Enforcement & Nuisance Rental Property Committee, (Ann Cottrell, CENRP Chair)
1. Ann Cottrell announced the group is working on regulations for sober living facilities.
  2. Ms. Cottrell announced that SD Code Compliance has issued multiple citations on Residential High Occupancy Permits.
  3. Ms Cottrell said the committee is working on greater representation across the community on Code Enforcement.
- B. Community Outreach Committee, (Charles Maze, CO Chair)
1. No report.
- C. Projects, Finance & Beautification Committee, (Non appointed at this time, PFB Chair)
1. No report.

#### **IX. Delegate Reports**

- A. Crossroads Redevelopment Project Area Committee, (Charles Maze, CACC Designate)
1. Charles Maze discussed 63<sup>rd</sup> street project
- B. College Community Redevelopment Project Area Committee, (Jim Boggus, CACC Designate)
1. June 16 is the next meeting and a report will be at next month's meeting.

X. **Unfinished Business**

- A. Identification of CACC/CACPB top 3 priorities (requested by Councilmember Marti Emerald)  
(Action Item)

**DRAFT priorities as discussed at CACC informal meeting**

1. Issues related to nuisance rental properties, including adequate enforcement by the City Attorney's Office and Neighbor Code Compliance of City ordinances including the Rooming House Ordinance to deal with such issues.
2. Traffic issues, in particular traffic flow on Montezuma Road, College Avenue and Alvarado Road.
3. Updating of the College Area Community Plan including adequate provisions for community parks, green spaces and bike lanes as well as updating the housing element with current student housing trends and needs.

Motion – Approve the Draft Three Priorities.

(Motion – Rob Nelson)

(16-0-0) Unanimous approved

A formal letter will presented to the Council office.

- B. Appointment of Committees members

Motion - Appointment of committee members as distributed and updated

(Motion - Steve Barlow)

(16-0-0) Unanimous approved

- C. Appointment of Representative and Community Voting Representative for Crossroads PAC for upcoming PAC elections (Action Item)

Motion – Appointment of Charles Maze as CACC's Representative to the Crossroads PAC.

(Motion – Mitch Younker)

(16-0-0) Unanimous approved

Motion – Appointment of Charles Maze as CACC's Voting Representative for the upcoming Crossroads PAC elections.

(Motion – Mitch Younker)

(16-0-0) Unanimous approved

- D. Approval of the 2009-2010 Budget (Action Item)

Motion – Approve the 2009-2010 Budget as presented

(Motion – RD Williams)

(16-0-0) Unanimous approved



## Meeting of the CACPB as Community Planning Group

### XI. Project Review Committee, Rob Nelson, Chair

- A. **5566 Lindo Paseo Fraternity House – Project #170668 (Action Item)** – Conditional Use Permit to demolish existing residence and construct a 7,771 sq ft fraternity house with 22 beds and 13 tandem parking spaces on a 0.13 acre site at 5566 Lindo Paseo Drive in the RM-3-9 Zone.

Presenters: Richard Bundy, FAIA, Architect,  
Jason Luker, Principal, Cardinal Group Investments

Proposed Schedule – Start Construction Sept./ Oct. 2009, Hope to be finished construction in June 2010

Now 22 units, previously 26

Deviations:

1. Size of tandem parking space
2. Width of driveway
3. Width of back up space
4. Number of tandem spaces has been resolved and is no longer required.

Motion from Project Review Committee from June 3 meeting:

Motion - Recommend approval of 5566 Lindo Paseo Fraternity House – Project # 170668, including CUP and Planned Development Permit, contingent on City of San Diego resolving the conflicts between Core Sub Area Design Guidelines and the Zone Ordinances (City Development Standards) and the successful resolution of any further issues arises from Cycles Review Report.

(8-0-0) Unanimous approval

Approved on consent agenda.

- B. **Aztec Court Apartments – Project #165908 (Information Only Item - Action Postponed to until August or September)** – Community Plan Amendment, Planned/Site Development and Rezone from RM-1-1 to RM-3-9 to demolish existing residences and construct 26 residential for-rent units with reduced setbacks/lot coverage on a 0.38 acre site at 6229/6237/6245 Montezuma Road.

Presenter - Janay Kruger, Consultant,  
Dale Marckwardt, Owner / Developer

Motion from Project Review Committee from May 4 meeting:

Motion - CACC Project Review Committee recommends approval for the Aztec Court Apartments Project #165908 – if a live-in on site manager is included in compliance with state law. (10 -2-0) Motion passes committee with Jan Riley and RD Williams dissenting.

Motion from Executive Board on May 13:

Substitute Motion - Postpone discussion and vote on Aztec Court Apartments Project # 165908 until the June 3rd Project Review Meeting and request the developer meet with neighbors prior to that meeting.

(Motion - Rob Nelson)

(14-1-0) Motion passed with Steve Barlow dissenting.

Motion from Project Review Committee from June 3 meeting:

Motion - Continue action on the project to August or September with hopes of resolving community concerns

(8-0-0) Unanimous approval

Rob Nelson, Project Review Committee Chair, announced the developer is working on the project and will not likely return for several months and possibly with a new architect.

**XII. Community Planners Committee, Doug Case, CACC Designate**

Doug Case announced that spoke at the SD City Council Land Use and Housing Committee in favor of indemnifying CPG subcommittee members completed the COW training.

Charles Maze announced that Doug Case had been reelected as CPG Vice-President.

**XIII. Unfinished Business**

**A. Appointment of the 2009-2010 Committee and Delegates (Action Item)**

Motion – Approve 2009-2010 Committees and delegates as presented

(Motion – Rob Nelson)

(16-0-0) Unanimous approved

**B. Date and Location of the November CACC/CACPB Meeting (Action Item)**

Reserve date as 3<sup>rd</sup> Wednesday 18<sup>th</sup> on SDSU Campus because 2<sup>n</sup> Wednesday .

Motion – Move November meeting to 3<sup>rd</sup> Wednesday in honor of Veterans day. Reserve date on Wednesday 18<sup>th</sup>

(Motion – Rob Nelson)

(15-1-0) Motion approved with Steve Barlow dissenting

**XIV. New Business**

**A. Possible Cancellation of August CACC/CACPB Meeting (Action Item)**

Motion – Cancel August meeting per bylaws.

(Motion – Jim Boggus)

(15-1-0) Motion approved with Rob Nelson dissenting

**XV. Adjournment**

Motion - Adjourn the meeting

(Motion- Jim Boggus)

(16-0-0) Approved unanimously and meeting adjourned at 8:40 PM

Minutes respectfully submitted by Charles Maze, Secretary

**SHARED PARKING AGREEMENT  
5566 LINDO PASEO, LLC**

This SHARED PARKING AGREEMENT ("Agreement") is entered into and effective this June 1, 2010 by 5566 LINDO PASEO, LLC ("Owner") and SAN DIEGO SAMMY CORPORATION ("Tenant") and the CITY OF SAN DIEGO.

**RECITALS**

WHEREAS, pursuant to sections 142.0535 and 142.0545 of the Land Development Code, the City of San Diego specifies criteria which must be met in order to utilize off-site shared parking agreements to satisfy on-site parking requirements.

NOW, THEREFORE, in consideration of the recitals and mutual obligations of the parties as herein expressed,

1. 5566 Lindo Paseo, LLC, the owner of the property located at 5566 Lindo Paseo, San Diego, CA, agrees to provide all present and subsequent tenants with 11 annual parking passes at any publicly owned parking garage on the campus of San Diego State University and within 600 feet of the project site.
2. The Parties understand and agree that if for any reason the off-site parking spaces are no longer available for use by any present or subsequent tenant within the time period covered by this agreement, 5566 Lindo Paseo will be in violation of the City of San Diego Land Development Code requirements. If the off-site parking spaces are no longer available, Applicant will be required to reduce or cease operation and use of the property at Applicant's address to an intensity approved by the City in order to bring the property into conformance with the Land Development Code requirements for required change for required parking. Applicant agrees to waive any right to contest enforcement of the City's Land Development Code in this manner should this circumstance arise.

In no circumstance shall the City be obligated by this agreement to remedy any loss of off-site parking spaces referred to in this Agreement. The Parties acknowledge that the sole recourse for the City if this Agreement is breached is against the Applicant in a manner as specified in this paragraph, and the City may invoke any remedy provided for in the Land Development Code to enforce such violation against the Applicant.

3. The provisions and conditions of this Agreement shall run with the land for those properties referenced in paragraph 1 of this document and be enforceable against successors in interest and assigns of the signing parties.
4. The property or portion thereof on which the parking spaces are located will not be made subject to any other covenant or contract for use which interferes with the parking use, without prior written consent of the City.

5. This Agreement shall be extended in perpetuity and can only be terminated if replacement parking has been approved by the City's Director of the Development Services Department and written notice of termination of this agreement has been provided to the other party at least sixty (60) days prior to the termination date.
6. This Agreement shall be kept on file in the Development Services Department of the City of San Diego in Project Tracking System (PTS) Project Number: \_\_\_\_\_ and shall be recorded on the titles of those properties referenced in paragraph 1 of this document.

WHEREFORE, this Agreement is executed as of the date set forth above.

**OWNER:**

5566 LINDO PASEO, LLC  
a California limited liability company

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Lou Haberkern, Manager

**TENANT:**

SAN DIEGO SAMMY CORPORATION a California non-profit corporation

By: \_\_\_\_\_ Date: \_\_\_\_\_

Name, Title: \_\_\_\_\_

**CITY OF SAN DIEGO:**

Business and Process Management, Development Services

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy Director





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

# Ownership Disclosure Statement

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

**Project Title** \_\_\_\_\_ **Project No. For City Use Only** \_\_\_\_\_

5546 LINCO PASO, LLC

**Project Address:**

5546 LINCO PASO SAN DIEGO CA.

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

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

**Additional pages attached**  Yes  NO

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Name of Individual (type or print):

Owner  Tenant/Lessee  Redevelopment Agency

Street Address:

City/State/Zip:

Phone No:

Fax No:

Signature :

Date:

Project Title: \_\_\_\_\_ Project No. (For City Use Only) \_\_\_\_\_

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

**Legal Status (please check):**

Corporation  Limited Liability -or-  General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_  
 Partnership

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

Corporate/Partnership Name (type or print):  
5566 LINDO PASO, LLC

Owner  Tenant/Lessee


Street Address: 9535 WAPLES ST # 200

City/State/Zip: SAN DIEGO CA

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):  
LOU HABERKERN

Title (type or print):  
MANAGER

Signature:  Date: 9/15/09

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

Owner  Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

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Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Corporate/Partnership Name (type or print):

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Street Address:

City/State/Zip:

Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : \_\_\_\_\_ Date: \_\_\_\_\_







