



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: December 3, 2009

REPORT NO. PC-09-095

ATTENTION: Planning Commission, Agenda of December 10, 2009

SUBJECT: AZTEC COURT APARTMENTS - PROJECT NO. 165908.
PROCESS 5.

REFERENCE: Planning Commission Report No. PC-08-12.

**OWNER/
APPLICANT:** Aztec Court, LLC (Attachment 16)

SUMMARY

Issue(s) - Should the Planning Commission recommend that the City Council approve the demolition of three single family structures and the construction of a twenty-four unit apartment building on a 0.38 acre site at 6229, 6237 and 6245 Montezuma Road within the College Area Community Plan area?

Staff Recommendation:

1. Recommend that the City Council **Certify** Mitigated Negative Declaration No. 165908, and **Adopt** the Mitigation Monitoring and Reporting Program; and
2. Recommend that the City Council **Approve** College Area Community Plan Amendment No. 594852, Rezone No. 594851 and Site Development Permit No. 594945.

Community Planning Group Recommendation - The College Area Community Planning Board voted 17:1:0 at their October 14, 2009 meeting to recommend approval of the above referenced project.

Environmental Review - A Mitigated Negative Declaration No. 165908 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program has been prepared

and would be implemented which would reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement - No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

Code Enforcement Impact - None with this action.

Housing Impact Statement - The proposed project would change the existing land use designation from Low Medium Residential to High Residential allowing the construction of between 17 and 29 dwelling units where three presently exist. The project would construct 24 dwelling units which are within the density range established by the College Area Community Plan. Two of these units would be granted as a density bonus. Additionally, the project would aid the City in addressing a shortage of affordable housing during a time when the San Diego City Council has declared a housing state of emergency. The project would set aside two units as affordable units in accordance with the Inclusionary Housing Ordinance.

BACKGROUND

The current College Area Community Plan identifies the site for High Residential and Low Medium Residential use (Attachment 1). The 0.38 acre project site is composed of three parcels located at 6229, 6237 and 6245 Montezuma Road within the College Area Community Plan (Plan) area (Attachment 2). The site is on the south side of Montezuma Road, west of 63rd and east of College Street. The parcel at 6229 Montezuma Road is designated for High Residential use at a density range of 45 to 75 dwelling units per acre. The two parcels at 6237 and 6245 Montezuma Road are designated for Low Medium Residential use at a density range of 10 to 15 dwelling units per acre. In addition, the property at 6229 Montezuma Road is also located in the College Community Redevelopment Project Area-Master Plan Project Plan-Core Sub Area (Attachment 3).

The gently sloping project site is presently developed with three single unit residential structures constructed in the 1950's (Attachment 4). The land use designations of the surrounding properties include Low-Medium Residential to the east, Low Residential to the north and south, San Diego State University to the north and High Residential to the west. The surrounding land uses include higher density multiple family units and apartments to the west, predominately single family uses to the east and south, and San Diego State University campus housing and a campus parking structure to the north. The sites are zoned RM-1-1 and RM-3-9 and are within the Community Plan Implementation Overlay Area B and Campus Impact Area of the Parking Impact Overlay Zone. The western most property, at 6229 Montezuma Road, is within the Core Sub-Area of the College Community Redevelopment Project.

On January 24, 2008 the Planning Commission initiated the amendment process to consider the merits of the proposed plan amendment (Attachment 5). Of the three parcels which form the project site only one parcel is the subject of the current Plan amendment. The parcel at 6237 Montezuma Road, presently designated Low Medium Residential, is proposed to be designated

for High Residential use. The parcel at 6245 Montezuma Road would retain the Low Medium Residential designation to serve as a buffer between the High Residential use and College Redevelopment Project Area and the lower density residential uses to the east.

DISCUSSION

Project Description

The Aztec Court Apartments project proposes to demolish three existing single unit homes and construct a twenty-four unit apartment building with a subterranean parking garage, site improvements, and landscaping on a 0.38 acre site at 6229, 6237 and 6245 Montezuma Road and minor improvements in the public right-of-way in the College Area Community Planning area (Attachment 6). The proposed project would include three deviations for reduced setbacks and two development incentives to allow an increase in the building height and floor area ratio to provide two affordable housing units. Of the three parcels, Lot 190 is presently zoned RM-3-9 and Lots 191 and 192 are zoned RM-1-1. The proposed rezone to RM-3-9 would affect only Lot 191.

The project includes an Affordable Housing Density Bonus of 15.5 percent, or three additional units, to allow twenty-four dwelling units where twenty-one units would otherwise be permitted. The project would be allowed two development incentives based on ten percent of the pre bonus units being restricted to persons of very low income households at sixty-five percent of area median income. The applicant will be required to enter into an Affordable Housing Agreement with the San Diego Housing Commission to provide the affordable units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance [Chapter 14, Article 2, Division 13 of the Land Development Code] and the Density Bonus Program [California Government Code Sections 65915-65918 and Chapter 14, Article 3, Division 7 of the Land Development Code]. Similar to deviations from the Land Development Code, the incentives allow the applicant to deviate from two development regulations of the zone applicable to the site. The applicant is exercising this option choosing to exceed the maximum floor area ratio and building height. The first incentive would allow 37,056 square feet of floor area where 34,804 square feet is the maximum allowed by the zoning regulations without an incentive. The second incentive would allow an increase in the height of the building by eighteen feet on Lot 192. The proposed building height on Lot 192 would be forty-eight feet where thirty feet is the maximum allowed without an incentive.

The four-story, multi-family residential project would have an overall maximum height of fifty feet at the street and forty feet at the rear (Attachment 7). Twenty-three of the 24 units would be four-bedroom units. The remaining apartment would be a two-bedroom unit. A courtyard is proposed within the interior of the building and would include picnic tables and a barbeque. A resident community room would be provided on the second floor.

Vehicular access to the site would be provided by a new twenty-four foot wide driveway from Montezuma Road. All three existing curb cuts would be removed and replaced with new curb and gutter. The new driveway would be gated at or behind the property line and provide access to the two levels of subterranean parking. Pedestrian access to the site would be provided via

two entrances from Montezuma Road to the first level of the parking garage. Interior access to the parking garage and residential floors above would be provided from two staircases and an elevator. Emergency exiting from the building would be provided on the west and east sides of the building from these same staircases.

The project would provide a total of fifty-four parking spaces, including four disabled accessible spaces, six motorcycle and seventeen bicycle spaces. The project would meet the City's parking requirements. An existing sewer easement is located along the south property line within the property. A ten foot building setback would preserve access to the existing easement and two twelve-foot wide gates would provide access to the easement. The easement would be paved with turf block.

The entire site would be graded. Excavation for the project would include approximately 7,400 cubic yards to a maximum depth of seventeen feet six inches. All excavation would be exported and discharged to a legal disposal site. The project would also include a thirteen foot long retaining wall at a maximum height of three feet. All on-site storm water runoff would be collected into a private drainage system equipped with filter inserts and then be directed to the City's existing storm drain system along Montezuma Road. All runoff from the project site would be required to comply with the City of San Diego's Storm Water Standards. In addition, the applicant would be required to enter into a Maintenance Agreement with the City of San Diego for permanent ongoing Best Management Practice maintenance.

The proposed landscape plans would include trees such as *Rhus lancea* (African Sumac), *Hymenosporum flavum* (Sweetshade) and *Tristania conferta* (Brisbane Box) and ornamental shrubs and ground covers. All landscaping would conform to the City's Landscape Technical Manual Landscaping. The project would be required to construct road improvements along the project frontage on Montezuma Road, signal modifications at Montezuma Road and 63rd Street and restriping of Montezuma Road from East Campus to Ewing Street.

Required Approvals

The proposed project requires the approval of a Rezone, College Area Community Plan Amendment and Site Development Permit.

Deviations

As allowed by the Site Development Permit regulations and in addition to the two density bonus incentives described earlier, the project is proposing three deviations:

- a. Deviate from Land Development Code [LDC] section 131.0443(f)(1)(A) to reduce the depth of the required front yard setback to ten feet where up to 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.

- b. Deviate from LDC section 131.0443(f)(2)(A) to reduce the side yard setback to five feet where the minimum side setback is five feet or ten percent of the premises width, whichever is greater.
- c. Deviate from LDC section 131.0443(f)(2)(A) to reduce the minimum rear setback from fifteen feet to ten feet.

The proposed development would comply with all other relevant regulations of the Land Development Code. Specific conditions contained in the draft permit require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 594945. Development of the property would meet all other requirements of the RM-1-1 and RM-3-9 Zones as these regulations apply to the properties.

General/Community Plan Analysis

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

The College Area Community Plan includes the objectives of identifying areas appropriate for multi-family development; identifying density levels appropriate for multi-family development in order to ensure compatibility with existing single-family neighborhoods; and reducing the shortage of student housing by identifying a mixed-use area adjacent to the University for all forms of student housing.

The proposed community plan amendment, if approved, would facilitate the construction of a multi-family residential development adjacent to the university, which may serve as student housing, which would implement the objectives of the General and Community Plan.

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

The Housing Element of the College Area Community Plan includes recommendations that all new multi-family housing should be developed adjacent to the University; should be compatible with the bulk, scale, and character to adjacent development; should include strong pedestrian links to the University, nearby commercial facilities, and public transit; and should include on-site recreational facilities.

The San Diego State University Element of the College Area Community Plan describes a portion of the site as an appropriate area for High Residential development. The Core-Subarea provides a development strategy to eventually provide 2,050 dwelling units, as well as fraternity, sorority, religious centers, and retail/office uses.

The proposed community plan amendment would allow the construction of a multi-family residential development with a density yield of 24 dwelling units in close proximity to the SDSU campus, and would help implement the goals and policies of the General and Community plans. The in-fill development would provide two housing units of an affordable nature within the San Diego region, at a time when the City of San Diego is searching for areas that can accommodate additional residential units.

The applicant has requested deviations for the front, side and rear setbacks. The proposed project is within an urbanized area, adjacent to other multi-family housing with similar setbacks and in close proximity to both neighborhood retail/services and transit opportunities. The deviations help the project contribute to the urban fabric of the area and would allow for the provision of additional housing units. Therefore, the requested deviations would not have a negative impact on the community plan.

Additional information regarding the General/Community Plan analysis is provided in Attachment 8. The draft College Area Community Plan amendment text and graphics are provided as Attachment 9.

Environmental Analysis

City staff conducted an Initial Study which determined the proposed project could have a significant environmental effect in the following areas: Paleontological Resources, Noise, Public Utilities (Solid Waste Generation/Disposal) and Transportation. Subsequent revisions in the project would create the specific mitigation identified in Section V of this Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified and the preparation of an Environmental Impact Report is not required.

Conclusion

Of the 24 units proposed, two dwelling units would be affordable to persons earning no more than sixty-five percent of the area median income. The project would provide drought tolerant landscaping, water efficient building fixtures and appliances and the applicant has pledged to achieve an equivalency of a LEED certified project for energy efficiency. The resulting benefits of the project would be positive for the community and City of San Diego and would materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City.

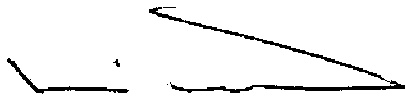
Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided draft findings to support approval of the proposed

development (Attachment 10) and draft conditions of approval (Attachment 11). Staff is recommending the Planning Commission recommend the City Council approve the project as proposed.

ALTERNATIVES

1. Recommend that the City Council **Approve** College Area Community Plan Amendment No. 594852, Rezone No. 594851, and Site Development Permit No. 594945, **with modifications.**
2. Recommend that the City Council **Deny** College Area Community Plan Amendment No. 594852, Rezone No. 594851, and Site Development Permit No. 594945, **if the findings required to approve the project cannot be affirmed.**

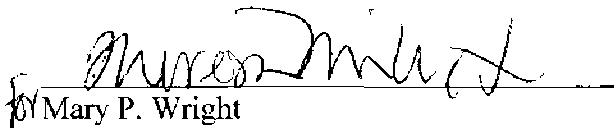
Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



John S. Fisher
Development Project Manager
Development Services Department



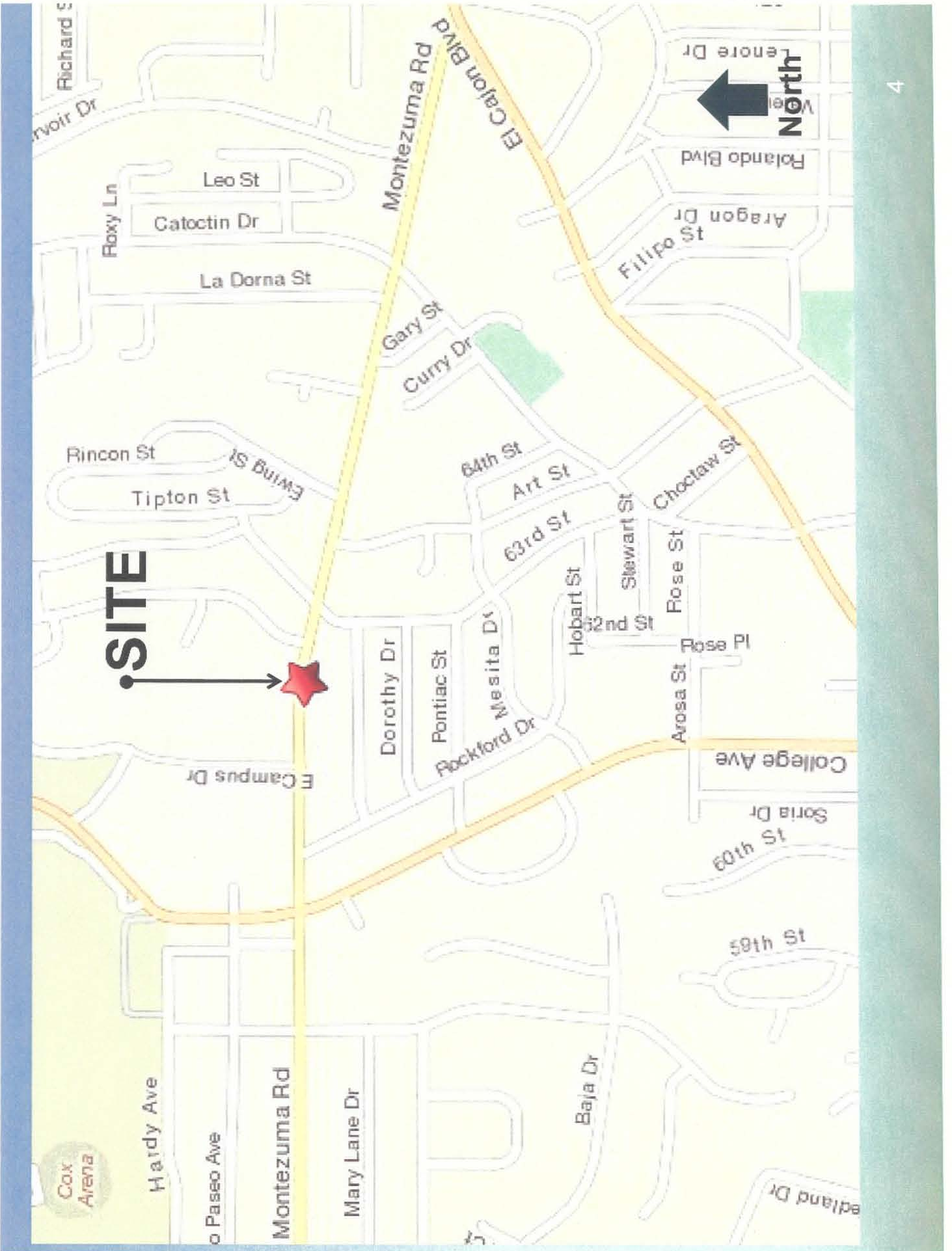
Mary P. Wright
Deputy Director
City Planning & Community Investment Department

BROUGHTON:JSF

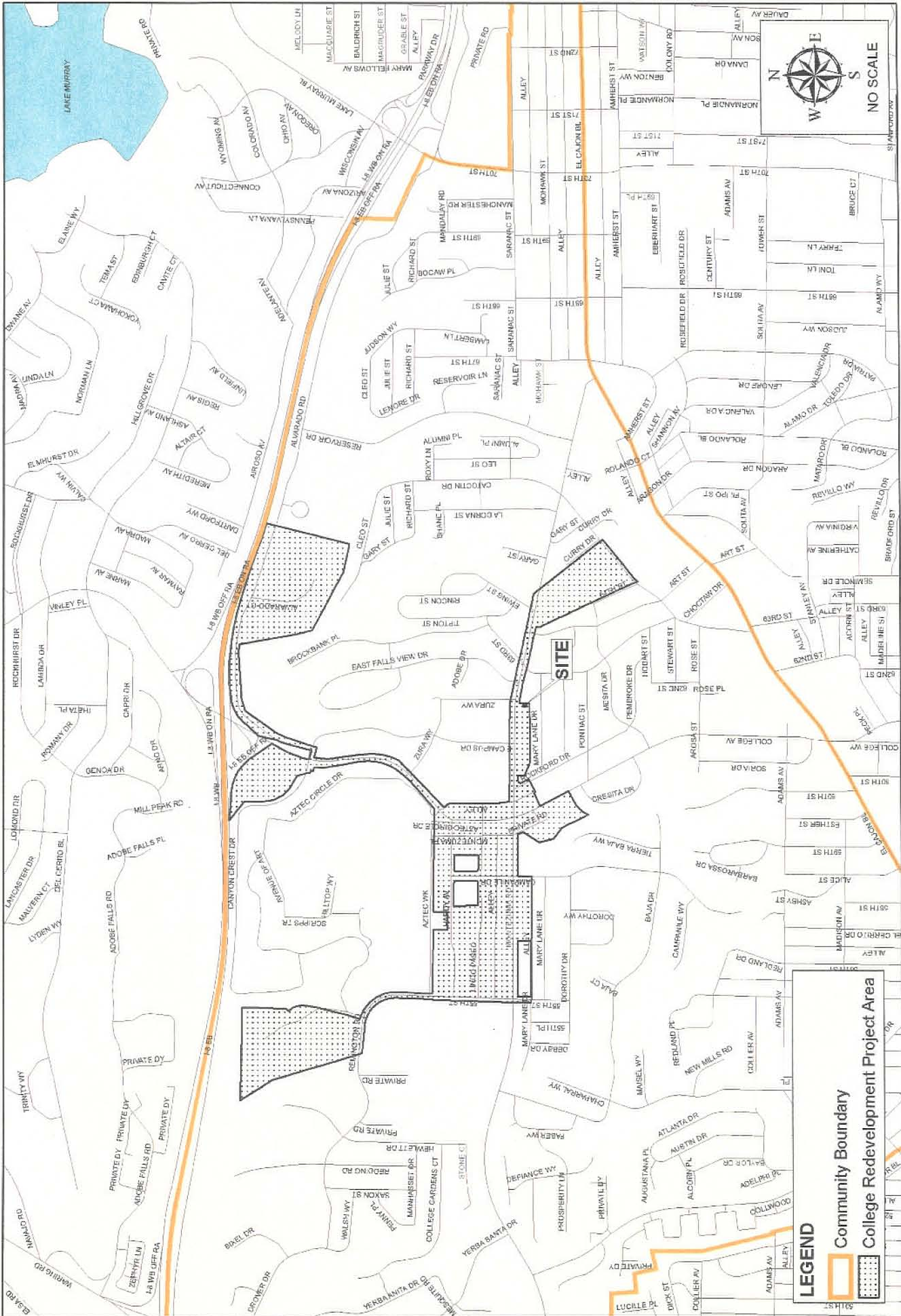
Attachments:

1. College Area Community Plan Land Use Map
2. Project Location Map
3. College Redevelopment Project Area Map
4. Aerial Photograph
5. Planning Commission Resolution No. PC-4373
6. Proposed Site/Landscape Plan
7. Proposed Elevations
8. Planning Commission Initiation Issues
9. Draft College Area Community Plan Amendment
10. Draft Site Development Permit Resolution with Findings
11. Draft Site Development Permit with Conditions

12. College Area Community Planning Board recommendation
13. Draft Rezone Ordinance
14. Rezone sheet B-4282
15. Project Plans (under separate cover)
16. Ownership Disclosure Statement
17. Project Chronology
18. Project Data Sheet



SITE



Map Generated by GIS/GeoServer/GeoWebClient/Project/College/CollegeMap/CollegeMap.mxd
 1/10/2009 - 10:53 AM

SANCTIS

THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT
 1615 LA JOLLA VILLAGE DRIVE, SUITE 100, SAN DIEGO, CA 92108
 TEL: 619-495-5000 FAX: 619-495-5001
 WWW.CITYOFSD.GOV
 This map is for informational purposes only. It is not intended to be used as a legal document. The City of San Diego is not responsible for any errors or omissions on this map.

College Redevelopment Map

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

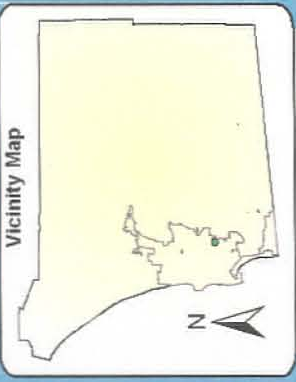


LEGEND

- Community Boundary
- College Redevelopment Project Area



□ Subject Parcels
~ Roads



SanGIS
We Have San Diego Covered!
 Map made exclusively for parcelist by the
 San Diego Geographic Information Source
 5819 La Jolla Village Drive, Suite 102
 San Diego, CA 92123
 (619) 594-7000
www.sangis.org
 For reprints, mapping or additional information
 please contact SanGIS.

THIS MAP WAS CREATED USING DATA FROM THE COUNTY OF SAN DIEGO, THE CITY OF SAN DIEGO, AND THE CALIFORNIA STATE GEOLOGICAL SURVEY. THE INFORMATION AND OPINIONS CONTAINED HEREIN ARE SOLELY OUR OWN AND ARE NOT GUARANTEED. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS MAP. THE USER AGREES TO HOLD SAN GIS, ITS OFFICERS, DIRECTORS, EMPLOYEES, AND AGENTS HARMLESS FROM AND AGAINST ALL SUCH DAMAGES. SAN GIS SHALL NOT BE LIABLE FOR ANY SUCH DAMAGES. THE USER'S USE OF THIS MAP IS LIMITED TO THE PURPOSES FOR WHICH IT WAS CREATED. SAN GIS SHALL NOT BE LIABLE FOR ANY SUCH DAMAGES.

Plot Date: 1/24/09

PLANNING COMMISSION RESOLUTION NO. PC-4373 (PC-08-012)

INITIATING AN AMENDMENT TO THE COLEGE AREA COMMUNITY PLAN AND THE PROGRESS GUIDE AND GENERAL PLAN TO REDESIGNATE TWO PARCELS, EACH APPROXIMATELY 0.12-ACRE, FROM LOW-MEDIUM RESIDENTIAL WITH A MAXIMUM OF 15 DWELLING UNITS PER ACRE TO HIGH RESIDENTIAL WITH A DENSITY OF 73 DWELLING UNITS PER ACRE.

WHEREAS, on January 24, 2008, the City of San Diego's Planning Commission held a public hearing to consider the initiation of an amendment to the College Area Community Plan and the Progress Guide and General Plan to redesignate two parcels, each approximately 0.12 acre, from Low-Medium Residential with a maximum of 15 du/acre to High Residential with a maximum of 75 du/acre; and

WHEREAS, the applicant is requesting a Community Plan and General Plan Amendment so that the subject site will accommodate additional residential density on the subject properties; and

WHEREAS, the Planning Commission of the City of San Diego considered all maps, exhibits, evidence and testimony; NOW THEREFORE;

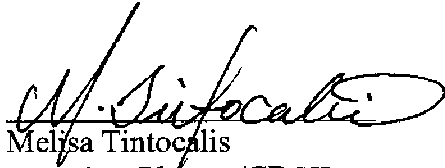
BE IT RESOLVED, by the Planning Commission of the City of San Diego that it hereby initiates the requested Community Plan and General Plan Amendment; and

BE IT FURTHER RESOLVED, that the Planning Commission directs staff to consider the following issues:

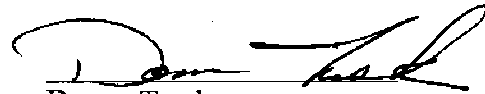
- Compatibility between the proposed general/community plan amendment and the City's General Plan and Transit-Oriented Development Design Guidelines.
- The appropriate land use designation and density range for the site and immediately adjacent areas.
- The appropriate transition in densities from High Residential to Low-Medium Residential along Montezuma Road.
- Potentially extending the High Residential designation as far as 63rd Street and/or extending the designation to the entire city block to include the area on the north side of Mary Lane Drive, behind the subject properties.
- The impact of structure design, height(s), shade and shadow patterns associated with new development. Including how architectural elements, such as front/back/side articulation and second-story setbacks, may aide in the visual transition to the surrounding development.
- The availability of recreational facilities, public facilities and/or services, in particular parks and public schools.

- The ability of the project to provide additional recreational amenities as part of the development proposal.
- Impacts on community transportation system to determine if any transportation improvements would be necessary, including sidewalks and bike lanes.
- The availability of transit to serve development on the project site.
- The opportunities for shared parking with SDSU's *Parking Structure-3*.
- The ability of the project to provide housing which meets the needs of the community, including the opportunity for on-site affordable housing.
- Provision of pedestrian amenities and streetscape improvements associated with new residential development.

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



Melissa Tintocalis
Associate Planner/CDSII
City Planning and Community Investment



Donna Trask
Legislative Recorder

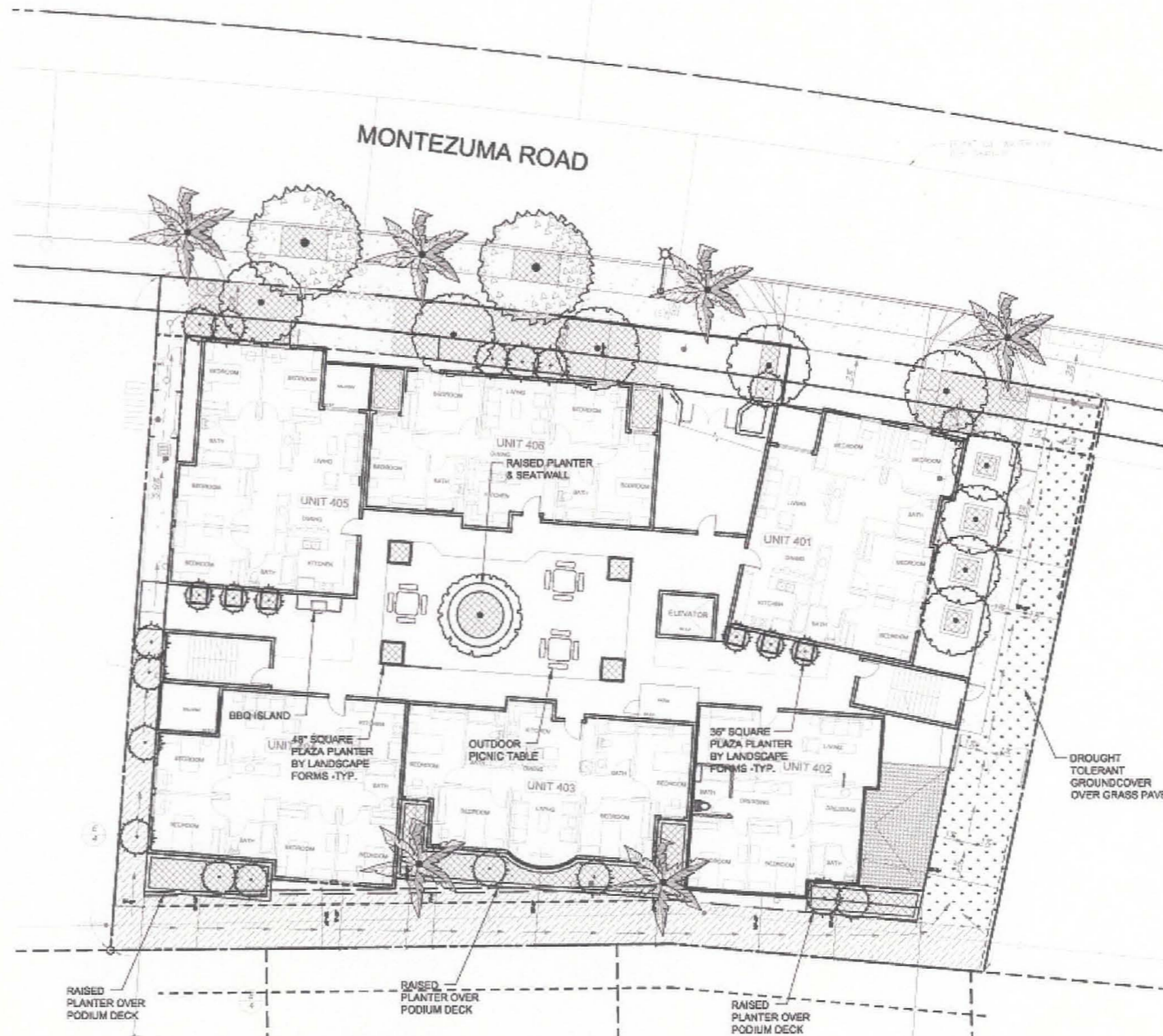
Initiated: January 24, 2008
By a vote of: 5-0-0

CONCEPT PLANTING LEGEND

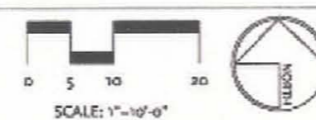
PLANT TYPE	PERCENTAGE / SIZE
CANOPY TREES Jacaranda mimosifolia / Jacaranda Tristania conferta / Gibraltar Dog	100% (24" BOX)
PALM TREES Syagrus romanzoffiana / Queen Palm	100% (12" STK)
VERTICAL ACCENT TREE Albizia leonensis / Tree Aloe Cupressus torreyi / Torrey Cypress Cupressus sempervirens 'Siralda' / Columnar Italian Cypress Cupressus sempervirens 'Tiny Tower' TM / Tiny Tower Italian Cypress Strelitzia reginae / Giant Bird-of-Paradise	50% (24" BOX) 50% (15 GALLON)
ACCENT TREE Avicoria urada / Strawberry Tree Cercia occidentalis / Western Redbud Lagerströmia indica / Cape Myrtle	50% (24" BOX) 50% (15 GALLON)
DROUGHT RESISTANT SHRUBS AND GROUNDCOVERS Aeonium 'Mini Scaevola' / Mini Scaevola Aeonium Agave attenuata / Agave Agave desertiana 'Variegata' / Variegated Agave Aloe barbadensis / Aloe Aloe ruficarpa 'Little Gem' / Little Gem Aloe Aloe striata / Coral Aloe Aristolochia edwardsii 'Carmel Sur' / Carmel Sur Marzania Cistus ladanifer / Rock Rose Dymondia marginata / Dymondia Eucalyptus globulus / Eucalyptus Eucalyptus californicus / California Poppy Lantana montana 'Purple' / Trailing Lantana Lavandula angustifolia / English Lavender Lavandula stoechas / Spanish Lavender Oenothera biennis 'Little Prince' / Cape Aster Phacelia tanacetifolia / New Zealand Flax Rosmarinus officinalis 'Huntington Carpet' / Huntington Carpet Rosemary Rosmarinus officinalis 'Prostratus' / Dwarf Rosemary Salvia clevelandii / Cleveland Sage Salvia greggii / Autumn Sage Salvia leucantha / Mexican Bush Sage Strelitzia reginae / Bird Of Paradise Thymus serpyllifolius / Mother Of Thyme	50% (5 GALLON) 3'-6" ON CENTER SPACING 50% (1 GALLON) 2'-6" ON CENTER SPACING
TURF AND GROUNDCOVER OVER GRASS PAVE Baccharis pilularis 'Pigeon Point' / Coyote Brush Suaeda frutescens 'UC Verde' / UC Verde Buffalo Grass Cortaderia selloana / Sedge Rosmarinus officinalis 'Prostratus' / Prostrate Rosemary	50% (5 GALLON) 3'-6" ON CENTER SPACING 50% (1 GALLON) 2'-6" ON CENTER SPACING 100% (PLATS)
TURF AND GROUNDCOVER Baccharis pilularis 'Pigeon Point' / Coyote Brush Suaeda frutescens 'UC Verde' / UC Verde Buffalo Grass Rosmarinus officinalis 'Prostratus' / Prostrate Rosemary	50% (5 GALLON) 3'-6" ON CENTER SPACING 50% (1 GALLON) 2'-6" ON CENTER SPACING 100% (PLATS)

CONSTRUCTION, IRRIGATION, & PLANTING NOTES:

- DIMENSIONS INDICATED ON PLANS SHALL PREVAIL OVER PLAN SCALE. DIMENSIONS ARE TO FACES OF, AND PERPENDICULAR TO FACE OF BUILDING WALLS UNLESS SHOWN OTHERWISE. ALL ANGLES AND CONNECTIONS ARE (90) DEGREES UNLESS NOTED OTHERWISE.
- CONTRACTOR SHALL REVIEW PLANS AND DETAILS TO ASCERTAIN LOCATIONS NECESSARY TO PROVIDE ELECTRICAL CONNECTIONS TO POWER IRRIGATION, LIGHTING, ETC.
- CONTRACTOR SHALL DETERMINE THE LOCATION AND DEPTH OF ALL SITE UTILITIES PRIOR TO CONSTRUCTION. NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES IMMEDIATELY.
- CONTRACTOR SHALL SECURE ALL PERMITS AND PAY ALL APPLICABLE FEES TO CONSTRUCT THE PLANS HEREIN.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DAILY CLEANUP OF THE SITE AND PROVIDE ADEQUATE SAFETY MEASURES DURING CONSTRUCTION ON A 24 HOUR BASIS.
- THE MAINTENANCE PERIOD SHALL BE 60 DAYS FROM FINAL WALK THROUGH. IT SHALL COMMENCE UPON WRITTEN NOTICE BY OWNER'S REPRESENTATIVE.
- OWNER'S REPRESENTATIVE SHALL APPROVE ALL FINISH GRADING PRIOR TO PLACEMENT OF ANY PLANT MATERIAL.
- PLANT SYMBOLS TAKE PRECEDENCE OVER PLANT QUANTITIES SPECIFIED.
- SHRUB AND GROUNDCOVER MASS QUANTITIES AND/OR SPACING ARE SHOWN ON PLANS. PLANTS SHALL BE INSTALLED WITH TRIANGULAR SPACING.
- PRIOR TO PLANTING, ALL SPRAY IRRIGATION SYSTEMS SHALL BE FULLY FUNCTIONAL. ALL PLANTING AREAS SHALL BE THOROUGHLY WATERED TO A UNIFORM DEPTH OF 6 INCHES IMMEDIATELY FOLLOWING PLANTING.
- PLANT MATERIAL MAY BE REJECTED AT ANY TIME DURING THE CONTRACT AND MAINTENANCE PERIOD BY OWNER'S REPRESENTATIVE DUE TO CONDITION, FORM OR DAMAGE.
- TREE ROOT BARRIERS SHALL BE INSTALLED WHERE TREES ARE PLACED WITHIN 5 FEET OF PUBLIC IMPROVEMENTS INCLUDING WALKS, CURBS, OR STREET PAVEMENTS OR WHERE NEW PUBLIC IMPROVEMENTS ARE PLACED ADJACENT TO EXISTING TREES. THE ROOT BARRIER WILL NOT WRAP AROUND THE ROOT BALL. [142.0403]
- ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE CITY OF SAN DIEGO LANDSCAPE REGULATIONS, THE LAND DEVELOPMENT MANUAL LANDSCAPE STANDARDS, AND ALL OTHER CITY AND REGIONAL STANDARDS.
- MAINTENANCE: ALL LANDSCAPE AREAS SHALL BE MAINTAINED FREE OF DEBRIS AND LITTER AND ALL PLANT MATERIAL SHALL BE MAINTAINED IN A HEALTHY GROWING CONDITION. DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.
- MINIMUM TREE SEPARATION DISTANCE IMPROVEMENT / MINIMUM DISTANCE TO STREET TREE: TRAFFIC SIGNALS (STOP SIGN) - 20 FEET UNDERGROUND UTILITY LINES - 5 FEET ABOVE GROUND UTILITY STRUCTURES - 10 FEET DRIVEWAY (ENTRIES) - 10 FEET INTERSECTIONS (INTERSECTING CURB LINES OF TWO STREETS) - 25 FEET SEWER LINES - 10 FEET
- IRRIGATION: AN AUTOMATIC, ELECTRICALLY CONTROLLED IRRIGATION SYSTEM SHALL BE PROVIDED AS REQUIRED FOR PROPER IRRIGATION, DEVELOPMENT, AND MAINTENANCE OF THE VEGETATION IN A HEALTHY, DISEASE-RESISTANT CONDITION. THE DESIGN OF THE SPRAY SYSTEM SHALL PROVIDE ADEQUATE SUPPORT FOR THE VEGETATION SELECTED.
- ALL PROPOSED IRRIGATION SYSTEMS WILL USE AN APPROVED RAIN SENSOR SHUTOFF DEVICE. [142.0403].



LANDSCAPE CONCEPT PLAN



SCHMIDT DESIGN GROUP, INC.

BALANCING ARTISTIC EXPRESSION WITH ENVIRONMENTAL SENSITIVITY
 2555 Fourth Avenue, San Diego, CA 92103
 telephone (619) 236-1400 facsimile (619) 236-8722
 www.schmidtsg.com
 Lic. CA 2138, NY 219, AZ 24139

REVISION	BY

WILLIAM HEDENKAMP ARCHITECT
 5993 AVENIDA ENCINAS, SUITE 101 CARLSBAD, CALIFORNIA 92008
 PHONE (760) 456-6000 FAX (760) 456-6000
 Email: bill@hedenkamp-architecture.com



AZTEC COURT APARTMENTS
 MONTEZUMA ROAD SAN DIEGO, CALIFORNIA

DESIGNED BY
 CHECKED/RECORDED/SEAL
 DATE: 11/09/2009
 DRAWING TITLE:
 LANDSCAPE CONCEPT PLAN
 SHEET
L-2
 NO. OF SHEETS: 10



NORTH ELEVATION

HEDENKAMP



**ARCHITECTURE
& PLANNING**
 1093 KUIPERS BLVD, SUITE 101
 CARLSBAD, CALIFORNIA 92008
 PHONE: 760.436-8000 F: 760.436-8001
 FAX: 760.436-8001

AZTEC COURT APARTMENTS

MARQUARDT PROPERTIES, INC.
 P.O. BOX 1343 RANCHO SANTA FE, CALIFORNIA 92067
 OFFICE 858 756-1287 FAX 858 756-0341



SOUTH ELEVATION

HEDENKAMP



ARCHITECTURE
& PLANNING
3963 MANANA AVENUE, SUITE 121
CARLSBAD, CALIFORNIA 92008
PHONE 760.438-8000 x-1117
FAX 760.438.6001

AZTEC COURT APARTMENTS

MARQUARDT PROPERTIES, INC.
P.O. BOX 1343 RANCHO SANTA FE, CALIFORNIA 92067
OFFICE 858 758-1287 FAX 858 758-0341



HEDENKAMP

**ARCHITECTURE
 & PLANNING**
 10000 Wilshire Blvd., Suite 1000
 Beverly Hills, CA 90210
 TEL: 310-206-1100 FAX: 310-206-1101

AZTEC COURT APARTMENTS

MARQUARDT PROPERTIES, INC.
 P.O. BOX 1043 RANCHO SANTA FE, CALIFORNIA 92087
 OFFICE: 952 758-1287 FAX: 952 758-0261

General/Community Plan Amendment Issues Analysis

At the January 24, 2008 Planning Commission hearing on the proposed amendment initiation, City staff and the Planning Commission identified a number of issues to be evaluated. These issues and the responses are outlined below.

1. The appropriate land use designation and density range for the site and immediately adjacent area; potentially extending the High Residential designation as far as 63rd Street and/or extending the designation of the entire city block to include the area on the north side of Mary Lane Drive, behind the subject properties; the appropriate transition in densities from High Residential to Low-Medium Residential along Montezuma Road

The proposed General Community Plan Amendment would re-designate a single parcel from Low-Medium Residential (10-15 DU/NRA), to High Residential (45-75 DU/NRA). There is no intention of extending the High Residential designation easterly toward 63rd Street at this time, nor do the neighboring property owners choose to participate and finance the plan amendment.

The neighborhood along Mary Lane Drive is presently designated for Low Residential development (1-10 DU/NRA) and is developed with single-family residences. The College Area Community Plan recommends that existing stable single-family neighborhoods should be maintained at very low and low densities. Therefore, the present designation implements the recommendations of the plan, and re-designation of the properties on the north side of Mary Jane Lane is not being considered as part of the proposed plan amendment.

2. The impact of structure design, height, shade and shadow patterns associated with new development, including how architectural elements, such as front/back/side articulation and second-story setbacks, may aide in the visual transition to the surrounding development; provision of pedestrian amenities and streetscape improvements associated with new residential development

The purpose of the Urban Design Element of the General Plan is to guide physical development toward a desired form and image consistent with the social, economic and aesthetic values of the City. Specific policies address general urban design, distinctive neighborhoods, and residential design, mixed-use village and commercial areas, office and business park development, public spaces and civic architecture, and public art and cultural amenities.

The Urban Design Element of the College Area Community Plan includes the recommendations that multi-family development should be harmonious with adjacent development; building bulk should be controlled through the use of various architectural treatments; parking areas should be enclosed; and special areas for bicycle parking should be included in project designs.

The proposed project would implement the recommendations of the Urban Design Element of the College Area Community Plan. The project site is located adjacent to similar multi-story multi-family residential development and the multi-story SDSU parking structure. The project would incorporate numerous architectural treatments to reduce the apparent bulk of the building, including balconies, off-setting architectural planes, and a variety of building materials and colors. The project would provide rack parking for seventeen (17) bicycles in an enclosed underground parking structure. Streetscape improvements include street trees, lighting, and widened sidewalks.

3. Impacts on community transportation system to determine if any transportation improvements would be necessary, including sidewalks and bike lanes; the availability of transit to serve development on the project site; the opportunities for shared parking with SDSU's *Parking Structure 3*

Improving mobility through development of a balanced, multi-modal transportation network is the purpose of the Mobility Element of the General Plan. To this end, the element contains goals and policies related to walkable communities, transit first, street and freeway systems, Intelligent Transportation Systems, Transportation Demand Management, bicycling, parking management, airports, passenger rail, goods movement/freight, and regional coordination and financing.

The Transportation Element of the College Area Community Plan includes the recommendations of encouraging the use of public transit; encouraging students to use bicycles as a transportation alternative; and to provide adequate parking.

The proposed project would implement the recommendations of the Transportation Element of the College Area Community Plan. The project site is located approximately one thousand six hundred (1,600) linear feet from the SDSU trolley station and approximately two hundred thirty (230) linear feet from a bus stop, and is proximate to neighborhood retail stores, the Rolando/College Library, the SDSU campus, and schools and churches. The proposed improvements include rack storage for seventeen (17) bicycles, and parking for six (6) motorcycles, and fifty-four (54) automobiles.

There is no opportunity for shared parking in the SDSU parking structure as all spaces are already assigned for campus-related use.

Public transportation improvements include a payment of \$117,000.00 towards improvements for the intersection of College Avenue and Montezuma Road, frontage improvements along Montezuma Road, including curb, gutter and sidewalk, assure by permit and bond the signal modification of Montezuma Road and 63rd Street with left turn lands and signal heads for traffic on Montezuma Road, and assure by permit and bond the restriping of Montezuma Road from East Campus to Ewing Street with a cross section that includes a five foot wide bicycle lane in each direction.

4. The availability of recreational facilities, public facilities and/or services, in particular parks and public schools; the ability of the project to provide additional recreational amenities as part of the development proposal

The College Community planning area is an urbanized community and all necessary public services are available as outlined below.

Fire and Police Protection – The project is located within a developed community currently served by existing police and fire protection services and would not result in a need for new or altered facilities. The College Area Community is served by the Eastern Division substation of the San Diego Police Department (SDPD), and there is no substation or community relations office within the community. The community is also served by the University Police who are responsible for public safety on campus, and work closely with the SDPD in monitoring off-campus student activities. Stations No. 10 and 17 provide the necessary fire protection of the community, and there are no immediate plans to build another fire station or to enlarge the existing facilities.

Schools – The community is served by three elementary schools, one junior high, and one senior high school, all of which are within the Crawford Attendance Area. The Long Range Facilities Master Plan is used by the school district to determine long range needs of the school district as a whole. The project is expected to generate additional students and they will be accommodated at existing schools in the project area. Payment of school fees would help resolve any potential long-term capacity issues.

Parks or other recreational facilities – Because the community is urbanized an already developed, the opportunities for acquiring new park lands are very limited. Land availability and costs inhibit the development of new park sites or the expansion of old ones. As a result, alternative recreational facilities must be identified and developed to increase both active and passive recreational opportunities. The project would satisfy the park requirements through payment of park impact fees. In addition, the project would provide on-site recreational amenities for residents, including an outdoor patio and barbecue.

Utilities – Existing services are sufficient to meet the project's needs and the project will not be required to provide new or altered natural gas, communication, sewer, storm drain, or electrical systems.

Water – The City of San Diego Water Utilities Department provides water service to the project site and no new or altered water systems would be required for project implementation.

Solid Waste Disposal – Solid Waste Disposal services would be provided for the project and no additional Waste Management Plan is required.

5. Compatibility between the proposed General/Community plan amendment and the City's General Plan and Transit-Oriented Development Design Guidelines; the ability of the project to provide housing which meets the needs of the community, including the opportunity for on-site affordable housing

The Transit-Oriented Development Design Guidelines were based on the guiding principles of maximizing the use of existing urbanized areas accessible to transit through infrastructure-sensitive infill and redevelopment; reducing consumption of non-urban areas by designing the urban area efficiently; employing land use strategies to reinforce transit; reducing the number of auto trips and regional vehicle miles traveled by creating opportunities to walk and bike; protecting the natural environment and community character by reducing the need for roadway expansions; reducing air pollutant emissions and conserve limited energy resources; providing a diversity of housing types; and fostering a more vital, interactive and secure community. The guiding principles of the Transit-Oriented Development Design Guidelines have been incorporated into various elements of the City of San Diego General Plan.

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

The College Area Community Plan includes the objectives of identifying areas appropriate for multi-family development; identifying density levels appropriate for multi-family development in order to ensure compatibility with existing single-family neighborhoods; and reducing the shortage of student housing by identifying a mixed-use area adjacent to the University for all forms of student housing.

The proposed community plan amendment, if approved, would facilitate the construction of a multi-family residential development adjacent to the university, and may include student housing, which would implement the objectives of the General and Community Plan.

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

The Housing Element of the College Area Community Plan includes recommendations that all new multi-family housing should be developed adjacent to the University; should be compatible with the bulk, scale, and character to adjacent development; should include strong pedestrian links to the University, nearby commercial facilities, and public transit; and should include on-site recreational facilities.

The proposed community plan amendment would allow the construction of a multi-family residential development with a density yield of 24 dwelling units in close proximity to the SDSU campus, and would help implement the goals and policies of the General and Community plans. The in-fill development would provide two (2) housing units of an affordable nature within the San Diego region, at a time when the City of San Diego is searching for areas that can accommodate additional residential units. The proposed amendment would also facilitate the construction of an infill housing project with close proximity to public transit.

College Area Community Plan

Draft Amendment July 2009

Applicant: Marquardt Properties, Inc.

Project: Aztec Court Apartment Suites/ Project No. 165908

Contact: Maxx Stalheim
Senior Planner
City Planning & Community Investment Department
City of San Diego
202 C Street, MS 4A
San Diego, CA 92101
Phone: (619) 236-6153
Email: MStalheim@sandiego.gov

This information, or this document (or portions thereof), will be made available in alternative formats upon request.

1, 1987, the vacancy factor for the 92115 zip code area, which includes the College Area community, was 3.5 percent. Most of the housing units were in sound condition. The rental vacancy rate in 1987 was 7.7 percent. The median value of housing according to the 1980 census was \$92,700 compared to a citywide value of \$90,700, and median rent was \$288 per month compared to a citywide figure of \$249.

TABLE 2
Population and Housing Characteristics -1988

Total Population	19,000
Total Housing Units	7,500
Single-Family Units	3,900
Multifamily Units	3,600
Average Family Size	2.15
Overall Community Density	9 people/acre
Average Family Income	\$22,000
Median Housing Value	\$92,700

Sources: U.S. Census, 1980; Population, Housing Inventory Data, January 1, 1988, City of San Diego

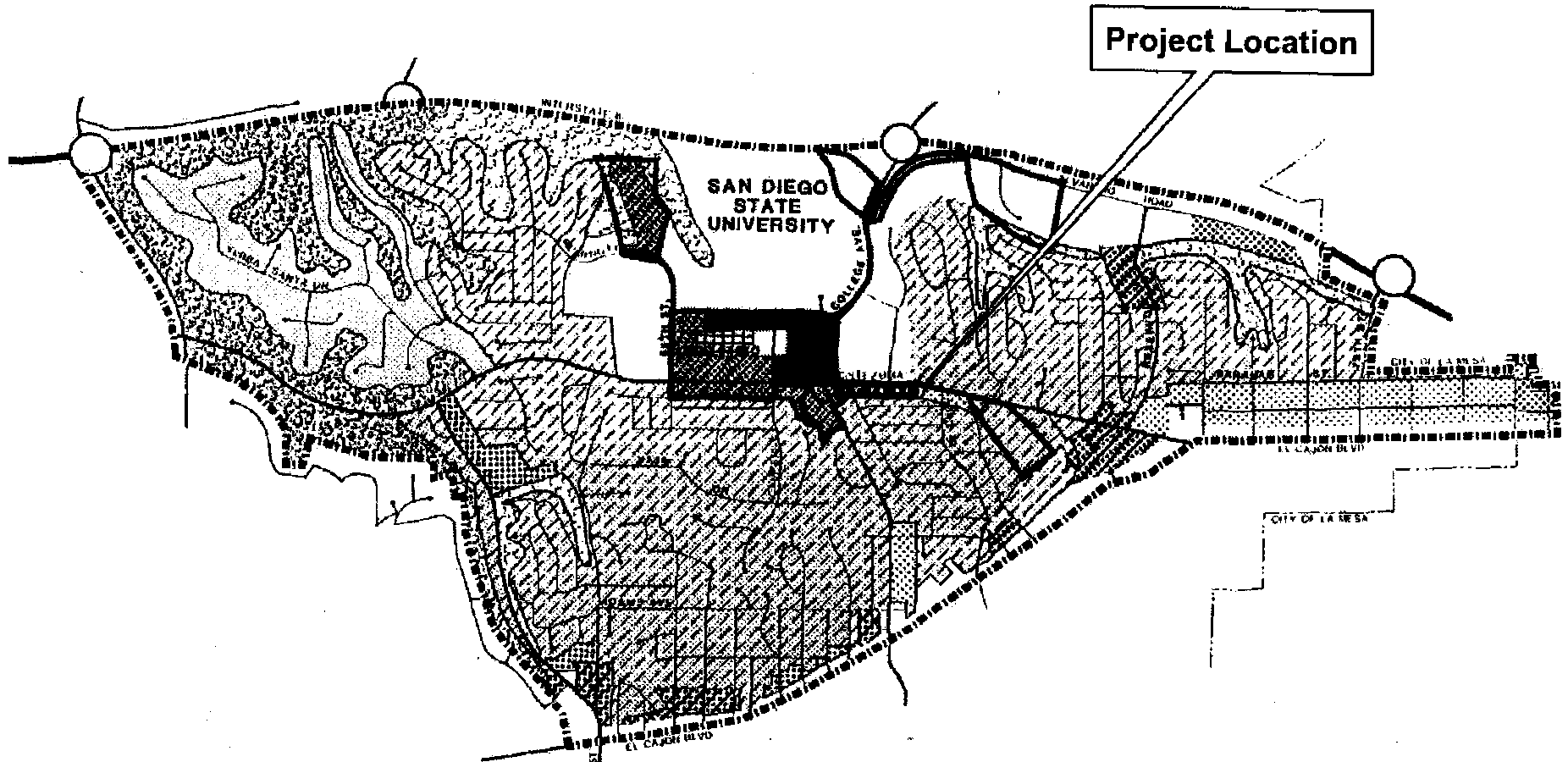
The overall profile of the community is that of a middle class community beginning to age but still somewhat family oriented. The overall density of the community is low (nine people/acre), while the relative wealth (income, housing value, rent) is higher than average. Even though there is a significant nonresident population, the community is still a stable, established area.

Table 3, below, represents projected growth in the College Area community based on the recommendations of this Plan. All new housing units are projected to be multifamily units with the number of single-family units remaining the same as in 1988. These projected numbers may not be used as absolute quantities representing future growth. These numbers are included for planning purposes only and represent gross estimates that do not reflect changing economics or social factors in the City or the region. They are included here only as possible future quantities (based on recommended land uses and densities) to be compared with existing numbers.

TABLE 3
Projected Population and Housing Units

Total Population	22,000
Total Housing Units	9,314 9,327
Total Increase of Units	1,914 1,927
Percent Increase	14%

EXISTING



Protected Single Family Areas		VERY LOW (0-1 DU/AC)		HIGH (45-75 DU/AC)
		LOW (5-10 DU/AC)		VERY HIGH (75-110 DU/AC)
		LOW/MED. (10-15 DU/AC)		VERY HIGH W/COMMERCIAL
		MEDIUM-MED./HIGH (15-45 DU/AC)		OPEN SPACE (0-1 DU/AC)
				OPEN USE AREA
			DU/AC	Dwelling units permitted/net acre.



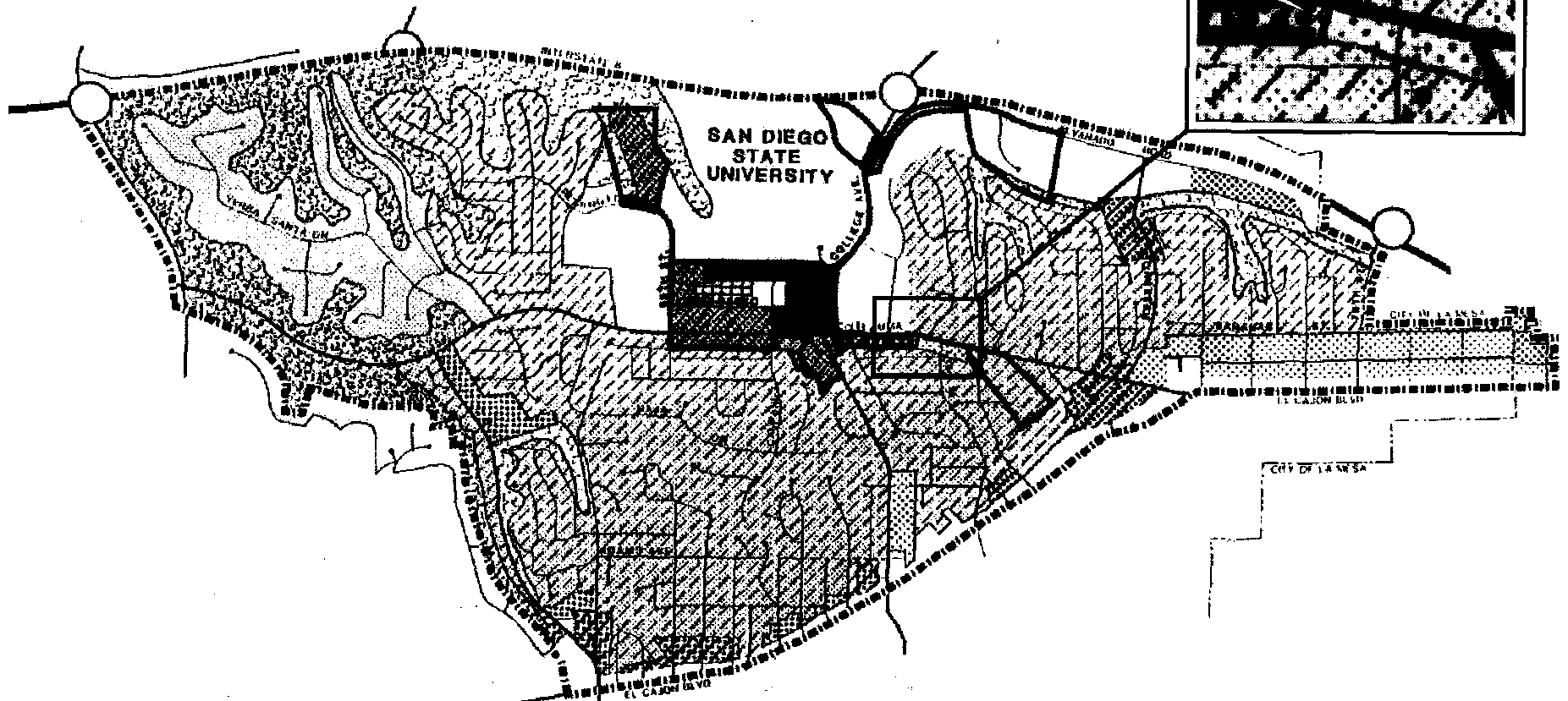
RECOMMENDED RESIDENTIAL DENSITIES

COLLEGE AREA COMMUNITY PLAN
CITY OF SAN DIEGO • PLANNING DEPARTMENT

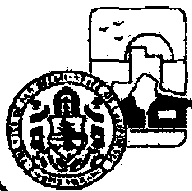


FIGURE
6

PROPOSED



Protected Single Family Areas		VERY LOW (0-4 DU/AC)		HIGH (45-75 DU/AC)
		LOW (5-10 DU/AC)		VERY HIGH (75-110 DU/AC)
		LOW/MED. (10-15 DU/AC)		VERY HIGH W/COMMERCIAL
		MEDIUM-MED./HIGH (15-45 DU/AC)		OPEN SPACE (0-1 DU/AC)
				OPEN USE AREA
			DU/AC	Dwelling units permitted/net acre.

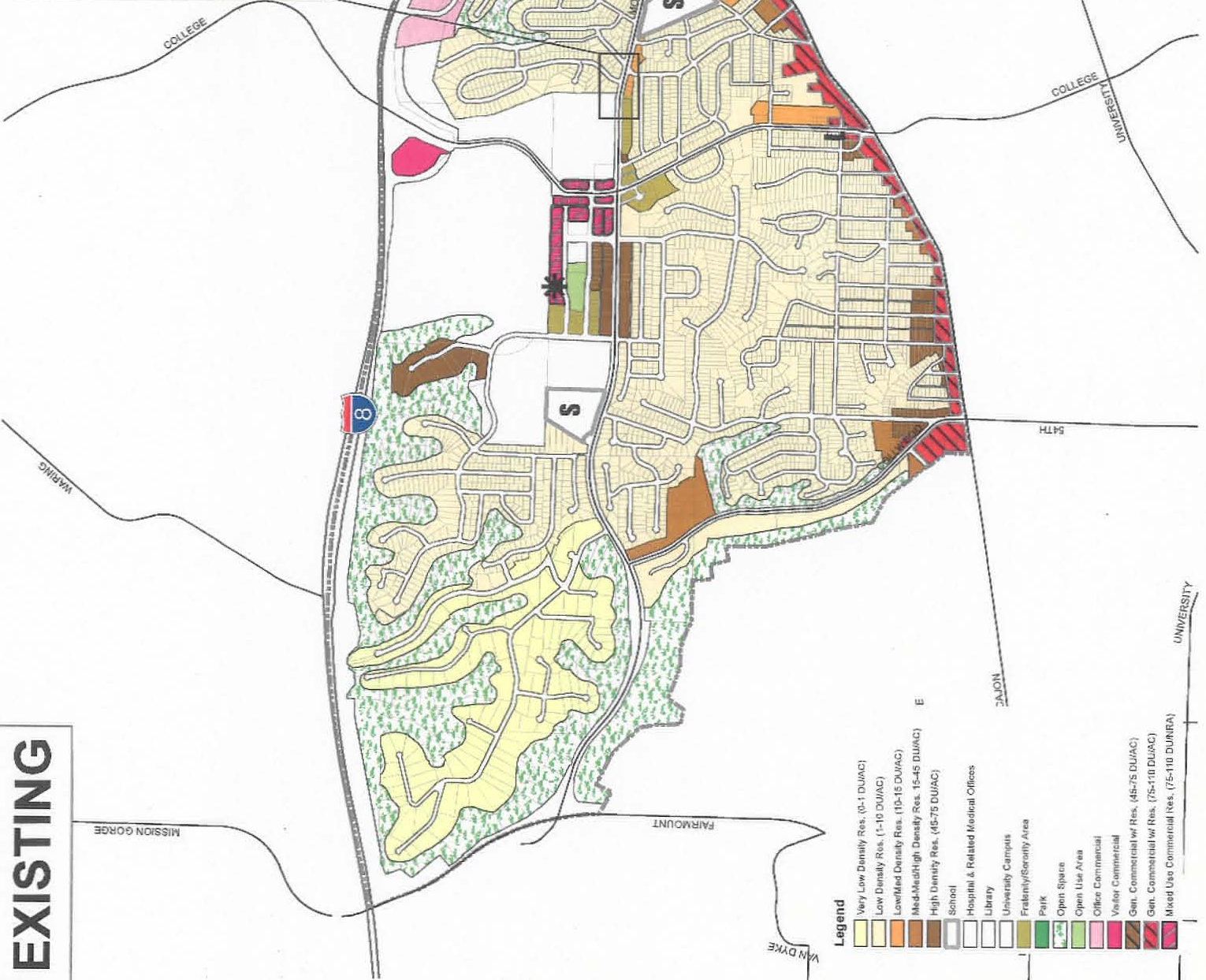


RECOMMENDED RESIDENTIAL DENSITIES

COLLEGE AREA COMMUNITY PLAN
CITY OF SAN DIEGO • PLANNING DEPARTMENT

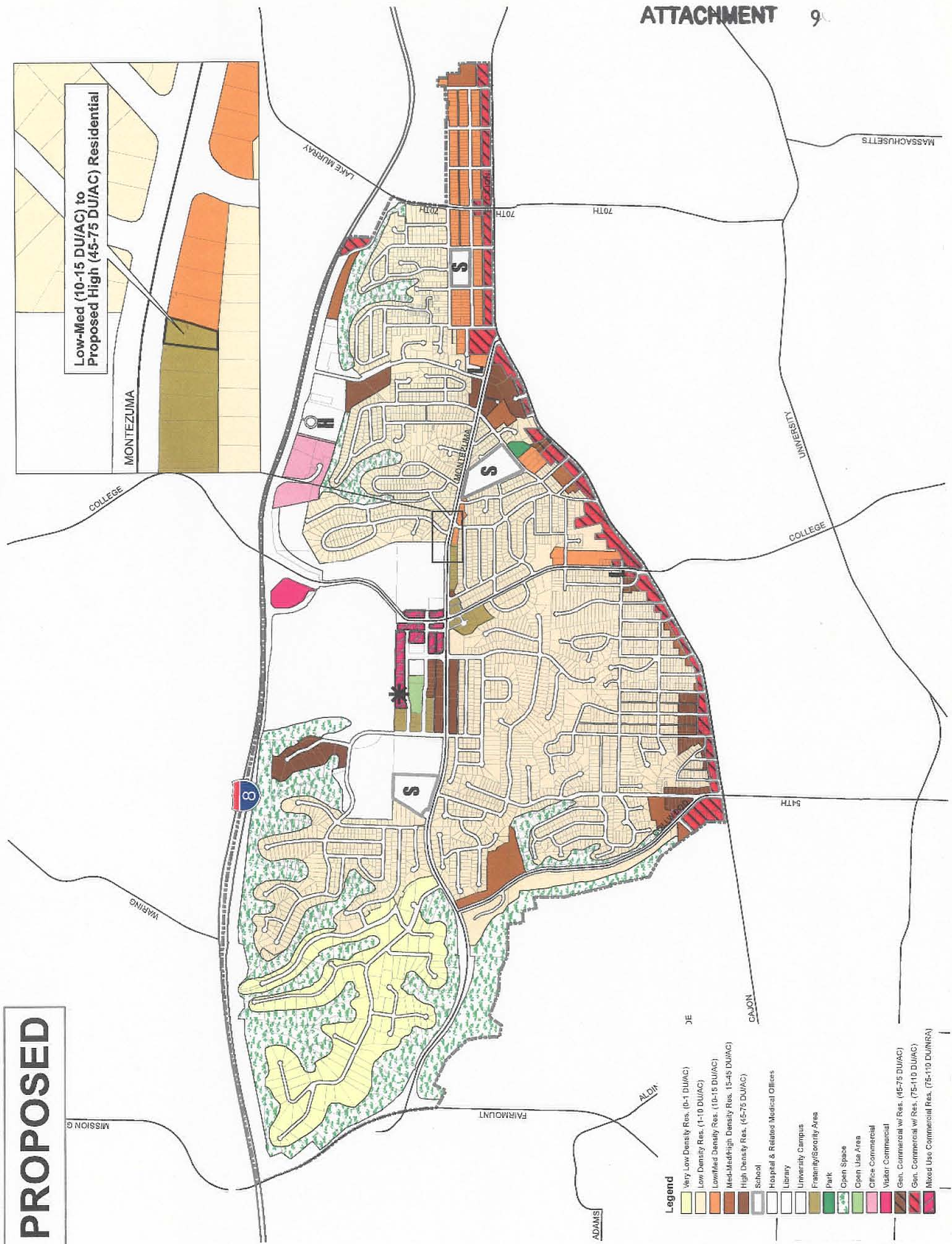
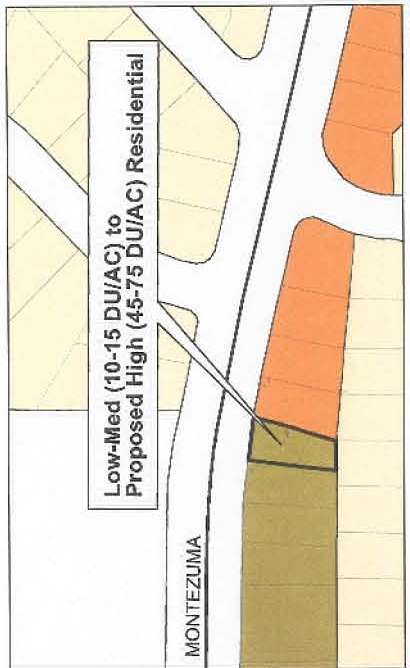


FIGURE
6



EXISTING

- Legend**
- Very Low Density Res. (0-1 DU/AC)
 - Low Density Res. (1-10 DU/AC)
 - Low/Med Density Res. (10-15 DU/AC)
 - Med-High Density Res. (15-45 DU/AC)
 - High Density Res. (45-75 DU/AC)
 - School
 - Hospital & Related Medical Offices
 - Library
 - University Campus
 - Fraternity/Security Area
 - Park
 - Open Space
 - Open Use Area
 - Office Commercial
 - Visitor Commercial
 - Gen. Commercial w/ Res. (45-75 DU/AC)
 - Gen. Commercial w/ Res. (75-110 DU/AC)
 - Mixed Use Commercial Res. (75-110 DU/RA)



PROPOSED

- Legend**
- Very Low Density Res. (0-1 DU/AC)
 - Low Density Res. (1-10 DU/AC)
 - Low/Mid Density Res. (10-15 DU/AC)
 - Med-Med/High Density Res. (15-45 DU/AC)
 - High Density Res. (45-75 DU/AC)
 - School
 - Hospital & Related Medical Offices
 - Library
 - University Campus
 - Fraternity/Sorority Area
 - Park
 - Open Space
 - Open Use Area
 - Office Commercial
 - Visitor Commercial
 - Gen. Commercial w/ Res. (45-75 DU/AC)
 - Gen. Commercial w/ Res. (75-110 DU/AC)
 - Mixed Use Commercial Res. (75-110 DU/AC)

MASSACHUSETTS

UNIVERSITY

COLLEGE

94TH

CAJON

DE

ALON

FAIRMOUNT

WARING

COLLEGE

MONTEZUMA

LAKE MURRAY

70TH

70TH

MONTEZUMA

8

ADAMS

(R-INSERT)

RESOLUTION NUMBER R-NUMBER

ADOPTED ON DATE

WHEREAS, AZTEC COURT, LLC, a California limited liability company, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit [SDP] No. 594945 to demolish three existing single family structures and construct a twenty-four unit apartment building with a subterranean parking garage, site improvements, landscaping and minor improvements in the public right-of-way, including three deviations for reduced setbacks and two development incentives for increased building height and increased floor area ratio to provide two affordable housing units located at 6229, 6237 and 6245 Montezuma Road, and legally described as Lots 190, 191 and 192 of Collwood Park Unit No. 2, according to Map thereof No. 2495, filed August 12, 1948 together with that portion of the south six feet of Montezuma Road adjoining said lots 190, 191 and 192 on the north as closed to public use by Resolution No. 184453, recorded August 6, 1965, as File No. 141427, Official Records, in the College Area Community Plan area, in the RM-3-9 and RM-1-1 Zones, Community Plan Implementation Overlay Area B, Campus Impact Area of the Parking Impact Overlay Zone and College Community Redevelopment Project Area-Master Plan Project Plan-Core Sub Area, and which is proposed to be rezoned to the RM-3-9 Zone on Lot 191 and retaining the existing RM-3-9 Zone on Lot 190 and RM-1-1 Zone on Lot 192; and

WHEREAS, on INSERT DATE, the Planning Commission of the City of San Diego considered Site Development Permit [SDP] No. 594945, and pursuant to Resolution No. INSERT PLANNING COMM. RESOLUTION NUMBER-PC voted to recommend City Council approval of the permit; and

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

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to SDP Permit No. 594945:

Site Development Permit - Section 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The proposed project site is located within the College Area Community Plan area. The proposed project is a 24 apartment unit, multi-family residential development with subterranean parking structure on a 0.387-acre site. With the adoption of an amendment to the College Area Community Plan and General Plan, the proposed project will provide residential development at densities consistent with the policies and guidelines of the College Area Community Plan and General Plan. The project will also help satisfy a variety of goals of the applicable land use plans. The College Area Community Plan encourages multi-family residential projects near San Diego State University to allow an increase in student housing opportunities. The project will increase the supply of housing in the community within walking distance of the university, transit, shopping, and employment opportunities. Development of the property will not conflict with goals of the community plan relative to topography as the project site has been previously developed. Being determined the project is consistent with the General Plan and the College Area Community plan, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project is a 24 apartment unit, multi-family residential development with subterranean parking structure on a 0.387-acre site. The proposed development will provide public benefits which would not have occurred otherwise. The proposed development will construct necessary sewer and water facilities to serve the residents of the development; will enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance; will comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. The development will also provide for the health, safety, and welfare of the residents by constructing all buildings in accordance with current construction standards and codes. All structures constructed will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical and fire codes to assure the structures will meet or exceed

the current regulations. As such the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project is a 24 apartment unit, multi-family residential development with subterranean parking structure on a 0.387-acre site. The proposed development complies with the regulations of the RM-1-1 and RM-3-9 Zones and specific development regulations for the property, as allowed with the approval of a Site Development Permit. Deviations, as allowed by the approval of a Site Development Permit, are required to approve the proposed project. The project will include three deviations:

- a. Allow a deviation from Land Development Code [LDC] section 131.0443(f)(1)(A): to reduce the depth of the required front yard setback to ten feet where up to 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.
- b. Allow a deviation from LDC section 131.0443(f)(2)(A): to reduce the side yard setback to five feet where the minimum side setback is five feet or ten percent of the premises width, whichever is greater.
- c. Allow a deviation from LDC section 131.0443(f)(2)(A): to reduce the minimum rear setback from fifteen feet to ten feet.

The three deviations approved with the project will result in a better project than through the strict application of the zoning requirements in that the City will benefit; by the increase in housing opportunities in the City and more specifically within the College Area community, by the increase in revenues acquired by the increase in property value, by greater efficient utilization of land in an urbanized community for housing purposes, and by the completion of a new housing structure which will comply with all current relevant and applicable building, electrical, mechanical and fire codes assuring the structure will meet or exceed the current regulations. The proposed development complies with all other relevant regulations of the Land Development Code. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 594945. Development of the property will meet all other requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code, as allowed through the approval of a Site Development Permit.

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

1. **The proposed development will materially assist in accomplishing the goal of**

providing affordable housing opportunities in economically balanced communities throughout the City, and/or the proposed development will materially assist in reducing impacts associated with fossil fuel energy use by utilizing alternative energy resources, self-generation and other renewable technologies (e.g. photovoltaic, wind, and/or fuel cells) to generate electricity needed by the building and its occupants. The project will provide several significant features, amenities and improvements in the community. The project will provide 24 rental housing units to the housing stock of the City of San Diego at a time in the history of the city when there is a housing shortage and in a community with a very low vacancy rate. The city currently has a very limited supply of land designated and zoned for High Residential density residential development at 45-75 dwelling units per net residential acre multi-family housing. Increasing the housing supply will be particularly beneficial in the College Area because of the large and expanding employment base and student population in the area. This proposal will help to alleviate the shortage of multi-family and student housing opportunities. This project will also provide affordable housing opportunities within the project on site. Housing near the many employment sites in the College Area community will aid in reducing automobile congestion, particularly during peak travel hours. The developer will also provide much needed FBA funding for the completion of identified public improvements. Furthermore, of the 24 units, two dwelling units will be affordable to persons earning no more than 65 percent of the area median income. The project will provide water efficient landscaping and building fixtures and will be designed to achieve an equivalency of a LEED certified project for energy efficiency. Thus the development of the project will materially benefit the city by providing both housing units during a shortage of supply, by providing affordable housing and the equivalency of a LEED certified development. The resulting benefits of the project will be positive for the community and City of San Diego and will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the city.

2. The development will not be inconsistent with the purpose of the underlying Zone. The proposed project is a 24 apartment unit, multi-family residential development with subterranean parking structure on a 0.387-acre site. The proposed development complies with the regulations of the RM-1-1 and RM-3-9 Zones and specific development regulations for the property, as allowed with the approval of a Site Development Permit. Deviations, as allowed by the approval of a Site Development Permit, are required to approve the proposed project. The project will include three deviations:

- a. Allow a deviation from Land Development Code [LDC] section 131.0443(f)(1)(A): to reduce the depth of the required setback to ten feet where up to 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.
- b. Allow a deviation from LDC section 131.0443(f)(2)(A): to reduce the side yard setback to five feet where the minimum side setback is five feet or ten percent of the premises width, whichever is greater.

- c. Allow a deviation from LDC section 131.0443(f)(2)(A): to reduce the minimum rear setback from fifteen feet to ten feet.

The three deviations approved with the project will result in a better project than through the strict application of the zoning requirements in that the City will benefit; by the increase in housing opportunities in the City and more specifically within the College Area community, by the increase in revenues acquired by the increase in property value, by greater efficient utilization of land in an urbanized community for housing purposes, and by the completion of a new housing structure which will comply with all current relevant and applicable building, electrical, mechanical and fire codes assuring the structure will meet or exceed the current regulations. The proposed development complies with all other relevant regulations of the Land Development Code and is consistent with the purpose of the RM-1-1 and RM-3-9 Zones which states: "The purpose of the RM zones is to provide for multiple dwelling unit development at varying densities. The RM zones individually accommodate developments with similar densities and characteristics. Each of the RM zones is intended to establish development criteria that consolidates common development regulations, accommodates specific dwelling types, and responds to locational issues regarding adjacent land uses." The project has been designed to complement and respect the adjacent land uses. Specific conditions of approval require the continued compliance with all relevant regulations of the City of San Diego effective for this site and have been written as such into Site Development Permit No. 594945. Development of the property will meet all other requirements of these regulations. Concept plans for the project identify all other development criteria in effect for the site. All relevant regulations shall be complied with at all times for the life of the project. In these ways the proposed development will comply with the applicable and relevant regulations of the Land Development Code, as allowed through the approval of a Site Development Permit.

3. Any proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed project is a 24 apartment unit, multi-family residential development with subterranean parking structure on a 0.387-acre site. The proposed development complies with the regulations of the RM-1-1 and RM-3-9 Zones and specific development regulations for the property, as allowed with the approval of a Site Development Permit. Deviations, as allowed by the approval of a Site Development Permit, are required to approve the proposed project and to provide the affordable housing units which are granted through the density bonus regulations. Reducing the setbacks will allow the creation of a larger building with more spacious livable dwelling units. The more attractive livable dwelling units with the three deviations will create value for the property owner and supplement the provision of affordable housing units within the project without which the building would be smaller, less attractive or livable and would not provide two additional housing units affordable to persons earning no more than 65 percent of the area median income. As a result of the approved deviations and other design features of the project, the proposed project conforms to the overall policies, regulations and purpose and intent of the Site Development regulations. The design will result in a more desirable project for the City

and the community than would be realized through the strict application of the development regulations at this location.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Site Development Permit No. 594945 is granted to AZTEC COURT, LLC, a California limited liability company, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN GOLDSMITH, City Attorney

By _____
NAME
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
Or.Dept:Clerk
R-INSERT
Form=permitr.frm(61203wct)
Reviewed by John S. Fisher

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 431637

SITE DEVELOPMENT PERMIT NO. 594945
AZTEC COURT APARTMENTS PROJECT NO. [MMRP]
CITY COUNCIL

This Site Development Permit No. 594945 is granted by the City Council of the City of San Diego to AZTEC COURT, LLC, a California limited liability company, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0501. The 0.387 acre site is located at 6229, 6237 and 6245 Montezuma Road in the RM-1-1 and RM-3-9 Zones, Community Plan Implementation Overlay Area B, Campus Impact Area of the Parking Impact Overlay Zone, College Community Redevelopment Project Area-Master Plan Project Plan-Core Sub Area of the College Area Community Plan. The project site is legally described as Lots 190, 191 and 192 of Collwood Park Unit No. 2, according to Map thereof No. 2495, filed August 12, 1948 together with that portion of the south six feet of Montezuma Road adjoining said lots 190, 191 and 192 on the north as closed to public use by Resolution No. 184453, recorded August 6, 1965, as File No. 141427, Official Records.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish three existing single family structures and construct a twenty-four unit apartment building with a subterranean parking garage, site improvements, landscaping and minor improvements in the public right-of-way, including three deviations for reduced setbacks and two development incentives to provide two affordable housing units for increased building height and increased floor area ratio described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. Demolish three single family structures and construct a twenty-four unit apartment building with a subterranean parking garage, landscaping, site improvements and minor improvements in the public right-of-way;

- b. The deviations approved for this project shall include a reduced front yard setback to ten feet; a reduced side yard setback to five feet; and a reduced rear setback to ten feet;
- c. The development incentives approved for this project shall include an increase of the building height to a maximum height of forty-eight feet and an increase of the maximum floor area ratio on the site resulting in a building which measures 37,056 square feet;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in 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 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:

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

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 165908, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 165908, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- General**
- Paleontological Resources**
- Noise**
- Public Utilities**
- Transportation**

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

AFFORDABLE HOUSING REQUIREMENTS:

15. Prior to receiving the first residential building permit, the Owner/Permittee shall enter into an Affordable Housing Agreement with the San Diego Housing Commission to provide the affordable units in compliance with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and the Density Bonus Program (California Government Code Sections 65915-65918 and Chapter 14, Article 3, Division 7 of the Land Development Code).

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any construction permits, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

17. Prior to the issuance of any construction permits, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

18. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

19. Prior to the issuance of any construction permits, 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, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

20. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the sidewalk underdrains (D-25) within the Montezuma Road right-of-way, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the construction of an additional five feet of sidewalk and replace damaged portions of the existing sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Montezuma Road, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the closure of all non-utilized driveways with full height curb, gutter, and sidewalk, adjacent to the site on Montezuma Road, satisfactory to the City Engineer.

23. This project proposes to export 7,400 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

24. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the relocation of the existing street light and provide any necessary upgrades to meet current City Street Lighting Standards, adjacent to the site on Montezuma Road, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

25. Prior to issuance of construction permits for grading, the Owner/Permittee shall submit landscape construction documents for the re-vegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual, Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit and Exhibit "A."

26. Prior to issuance of construction permits for public right-of-way improvements, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall indicate an area equal to forty square feet 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.

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

28. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee 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.

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

30. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

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

PLANNING/DESIGN REQUIREMENTS:

32. No fewer than 54 parking spaces (54 required) shall be permanently maintained on the site within the approximate location shown on the approved Exhibit "A", which includes 4 disabled accessible spaces (1 required) per CBC Chapter 11A, Section 1118A. Additionally, a minimum of 6 motorcycle and 17 bicycle spaces shall be provided on site. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

33. 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.

34. All signs associated with this development shall be consistent with sign criteria established by City-wide sign regulations.

35. 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.

TRANSPORTATION REQUIREMENTS

36. The Owner/Permittee shall provide and maintain at least twenty feet clear of obstacles from the back of sidewalk to the roll-down gate serving the underground parking lot, satisfactory to the City Engineer.

37. The Owner/Permittee shall pay \$117,000.00 towards transportation improvements for the intersection of College Avenue and Montezuma Road and other improvements identified, satisfactory to the City Engineer. These monies shall be deposited into a separate interest bearing account, satisfactory to the City Engineer.

38. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the improvement of the project frontage along Montezuma Road, with curb, gutter and five foot noncontiguous sidewalk, install one 24 foot wide driveway consistent with Regional Standards drawing SDG-114 serving the underground parking lot and close all unused driveways satisfactory to the City Engineer.

39. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the signal modification of Montezuma Road and 63rd Street with left turn lanes and signal heads for traffic on Montezuma Road, satisfactory to the City Engineer.

40. Prior to issuance of any building permit, the Owner/Permittee shall assure by permit and bond the restriping of Montezuma Road from East Campus to Ewing Street with a cross section which includes a five foot wide bicycle lane in each direction, two eleven foot wide through lanes in each direction and an eleven foot wide two-way left turn lane, satisfactory to the City Engineer.

WASTEWATER REQUIREMENTS:

41. The Owner/Permittee shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

42. All proposed private sewer facilities that serve more than one lot are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide.

43. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.
44. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.
45. All on-site sewer facilities shall be private.
46. No approved improvements or landscaping, including private sewer facilities, shall be installed in or over any easement prior to the applicant acquiring an Encroachment Maintenance and Removal Agreement.
47. No structures or landscaping that would inhibit vehicular access shall be installed in or over any sewer access easement.

WATER REQUIREMENTS:

48. 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.
49. 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.
50. 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 City Engineer.
51. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within

ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.

- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Council of the City of San Diego on [date and resolution number] .

Permit Type/PTS Approval No.: SDP No. 594945
Date of Approval:

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Mike Westlake
Program 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.**

AZTEC COURT, LLC, a California
limited liability company
Owner/Permittee

By _____
Dale R. Marquardt
President

AZTEC COURT, LLC, a California
limited liability company
Owner/Permittee

By _____
Leonardo V. Alcala
Trustee

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

**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

Draft Minutes – Version 1

These minutes will be scheduled for approval at CACPB/CACC meeting on Nov. 18, 2009.

From the Regular Meeting held on: Wednesday, October 14, 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	
A1	Charles	Maze	Secretary	P	Jim	Boggus		P	Martin	Montesano	
P	R.D.	Williams	Treasurer	P	John	Burkett		P	Rob	Nelson	
P	Tyler	Sherer	SDSU Appointee	P	Taylor	Cooning		P	Mike	Trunzo	
P	Alyssa	Bruni	SDSU AS Appointee	P	Ann	Cottrell		P	Jan	Riley	
				A?	Sally	Ellis		P	Mitch	Yunker	
P = Present A1 / A2 / A3 / A4 = Absent 1 st , 2 nd , 3 rd , 4 th								TOTALS	16	4	
CP600-24, Art IV, Sec 1: a vacancy exists upon the 3 rd consecutive absence or the 4 th absence in 12 months (April through March)											

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

President Doug Case called the October 14, 2009 meeting of the College Area Community Council (CACC) to order at 7:04 PM. Ann Cottrell 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 - Approve current agenda

(Motion – Doug Case)

(18-0-0) Unanimously Approved

III. Adoption and Approval of Consent Agenda - None

Motion - Add Verizon Collwood Project to consent agenda

(Motion – Doug Case)

(18-0-0) Unanimously Approved

Motion - Approve Consent agenda

(Motion – Jim Boggus)

(18-0-0) Unanimously Approved

IV. Approval of Minutes from September 9, 2009 Meeting

Trailed to next meeting.

V. Public Comment on Non-Agenda Item

- A. Rachel Williams – Information on community gardens.
- B. Jennifer Finnegan (BID) – Invited all to BOO Parade on Oct. 24.
- C. Steve Barlow – State Sen. Christine Kehoe will be at Mohawk/Saranac Community Group meeting on Oct. 21. Cucina Fresca restaurant on El Cajon Blvd. has expanded and is scheduling a Grand Opening.

VI. Report of Government Liaisons

- A. Cynthia Harris – Council District 7 Representative Marti Emerald – Ms. Harris distributed the councilmember's newsletter. 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 updated the group on the department's enforcement efforts during the first two weeks of the semester during which arrests and citations totaled 952.
- C. Sean Woorley, Senator Christine Kehoe – Mr. Woorley distributed the Senator's newsletter.
- D. Deanneka Goodwin, US Rep. Susan Davis – Ms. Goodwin distributed the Representative's newsletter.
- E. Tyler Sherer, SDSU Community Relations – Mr. Sherer reminded the group that 55th Street north of Montezuma would be closed on the morning of Oct. 18 for the grand opening of the Parma Payne Goodall Alumni Center.

Meeting of the CACC as Community Council

VII. Treasurer's Report

Mr. Williams distributed the Treasurer's Report for the period ending Sept. 30, 2009.

Motion: Approve the Treasurer's Report

(18-0-0) Unanimously Approved

VIII. Committee Reports

Meeting of the CACPB as Community Planning Group

A. Project Review Committee, Rob Nelson, Chair

- 1. Verizon Collwood – Project #188245 (Action Item)** – (Process 4) Conditional Use Permit for an existing wireless communication facility on an existing multi-family building at 5505 Montezuma Road (University Towers) in the RM-3-9 Zone.

Motion from Oct. 7 Project Review Committee (9-0-0): Approve the Conditional Use Permit for an existing wireless communication facility on an existing multi-family building at 5505 Montezuma Road (University Towers) in the RM-3-9 Zone. (9-0-0) unanimous approval.

Approved on consent agenda.

2. Aztec Court Apartments – Project # 165908 (Action Item) – (Process 5) Community Plan Amendment, Site Development Permit and Rezone from RM-1-1 to RM-3-9, to demolish existing residences and construct 24 residential rental units including affordable units, with setback and tandem parking deviations, on a 0.38 acre lot at 6229/6237/6245 Montezuma Road.

Presenters:

Janay Kruger, Consultant,
Dale Marquardt, Owner / Developer

Project has been scaled back in height and number of units (now 24 from 26). Requested deviations are front yard set back, side yard set back and height on easterly lot that remains zoned single-family. (Tandem parking no longer included.) Mitigated Negative Declaration (MND) redistributed prior to meeting.

Public Comment (Neutral):

- Robert Montana, neighbor, said that the neighbors he was representing no longer oppose the project.

Motion from CACPB:

Motion from Oct. 7 Project Review Committee (6-0-3): Approve Community Plan Amendment, Site Development Permit and Rezone from RM-1-1 to RM-3-9, to demolish existing residences and construct 24 residential rental units including affordable units, with setback and height deviations, on a 0.38 acre lot at 6229/6237/6245 Montezuma Road. (17-1-0) Motion passes with Cooning dissenting.

3. Resubmittal of Village Lindo Paseo – Project 166229 (Action Item) – (Process 4, Sustainable Building Expedite Program) - Conditional Use Permit and Vesting Tentative Map to demolish existing structures and construct 3-4 story student dormitory with deviations for 386 residents on a 0.99 acre site at 5565-5633 Lindo Paseo Drive in the RM-3-9 Zone, within the Fraternity Designated Area of the College Community Redevelopment Area Master Plan.

Presenters:

Paul Denyer, Owner/Developer
Jay Wexler, Project Manager
Jamie Stark, Architect

Project has been scaled back in height (now four stories above two stories of underground parking) and number of units (now 288). Project will provide much needed student housing along with tax

increment and construction jobs. Convertibility plan for fraternity use presented. Requested deviation is for tandem parking.

Public Comment (In Support of the Project Proposal):

- Scott Duckett, Campus Advantage, said his Texas-based company has been consulting with the developers on management plans.
- Scott Moomjian, community member and former CACC chair, spoke in favor of the project as a good addition to the College Area.
- Eliana Barreros, City of San Diego Redevelopment Agency, spoke in favor of the project based on its alignment with redevelopment goals and potential tax increment generation.
- Michael Bigelow, community member, spoke in favor of the project as a recent SDSU graduate.
- Jennifer Finnegan, Business Improvement District, said that the board of her group had recently endorsed the project.
- Nathaniel Donnelley, community member, spoke in favor of the project as a recent SDSU graduate and founder of the Student Veterans group on campus.

Public Comment (In Opposition to the Project Proposal):

- Bob Travaten, Sigma Phi Epsilon Fraternity Alumni, said that the project is not convertible to fraternity use in practice and that its construction would take away six parcels in the Fraternity Designated Area.
- Ron Smith, SDSU Interfraternity Council Alumni, said that his organization had reviewed the convertibility plan for the facility and had found that it would not be convertible in practice. He discussed details of the letter his organization had sent to CACPB in opposition to the project.
- Sean Kashanchi, president of SDSU Interfraternity Council, said that his organization had reviewed the project's convertibility plan and believes that it would not be convertible in practice.

Motion from Oct. 7 Project Review Committee (6-3-1): Approve Conditional Use Permit and Vesting Tentative Map to demolish existing structures and construct 3-4 story student dormitory with deviations for 386 residents on a 0.99 acre site at 5565-5633 Lindo Paseo Drive in the RM-3-9 Zone, within the Fraternity Designated Area of the College Community Redevelopment Area Master Plan with the condition that a copy of the draft language of the Conditional Use Permit be sent to CACPB Chair Doug Case for distribution to all members as soon as available but prior to the Planning Commission meeting where the item will be heard. (5-12-1) Motion fails with Barlow, Boggus, Bruni, Burkett, Case, Cooning, Cottrell, Jones, Nelson, Sherer, Williams and Younker dissenting. Montesano abstained saying he was "too close to the project."

Motion by Nelson: Deny Conditional Use Permit and Vesting Tentative Map to demolish existing structures and construct 3-4 story student dormitory with deviations for 386 residents on a 0.99 acre site at 5565-5633 Lindo Paseo Drive in the RM-3-9 Zone, within the Fraternity Designated Area of the College Community Redevelopment Area Master Plan because in its current convertibility design the project is not compatible for fraternity use. (12-5-1) Motion passes with Beauparlant, Kuhlman, Larson, Riley and Trunzo dissenting. Montesano abstained.

Meeting of the CACPB as Community Planning Group

Committee Reports (continued)

B. Code Enforcement & Nuisance Rental Property Committee, (Ann Cottrell, CENRP Chair)

1. Ms. Cottrell outlined a request from her committee to the full CACC that its representative to the Community Planners Committee ask the committee to discuss the issue of unlicensed transitional facilities taking into consideration the possibility of limiting them to multi-family zones and/or controlling the concentration and density with which they occur. The discussion could result in a recommendation to the City Council on how best to zone the facilities.

Motion by Younker: Request that the Community Planners Committee take up the discussion of limiting unlicensed transitional facilities within our neighborhoods.

(18-0-0) Unanimously Approved

C. Projects, Finance & Beautification Committee, (Sally Ellis, Chair)

1. In Ms. Ellis's absence, Joe Jones reported that work is progressing on the traffic-calming median on Remington Road.

D. Community Outreach Committee,

1. No report.

IX. Delegate Reports

A. Community Planners Committee, (Doug Case, CACC Designate)

1. No report.

B. Crossroads Redevelopment Project Area Committee, (Charles Maze, CACC Designate)

1. No report.

C. College Community Redevelopment Project Area Committee, (Jim Boggus, CACC Designate)

1. No report.

X. Unfinished Business – None

XI. New Business – None

XII. Announcements

The November meeting of the CACC/CACPB will be held on the 3rd Wednesday (Nov. 18) at the new SDSU Parma Payne Goodall Alumni Center.

XIII. Adjournment

Motion - Adjourn the meeting

(Motion- Jim Boggus)

(18-0-0) Approved unanimously and meeting adjourned at 9:40 PM

Minutes respectfully submitted by R.D. Williams as acting secretary.

(O-INSERT~)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 0.38 ACRES LOCATED 6237 MONTEZUMA ROAD, WITHIN THE COLLEGE AREA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE RM-1-1 ZONE INTO THE RM-3-9 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0406; AND REPEALING ORDINANCE NO. O-18451 N.S. (NEW SERIES), ADOPTED DECEMBER 9, 1997, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HERewith.

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

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

Section 1. That 0.387 acres located 6237 Montezuma Road, and legally described as Lot 191 of Collwood Park Unit No. 2, according to Map thereof No. 2495, filed August 12, 1948 together with that portion of the south six feet of Montezuma Road adjoining said lots 191 on the north as closed to public use by Resolution No. 184453, recorded August 6, 1965, as File No. 141427, Official Records, in the College Area Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4282, filed in the office of the City Clerk as Document No. OO- _____, are rezoned from the RM-1-1 zone into the RM-3-9 zone, as the

RM-3-9 (Residential--Multiple Unit) Zone described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 4. This action amends the Official Zoning Map adopted by Resolution R-301263 on February 28, 2006.

Section 2. That Ordinance No. O-18451 N.S. (New Series), adopted December 9, 1997, of the ordinances of the City of San Diego is repealed insofar as the same conflict with the rezoned uses of the land.

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

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

APPROVED: JAN GOLDSMITH, City Attorney

By _____
Attorney name
Deputy City Attorney

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



CITY OF SAN DIEGO • DEVELOPMENT SERVICES

PROPOSED REZONING



LOT 191 OF COLLWOOD PK UNIT 2, MAP NO 2495

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

REQUEST RM-3-9
 PLANNING COMM. RECOMMENDATION
 CITY COUNCIL ACTION

CASE NO. 165908

DEVELOPMENT SERVICES MANAGER

B- 4282

APN:467-171-31

(220-1749) 9-28-09 LDJ

Aztec Court Apartments

Project Plans; Sheets 1-17

(available under separate cover)



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 **AZTEC COURT APARTMENTS** Project No. For City Use Only **165908**

Project Address:
6229, 6237, 6245 MONTEZUMA ROAD, 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: AZTEC COURT APARTMENTS 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? CA Corporate Identification No. 41-228004
 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):
AZTEC COURT, LLC
 Owner Tenant/Lessee
 Street Address:
P.O. Box 1343
 City/State/Zip:
RANCHO SANTA FE, CA 92067
 Phone No: 858-756-1287 Fax No: 858-756-0341
 Name of Corporate Officer/Partner (type or print):
DALE R. MARQUANT
 Title (type or print):
MANAGING MEMBER
 Signature: DALE R. MARQUANT Date: 9/18/08

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):

 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: _____

Ownership Disclosure Statement

AZTEC COURT, LLC, a California limited liability company:

Dale R. Marquardt
President

Leonardo V. Alcala
Trustee

PROJECT DATA SHEET		
PROJECT NAME:	Aztec Court Apartments – Project 165908	
PROJECT DESCRIPTION:	Demolition of 3 single dwellings and construction of 24 dwelling units.	
COMMUNITY PLAN AREA:	College Area	
DISCRETIONARY ACTIONS:	Community Plan Amendment, Rezone, and Site Development Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	High Density Residential (45-75 du/ac) and Low/Medium Density Residential (10-15 du/ac)	
ZONING INFORMATION:		
ZONE: RM-3-9 and RM-1-1		
HEIGHT LIMIT: 60 feet and 30 feet		
LOT SIZE: 7,000 square feet and 6,000 square feet		
FLOOR AREA RATIO: 2.70 and .75		
FRONT SETBACK: 10 feet minimum, 20 feet standard		
SIDE SETBACK: 16 feet on west side and 8 feet on east side		
STREETSIDE SETBACK: NA		
REAR SETBACK: 5 feet and 15 feet		
PARKING: 54 spaces required		
ADJACENT PROPERTIES:	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	SDSU and Low Density Residential and RS-1-7	SDSU Campus and Single unit dwellings
SOUTH:	Low Density Residential and RS-1-7	Single unit dwellings
EAST:	Low/Medium Density Residential and RM-1-1	Single unit dwelling
WEST:	High Density Residential and RM-3-9	Apartments
DEVIATIONS OR VARIANCES REQUESTED:	<ol style="list-style-type: none"> 1. Deviation from LDC Section 131.0431(e) to allow a 10 foot front setback for 100% of the building where 50% is required to observe a 20 foot front setback. 	

	<ol style="list-style-type: none">2. Deviation to allow a side yard setback of 5 feet where 16 feet is required.3. Deviation to allow a rear yard setback of 10 feet where 15 feet is required for lot 192.
DEVELOPMENT INCENTIVES FOR AFFORDABLE HOUSING DENSITY BONUS	<ol style="list-style-type: none">1. Structure height of 48 feet where 30 feet is allowed on lot 192.2. Gross floor area of 37,056 square feet where 34,804 square feet is allowed.

DEVELOPMENT SERVICES
Project Chronology
Aztec Court Apartments - PTS# 165908

Date	Action	Description	City Review Time	Applicant Response
10/16/08	First Submittal	Project Deemed Complete		
11/07/08	First Assessment Letter		16 days	
02/05/09	Second Submittal			64 days
03/03/09	Second Review Complete		18 days	
04/03/09	Third Submittal			23 days
04/30/09	Third Review Complete		19 days	
05/29/09	Fourth Submittal			21 days
06/22/09	Fourth Review Complete		16 days	
08/03/09	Fifth Submittal			30 days
09/02/09	Fifth Review Complete		22 days	
08/21/09	Sixth Submittal			10 days
09/01/09	Sixth Review Complete		11 days	
10/22/09	Issues Complete			37 days
12/10/09	Public Hearing		35 days	
TOTAL STAFF TIME			126 days	
TOTAL APPLICANT TIME				175 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to Planning Commission	10 months and 6 days	