

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED:	August 26, 2010	REPORT NO. PC-10-066
ATTENTION:	Planning Commission, Age	enda of September 2, 2010
SUBJECT:	POINT PLAZA - PROJEC	CT NO. 164585. PROCESS 5.
OWNER/ APPLICANT:		. Jaboro, Wisam Naeim Aziz, and Thaeir & Nimitz, LLC, Applicant (Attachment 15)

SUMMARY

<u>Issue(s)</u> - Should the Planning Commission recommend City Council approval of the Point Plaza project, which includes demolition of a commercial building and the construction of a three-story mixed use project located at 3903 Voltaire Street within the Peninsula Community planning area?

Staff Recommendation:

- 1. Recommend the City Council Certify Mitigated Negative Declaration No. 164585, and Adopt the Mitigation Monitoring and Reporting Program; and
- Recommend the City Council Approve Rezone No. 589771 and Site Development Permit No. 589770.

<u>Community Planning Group Recommendation</u> - At the Peninsula Community Planning Board meeting on April 16, 2009 the Board voted 12:1:0 to recommend approval of the above referenced project.

<u>Environmental Review</u> - A Mitigated Negative Declaration No. 164585 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 will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.



<u>Fiscal Impact Statement</u> - 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.

<u>Housing Impact Statement</u> - This proposal would add twenty-four residential units where none currently exist, including two affordable units, to the Peninsula Community Plan area and to the City housing supply. The proposal would not impact the Coastal Overlay Zone Affordable Housing Replacement Regulations division of the Land Development Code.

BACKGROUND

The proposed project site is designated in the Peninsula Community Plan for neighborhood commercial use (Attachment 1). The site is located at 3903 Voltaire Street within the Peninsula Community Plan in Council District 2 (Attachment 2). The site is presently developed with a commercial building. The site is bounded by Voltaire Street, Las Lomas Street and Nimitz Boulevard. The project site is surrounded by medium-high multi-family residential to the north, east and southeast, commercial uses to the northwest and medium density multifamily residential to the west and southwest (Attachment 3).

The existing building was constructed in 1961. The building would not be eligible for designation as an individual resource under any adopted Historical Resources Board criteria. The project site is subject to several previous discretionary approvals: Permit Nos. C-4279 and C-5108 and Resolution No. 167765. These permits, granted in 1961 and 1962, allowed the operation of a Speedee Mart and a coin-operated laundry and dry cleaning business and the construction of signs advertising these businesses. Should the proposed project be approved these prior discretionary permits would be rescinded.

DISCUSSION

Project Description

The proposed project requires a zoning change from the CP-1-1 Zone to CC-3-5 Zone (Attachment 4) and a Site Development Permit to demolish an existing building and construct a three-story mixed-use project which includes 24 residential rental units, including six density bonus units two of which would be affordable units, and 12,004 square feet of commercial retail floor area over a subterranean garage on a 0.61 acre site (Attachment 5).

The site is relatively level with elevations that vary across the site from between 80 feet and 92 feet above mean sea level (Attachment 6). All existing improvements at the site would be demolished and removed. Three existing driveways would be closed; two from Voltaire Street and one from Las Lomas Street would be closed and replaced with new curb, gutter and sidewalk. Access to the site would be from two driveways off Las Lomas Street, one to the subterranean parking garage and one to at-grade parking at the rear of the site.

Grading of the site would be limited to the foot print of the parking structure and includes excavation without any fill.

The residential component of the project would include a maximum of twenty-four dwelling units. A maximum of eighteen dwelling units are allowed by the CC-3-5 Zone. The project is requesting a density bonus of six dwelling units which is allowed by providing two of those six units at the very low income range of fifty percent of area median income. The project would provide ten three-bedroom units, ten two-bedroom units and four one-bedroom units. Unit sizes vary from 617 square feet to 1,452 square feet. The commercial component of the mixed use project would provide approximately 12,004 square feet of retail space. The retail space is proposed to provide seven commercial lease spaces. The total required parking would be 61 vehicle spaces, four motorcycle spaces and five bicycle spaces. The project would provide 74 vehicle spaces, eight motorcycle spaces and ten bicycle spaces. Two of the 74 spaces would be reserved as disabled spaces.

Building elevations indicate the use of several materials, colors and textures (Attachment 7). On the first floor level the building would include a cultured stone fascia, vision glazing, arched windows, and standing seam metal roofing above and/or metal railings for balconies above on the second floor level, the first level of residential units. The exterior materials and finishes on the second and third floors would include stucco, wood siding, wood trellis awnings, metal railings for balcony decks, standing seam metal shed roof elements and a parapet wall surrounding a flat roof. The maximum height of the building would be twenty-nine feet five and one half inches.

Additional site amenities would include three patio terraces with tables and seating, one terrace would also include two overhead trellises (Attachment 8). Raised planters would provide the soil medium for landscaping at the first floor level over the parking structure deck. Two elevators would provide access to and from the subterranean parking structure. Minor improvements in the public right-of-way along Voltaire Street would include removal of parallel parking and installation of angled parking, street trees, pedestrian ramp, and a pedestrian pop-out at the intersection of Las Lomas Street. Street trees with iron tree grates would be provided along Las Lomas Street. Sidewalks in both streets would be new natural grey color with an acid etched finish.

The sustainable features proposed for this infill development project may be drought tolerant plantings, low flow plumbing fixtures, recycled content building materials, utilization of local material suppliers, low E glass, reduction of car trips, and if possible photovoltaic panels for the generation of electricity on site. None of these elements are permit conditions, yet reflect the applicant's intent.

Deviations and Incentives

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet

to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by State law: The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)].

General Plan & Peninsula Community Plan Analysis

The Land Use and Community Planning Element of the General Plan implements the City of Villages Strategy, provides City-wide land use policies and designations, establishes community plans as integral components of the General Plan and includes goals for a diverse economic base and expansion of small businesses. The site is within an area identified as having a village propensity, the mixed-use heart of the community where residential, commercial, employment and civic uses are all present and integrated. A specific goal for this element includes language calling for mixed-use villages located throughout the City and connected by high-quality transit. The proposal would meet this goal by providing a vertically integrated, mixed-use, commercial office/retail development located on a transit line in the heart of the Peninsula community.

The <u>Commercial Element</u> of the Peninsula Community Plan/Local Coastal Program (Plan) contains recommendations for specific commercial areas, including the Voltaire Street commercial area. One recommendation is to upgrade the district to form a viable community commercial center. The proposed project would replace an underutilized and partially vacant strip commercial center with a mixed-use proposal to implement this recommendation on the site. Another recommendation calls for Community Commercial zoning to be applied to those blocks along Voltaire Street which are characterized by strip commercial development, such as the subject site, and that residential development be allowed on upper floors within the commercial areas with densities up to 29 du/acre. This recommendation would be implemented through the proposed rezone and by providing a mixed-use project with 24 residential units on the second and third floors, 18 units plus 6 density bonus units, on a 0.61 acre site. The density bonus units are not included in the calculation of the proposed density. The calculated density of the project would be 29 dwelling units per acre while the density "on the ground" would be 39 dwelling units per acre.

The <u>Economic Prosperity Element</u> of the General Plan contains goals for new commercial development to contribute positively to the economic vitality of the community and provide opportunities for new business development. The proposal implements this goal through the construction of a mixed-use commercial/retail development of a quality design that intensifies the use on-site, provides streetscape amenities and thereby enhances both economic and pedestrian activity in the Voltaire neighborhood. The Economic Prosperity element also includes policies encouraging the concentration of commercial development in Neighborhood, Community and Urban Villages, and along Transit Corridors. The proposal implements this policy through the provision of a mixed-use project along a transit corridor in an area designated for Neighborhood Commercial by the Peninsula Community Plan.

The Commercial Element of the Peninsula Community Plan/Local Coastal Program includes an objective to create a dynamic visual character for Voltaire Street through the enhancement of the streetscape via a street tree planting and owner maintenance program; establishment of a theme for furniture in the public right-of-way; increased overall landscaping; and the enhancement of building facades for visual and economic reasons. The proposed project would implement this recommendation through the construction of a building and site environment to create a strong street presence by providing ample ground floor transparency, semi-public open spaces on the site, as well as a more private courtyard picnic area overlooking Nimitz Boulevard. The proposed project may incorporate native plants that utilize a low water irrigation system which would contribute to conservation policies in the General Plan of maintaining and promoting water conservation programs that also conserve energy. The proposal may utilize drought tolerant plants, low flow water saving plumbing fixtures, recycled materials, and photovoltaic panels. Public improvements will also be incorporated that comply with the Americans with Disabilities Act (ADA). A new City standard curb ramp is proposed at the corner of Voltaire and Las Lomas Streets. The project design also includes street trees recommended in the community plan to enhance the public right-of-way and would install ADA accessible street tree grates along Las Lomas Street to facilitate movement along the sidewalk.

The Urban Design Element of the General Plan contains a goal to provide architectural interest in developments and discourages blank walls. This would include building walls, and fencing bordering the pedestrian network, with some form of architectural variation to add interest from the street and enhance the pedestrian experience. For example, walls could protrude, recess, or change in color, height or texture to provide visual interest. Another recommendation calls for designing building walls to include relief, where pop-outs, offsetting planes, overhangs and recessed doorways could be used to provide visual interest at the pedestrian level. Other recommendations call for projects to; provide convenient, safe, well-marked and attractive pedestrian connections from the street to building entrances; to use landscaped walkways to direct people to proper entrances and away from private areas; design landscape areas bordering the pedestrian network with variety and at a scale and interval appropriate to the site; and establish or maintain tree-lined residential and commercial streets. The proposed project provides architectural interest by exhibiting architectural variation and articulation through utilization of fenestration, balconies, awnings and vertical offsets that add interest and enhance the pedestrian experience. Also, large, arched and square picture windows at street level provide pedestrians visual access to commercial frontage. Varied finish materials provide textural variation and add visual interest to the proposal. The proposed project also features a landscaped pedestrian path through the project and a plaza with furniture and street trees, such as Hong Kong Orchid and Raywood Ash, consistent with the Voltaire Street Tree Plan in the Peninsula Community Plan.

The <u>Urban Design Element</u> of the Peninsula Community Plan/Local Coastal Program contains several objectives for residential development, including upgrading the physical appearance of the commercial area in the Peninsula community. The Plan contains recommendations that new development be consistent with the scale and character of the existing development of the surrounding areas. Another Plan recommendation is that building bulk should be controlled through the use of vertical and horizontal offsets and other architectural features, for example; balconies, porches, and or bay windows, which would serve to interrupt building facades. The

proposed project implements this recommendation through utilization of architectural articulation and inclusion of fenestration with doors and windows, vertical offsets, balconies and porches. Another residential recommendation states that third stories of buildings should be stepped back from the required front setbacks to control building scale by emphasizing one and two-story facades along street frontages. The proposal incorporates a design where the second and third stories of alternate buildings are stepped back above the street level thereby implementing this recommendation.

The Plan also has recommendations for commercial development including various textures and paving treatments be used to define and separate pedestrian paths. The proposed project implements this recommendation by providing decorative paving at multiple points throughout the site, including the sidewalk at the corner of Las Lomas and Voltaire Street. Another recommendation calls for various elements of climate control to improve the pathway for the pedestrian and add color, visual variety and liveliness to the streetscape. Such elements include coverings, arbors, canopies, awnings, colonnades and arcades. The proposed project features a covered colonnade along Las Lomas Street and trellises and awnings along Voltaire Street. Another recommendation calls for window displays to stimulate interest along paths and encourage pedestrians to stop and browse. There is also ample transparency at street level on both the Las Lomas Street and Voltaire Street to implement this recommendation.

The <u>Conservation Element</u> of the General Plan has a goal to reduce the City's overall carbon footprint by improving energy efficiency, increasing use of alternative modes of transportation, employing sustainable planning and design techniques and providing environmentally sound waste management. This can be accomplished through factors including, but not limited to: minimizing energy use through innovative site design and building orientation that address factors such as sun-shade patterns, prevailing winds, landscape, and sun-screens. Another policy is to reduce the heat island effect through actions such as: planting trees and other vegetation, to provide shade and cool air temperatures. The proposal would implement this goal and related policies through a design that would feature balconies to take advantage of prevailing winds. This could lead to reduced energy consumption and thereby maximize energy efficiency. The project proposal is also required to plant street trees. Proposed trees for Voltaire Street would be broad canopy street trees of thirty feet in height and twenty-five feet spread which would provide shade over pavement and thereby reduce the heat island effect, as well as enhance the pedestrian right-of-way.

The <u>Community Plan Implementation Overlay Zone</u> (CPIOZ) contains recommendations that supersede those regulations of the underlying zone and go beyond those in the commercial and urban design elements of the community plan to preserve the Voltaire area's character. The CPIOZ identifies the following issues that need to be addressed for projects within its boundaries. They are:

<u>Signage</u> - CPIOZ requires the sign regulations in effect within the coastal zone should be adhered to throughout the area. Future submittals would be processed on an individual basis, in connection with regulations in effect in the coastal zone, as required by CPIOZ, including restrictions on signs with plastic facing.

<u>Building Placement and Pedestrian Orientation</u> - CPIOZ requires buildings be placed to enhance pedestrian activity. Two buildings are located fronting Voltaire Street to maximize the pedestrian interest through a design featuring varied street side setback from zero to ten feet, fenestration, transparency, entries and balconies that engage the pedestrian. Another requirement is for a minimum of 40 percent of the area of all first-story commercial street walls facing Voltaire Street to be transparent with visibility into a commercial use area. The proposal implements this recommendation by providing large, arched and picture window openings along Voltaire which would provide transparency greater than required into the commercial spaces on the first floor.

Landscape and Streetscape Improvements - The Peninsula Street Tree Plan proposes a street tree theme consisting of Raywood Ash and Hong Kong Orchid along Voltaire Street with palm trees also recommended. The project proposes Raywood Ash and Hong Kong Orchids along Voltaire Street and Mexican Fan Palms along Las Lomas Street. Street furniture should be organized along the street to complement the site activities and pedestrians and should not obstruct pedestrian paths. The project proposes three barbecue areas with seating, including tables and benches in a pedestrian plaza above Nimitz Street. The proposed furniture is located so as not to interfere or obstruct any pedestrian path that is internal to the project.

<u>Building Materials for Exterior Surfaces</u> - The community plan calls for the utilization of exterior surface materials such as wood, brick, and stone in order to provide a sense of permanence, traditionalism and quality for all projects along Voltaire Street. The project design would incorporate a variety of materials including stucco eaves, hard board siding, standing seam metal roofs, stucco with sand finish, cultured stone veneer, wrought iron railings, canvas awnings and wood trim at windows.

<u>Parking and Vehicular Access</u> - The community plan calls for driveways to be closed where feasible and relocated to side streets and alleys in order to reduce the number of curb cuts and promote smooth traffic flow along Voltaire Street. The project proposes to close one driveway on Las Lomas Street and one on Voltaire Street while creating two new driveways on Las Lomas Street, thereby implementing this provision of CPIOZ.

The <u>Local Coastal Program</u> element of the Peninsula Community Plan incorporates California Coastal Act policies designed to protect, preserve and enhance California's coastline as part of the Peninsula Community Plan/Local Coastal Program. This proposal lies outside the Coastal Zone; is not within 300 feet of a beach or mean high tide line; is not on any identified coastal vista in the Peninsula Community Plan/Local Coastal Program; and is not on or adjacent to a pedestrian path or on proposed new and/or improved physical access identified in the Peninsula Community Plan/Local Coastal Program. As such, the proposed project would not affect Coastal Act policies.

Environmental Analysis

The environmental analysis for the proposed project evaluated the potential for impacts resulting from project implementation in accordance with the California Environmental Quality Act. The City of San Diego conducted an Initial Study which determined the proposed project could have

a significant environmental effect in the following areas: Transportation/Circulation; Historical Resources; Noise; and Paleontological Resources. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of the Mitigated Negative Declaration No. 164585. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

CONCLUSION

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

ALTERNATIVES

- 1. Approve Rezone No. 589771 and Site Development Permit No. 589770, with modifications.
- 2. Deny Rezone No. 589771 and Site Development Permit No. 589770, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Mike Westlake Program Manager Development Services Department

BROUGHTON: JSF

Attachments:

- 1. Community Plan Land Use Map
- 2. Aerial Photograph
- 3. Project Location Map
- 4. Proposed Rezone drawing
- 5. Proposed Site Plan
- 6. Existing Topography
- 7. Proposed Building Elevations

John S. Fisher Development Project Manager Development Services Department

- Proposed Landscape Development Plan 8.
- Draft Permit Resolution with Findings 9.
- Draft Permit with Conditions 10.
- Draft Environmental Resolution with MMRP 11.
- Draft Rezone Ordinance 12.
- **Remaining Project Plans** 13.
- Community Planning Group Recommendation Ownership Disclosure Statement 14.
- 15.
- Project Data Sheet 16.
- Project Chronology 17.

ATTACHMENT 1









ATTACHMENT 4



Map Document: (L:\GIS\PGISB and C Sheets\b4273_pointplaza.mxd) 4/28/2010 -- 7:28:12 AM





ATTACHMENT 6







EVE











ATTACHMENT 7



2-13-09

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NO TREE OR SHRUB EXCEEDING 3'IN PEIGRT SHALL BE PLANTED WITHIN 10' OF ANY PUBLIC SEWER FACILITIES.

EXISTING TREES ONE EXISTING TREE DN SITE SHALL (TO BE REMOVED) EXISTING TREE IS A ARECASTRUM ROMANZOFFIANLIM, HAS A 191 IRUNK (ALIPER, IS 121 HT, K 121 SPREAD AND RESIDES IN THE VOLTARE STREET R.D.W.

INVASIVE PLANT NOTE

ALL EXISTING, INVASIVE PLANT SPECIES, INCLUDING VEGETATIVE PARTS AND ROOT SYSTEMS, SHALL BS COMPLITELY NEMONED HYDRIN FER HYBRIN WHEN THE COMENTATION OF SPECIES, TYPE (CONTION AND SURRCUNDON EVVIRCIMENTAL CONDITIONS PROVDES A MEXIAS FOR THE SPECIES TO INVASE OTTERS AREAS OF AND THE PLANT MEXIAS. THE SPECIES TO INVASE OTTERS AREAS OF AND THE PLANT MEXIAS.

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BRUSH MANAGEMENT NOTE DUE TO THE EXISTING UHLAN NARURE OF THE SITE THIS DEVELOPMENT WILL NOT REQUIRE BRUSH MANAGEMENT.

MULCHING NOTE

REQUIRED PLANTING AREAS SHALL BE COVERED W 2 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION AND AREAS PLATED WITH OROUNDCOVER, ALL EXPOSED SOLL AREAS WITHOUT VEGETATION SHALL ALSO SE MULCHED TO THIS MINIMINE DEPTH 142.143189.).

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THE LANDSCAPE DESIGN INTENT FOR THE POINT PLAZA DEVELOPMENT IS TO CREATE AN ENVIRONMENT SUITABLE AND INVITING FOR RESIDENTS BUT INTENDED TO ALSO ENGAGE THE NEIGHBORHOOD CREATING A STRONG STREET PRESENCE. THE PLANT PALETTE CONSISTS OF NATIVE AND LOW WATER USING NATURALIZED PLANT MATERIAL WITH A VERY EFFICIENT AND LOW VOLUME IRRIGATION SYSTEM CONTRIBUTING TO THE CITY'S GENERAL PLAN AND CITY COUNCIL POLICY 900-14 FOR SUSTAINABLE DEVELOPMENTS. THE SITE SHALL BE DESIGNED TO BE COMPLIANT TO REGULATIONS SET FORTH BY THE AMERICANS WITH DISABILITIES ACT (ADA). STREET TREES CHOSEN FOR VOLTAIRE, STREET ARE PER THE PENINSULA COMMUNITY PLAN AND STREET TREES SELECTED FOR LAS LOMAS STREET ARE CONSISTENT WITH WHAT WOULD BE TYPICALLY FOUNDED WITHIN THE NEIGHBORHOOD.

ADDITIONAL NOTES: All landscape are intigation plans shall conform with line City of San Disgo's Land Development Code. Landscape Regulations, the Land Development Interval. Landscape Standards, and at other City and Regional Standards.

- Al landscape alees not containing bees shall have a minimum finasted revealsh measured from the inside face of pevensent.
- 2. Each tree shall be pinned in an air and water-penneaske pinneng area of al least 40 square tes with a minimum finite ad an users in rotation of 5 fail measured from the instiduted area of pervision The pinning area shall be unexcurblered by utilities.
- All inrigation design and instaterion shall conform with the Landscape Standards. It is the responsibility of the designer to be familitatively and implement the Landscape Standards.
- Any changes to the site and/or latkiscope plans shall be submitted to the City Lanoscope Planne for review and approval prior to proceeding.
- Any discussion or conflicts in dimensions, landscape area or material shall be brought to the entention of the Cky Landscape Planter, the owners, and the designant attacted pilor to installation.
- Trees required by this division shall be soft-supporting, woody plants with at least one week-defi traits and shall normally attain a mature height and spread of at least 15 feet within 8 years of plaining.

POINT PLA

7. The inigation system shall be installed with a rain shul-off device

MINMUM TREE SEPARATION DISTANCE Minimum Distance to Street Tree <u>Interpretentiont</u> Traffic signals is 20 met 5 met (10' foi sever) 10 met 10 met 25 feet 10 met Undergrowns unit Above choland util

SITE PLAN LEGENID

- DECORATIVE CONCRETE PAVING
- 2 SITE FURNITURE (PER OWNER)
- 3 NEW CURB (PER CIVIL ENG.)
- 4 PROPERTY LINE
- 5 36" MAX. HT. RAISED PLANTER WALLS
- 6 NEW NATURAL GREY SIDEWALK, ACID ETCH FINISH
- 7 ROOT BARRIER (TYP. SYM.) PER CITY ORD, 142,0403
- 8 SEWER LATERAL
- 9 SEWER MAIN
- 10
- 5%8' IRON ADA ACCESSIBLE TREE GRATE AT ALL STREET TREES FOR LAST OWNS OTDERT REET TREES FOR LAS LOMAS STREET

EVERGREEN FLOWERING GROUND COVER

FESTUCA OVINA 'GLAUCA'	50° HT., 12° O.C.
X GRAPTOVERIA	BTHL, 101 O.C.
LIRIOPE MUSCARI	24° HT., 18° O.C.
CRASSULA FALCATA	12" HT., 12" O.C.
ROSMARINUS OFFICINALIS	18" HT., 18" D.C
SOUGAINVILLEA 'RASBERRY ICE'	24" HT., 30" D.C.
SENECIO MANORALISCAE	12" hT., 12" D.C.
ECHÉVERIA HYBRIDS	8" HT., 10" O.C.
ARMERIA MARITIMA	6° 91., 6° D.C.
AGAPAN THUS PETER PAN	10" HT., 6" O.C.
ARTEMISIA 'POWIS CASTLE'	24" HT , 18" O.C.
BERGENIA CRASSIFOLIA	10" HT . 5" O.C.
SCAEVOLA 'MAUVE CLUSTERS'	9" H (., 9" D.C
FORM AND FUNCTION ABBRE	EVIATIONS

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ATTACHMENT 8



SHADE CANOPY PATIO TREE	DIMENSIONS		FORM and FUNCTION	<u>QTY.</u>	
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STREET TREE					
BAUHINIA BLAKEANA VOLTAIRE STREET (HONG KONG ORCHID TREE) -elfenate with-	175' SPREAD X 30' HEIGHT)	24° BOX	DAT	9	
FRAXINUS OXYCARPA (RAYWODD ASH)	125' SPREAD X 30' HEIGH7)	24" BOX	DAT		
WASHINGTONIA ROBUSTA — LAS LOMAS STREET (MEXICAN FAN PALM)	(15 SPREAD X (45' HEIGHY)	15' BTH	VAP	7	
ACCENT PALM					
ARECHONTOPHOENIX CUNNINGHAMIANA (KING PALM)	(15' SPREAD X (35' HEIGHT)	10' 8TH	VAP	14	
ARECASTRUM ROMANZOFFIANUM (QUEEN PALM)	(15' SPREAD X (35' NEIGHT)	10° BTH	VAP		
HOWEA FORSTERIANA (KENTIA PALM)	(15 SPREAD X (35 HEIGHT)	10' BTH	VAP		
CHAMAEROPS HUMILIS (MEDITERRANEAN FAN PALM)	(B' SPREAD X (12' HEIGHT)	4. BLH	VAP		
PHOENIX ROEBELINII (PIGMY DATÉ PALM)	(6' SPREAO X (10' HEIGHT)	4' BTH	VAP		
EVERGREEN CONFEROUS SCREEN TREE					PERMIT
PINUS CANARIENSIS (CANARY ISLAND PINE)	(15' SPREAD X (35' HEIGHT)	24" BOX	EST	15	×
PINUS HALEPENSIS (ALEPPO PINE)	(25 SPREAD X (35 HEIGHT)	24° 90X	EST		<u> </u>
EVERGREEN SCREENING SHRUB					Ω_
HETEROMELES ARBUTIFOLIA (10YON) BAMBUSA 'GOLDEN GODDESS' (CLUMPING BANBOD) GREWIA DOCIDENTATIE (LAVENDER STARFLOWER) OYPSIS LUTESCENS, BLITEIRFLY FALM BACCHARIS PILULARIS CHAMAEROPS HUULARIS CHAMAEROPS HUULARIS (MEDITERANEAN FAN PALM)	6'-8' HT., 6' SPREAD 9'-8' HT., 6' SPREAD 6'-3' HT., 6' SPREAD 10'-15' HT., 6' SPREAD 4' HT., 6' SPREAD 8' HT., 6' SPREAD	15 GAL 15 GAL	ESS ESS ESS		OPMENT
EVERGREEN BOARDER SHRUB/ACCENT SHRUB AGAVE ATTENUATA (FOXTAIL AGAVE) AGAVE DESMECTIANA VARIEGATA (DWARF CENTURY PLA/ PHORMUM TENAX FLANINGC' (NEW ZALANO FLAX) ANIGGZANTHOS FLAVIDIS (KANARAYE) ANIGGZANTHOS FLAVIDIS (KANARAYE) LUNIFERUS SOLUMATA BULES (TAX: (DWARF CENTURY) BULIS MICHADIPYLLA (JAPANESE BOXWOOD)) ECHNOCATUB GRUDONI (GOLDEN BARREL CACTUS) ECHNOCATUB GRUDONI (GOLDEN BARREL CACTUS) ECHNOCHTUB GRUDONI (GULEN BARREL CACTUS) ECHNOCHTUB FRENCHTURP) AGAPANTHUS SPETER PAN (DWARF LLY OF THE NILE) ACACIA CULTRIFORMIS (NAIRSE AUDOE ACACIA) MESCANTHUS SINENSIS (MAIDEN GRASS) MELALECIA COMBADIANICCU RESSON JUNIPERUS SPP.	4 HT., 4 SPREAD 3 HT., 4 SPREAD 2 HT., 4 SPREAD 3 HT., 4 SPREAD 2 HT., 2 SPREAD 2 HT., 2 SPREAD VARYES 2 HT., 3 SPREAD 1 HT., 18 C.C.	1 GAL to 5 (1 OAL to 5 (1 GAL to 5 (5AL EAS 3AL EAS 3AL FAS 3AL EAS CAL		SITE DEVELOPI

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ATTACHMENT $\boldsymbol{\omega}$



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NIMITZ STREET BELOW



AREA CALCULATION LEGEND



PLANT POINT CALCULATION NOTE:

PLANT HOINTS ARE CALCULATED IN ACCOMDANCE WITH SAN DECO MUNICIPAL CODE, SECTION *12,003 AND TALE H2048 PLANT MATERIAL IS FIRST CUMMITIED BASED ON 124 AND LCCATION. THEN A MUMERICAL POINT SYSTEM IS APPLIED TO FACT PLANT RELATIVE TO THE POINT SCHEDULE IN TABLE 142:048.





ATTACHMENT 8



TREET TREES IN PUBLIC RK	
ength of Street Frontage	445 L.F.
treet Trees Required	16
treet Trees Provided	16
TREET YARD (ALL ZONES)	
otal Area	3,700 S.F
lant Area Required	1.850 S.F
lant Area Provided	1,665 S.F.
lant Area as Hardscape	185 S.F.
lant Points Required	t85
lant Points Provided	200
oints Achieved w/Trees	100
EMAINING YARD	1,500 S.F
lanting Area Required	600 S.F.
lanting Area Provided	1.500 S.F.
lant Points Reguired	60
lant Points Provided	. 450
oints Achieved w/Trees	300
25% of excess remaining yard	shall be utilized
achieve necessary planter an	ea required in the
treet yard	
• • • • • • • • • • • • • • • • • • • •	







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(R-INSERT)

RESOLUTION NUMBER R-NUMBER ADOPTED ON DATE

WHEREAS, Habib A. Jaboro and Wafa J. Jaboro, Co-Trustees, Habib A. and Wafa Jaboro Family Trust, dated February 24, 2005, Wisam Naeim Aziz, an unmarried man, and Thaeir Aziz, as his sole and separate property, Owners and Voltaire & Nimitz, LLC, Permittee, filed an application with the City of San Diego for a Site Development Permit No. 589770 to demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space with two deviations and two development incentives known as the Point Plaza project, located at 3903 Voltaire Street, and legally described as Lot 1 of Nimitz Center, according to Map thereof No. 4854, filed July 11, 1960, in the Peninsula Community Plan area, in the CC-3-5 and CP-1-1 Zones which is proposed to be rezoned to the CC-3-5 Zone; and

WHEREAS, on INSERT DATE, the Planning Commission of the City of San Diego considered Site Development Permit No. 589770, and pursuant to Resolution No. INSERT PLANNING COMM. RESOLUTION NUMBER-PC voted to INSERT EITHER "recommend City Council approval of the permit" OR "approved/denied 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 Site Development Permit No. 589770:

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 project will demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twentytwo market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space. The site is designated for Neighborhood Commercial on the Peninsula Community Plan Land Use Map. Properties in the immediate neighborhood are designated for higher density residential uses in the ranges of 29 dwellings per acre and 44 dwellings per acre. Voltaire Street, the main street in the neighborhood is designated for neighborhood commercial, higher density residential and public uses, such as a public library.

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by state law to gain the two proposed very low income affordable housing units. The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)]. Without the requested deviations these two units would not be provided and be available to persons whose income is at the very low income range of fifty percent of area median income.

The project will meet the objectives of the Peninsula Community Plan by developing a property designated for Neighborhood Commercial uses which allows mixed-use projects; will simplify the commercial zones on the subject site from two zones to one zone; by facilitating the redevelopment of the property which is located in the North Bay Redevelopment Area; and by providing rental dwelling units and affordable dwelling units. Therefore, in consideration of these facts, 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 project will demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space. All infrastructure improvements will be constructed and operationally complete prior to occupancy of any structures to assure water, wastewater, electrical, gas, and telephone services will be provided to the development.

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by state law to gain the two proposed very low income affordable housing units. The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)].

Prior to construction all structures will be reviewed by professional staff for compliance with all relevant and applicable building, electrical, mechanical, fire and plumbing codes to assure the structures will meet or exceed the current regulations. The project will meet all relevant codes and regulations for new construction as required by the building, mechanical, electrical, fire and plumbing codes, in effect at the time of application. 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 project will demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space.

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by state law to gain the two proposed very low income affordable housing units. The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)]. All other development regulations will be met by the proposed project.

L. Supplemental Findings--Deviation for Affordable Housing

1. The proposed development will materially assist in accomplishing the goal of providing affordable housing opportunities in economically balanced communities throughout the City. The project will demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space.

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by state law to gain the two proposed very low income affordable housing units. The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)].

By approving the project with the two deviations and two development incentives the City Council will encourage creative design solutions compatible with the existing development patterns in the neighborhood and are consistent with the purpose and intent of the Land Development Code regulations, will encourage the inclusion of affordable housing units into development projects and will provide additional affordable housing units in the neighborhood at a time when the City Council has resolved to increase affordable housing during a declared housing emergency in the City of San Diego. The deviations are very minor and will not adversely affect the neighborhood, community or city as a whole, nor negatively impact the community by setting a precedent. The deviations are deemed by the City Council to be appropriate in consideration of the facts, the existing conditions at the site and in the neighborhood, and in consideration of the positive benefits brought to the community as a result of proposed project 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 project will demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space.

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage

from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by state law to gain the two proposed very low income affordable housing units. The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)].

The proposed project, with the deviations, is consistent with the purpose and intent of the CC-3-5 Zone which is to provide for the opportunity for mixed use projects within a regulatory framework of development restrictions necessary for the thoughtful, safe and sane development of properties for the economic, social and physical benefit of the community.

3. The deviation is necessary to make it economically feasible for the applicant to utilize a density bonus authorized for the development pursuant to Section 143.0730. The project will demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space.

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by state law to gain the two proposed very low income affordable housing units. The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)].

The proposed project, with the deviations, is consistent with the purpose and intent of the CC-3-5 Zone which is to provide for the opportunity for mixed use projects within a regulatory framework of development restrictions necessary for the thoughtful, safe and sane development of properties for the economic, social and physical benefit of the community. Without the density bonus authorized for the development the project would be limited to eighteen dwelling units and six additional housing units would not be realized on the site at a time when the City Council has resolved to increase affordable housing during a declared housing emergency in the City of San Diego. The deviations are very minor and will not adversely affect the neighborhood, community or city, nor negatively impact the community by setting a precedent. The deviations, 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11

inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L], are deemed by the City Council to be appropriate in consideration of the facts, the existing conditions at the site and in the neighborhood, and in consideration of the positive benefits brought to the community as a result of proposed project which includes twenty-four apartment units two of which will be affordable to persons at the very low income range of fifty percent of area median income as affordable housing units. Without the deviations, 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L], the site is so constrained that the proposed project would be required to provide fewer dwelling units and the affordable housing units and density bonus units would not be provided. The site is of an irregular triangular geometry with two long sides of the triangle not allowing access to the site. All access rights from Nimitz Boulevard have been relinquished and access from Voltaire Street would interrupt the building design with a driveway or driveways and present a less desirable elevation to the street. The architectural design and the twenty-four dwelling units contained therein, with the deviations, is more efficient than without the deviations and is the preferred solution given the limitations of the site. Without the deviation being granted the subterranean parking garage would be redesigned to meet the development regulation which would result in a loss of parking spaces and in fewer dwelling units. In a real way the project will be economically feasible for the applicant without a density bonus authorized for the development only with the approval of the deviations.

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 demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space.

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by state law to gain the two proposed very low income affordable housing units. The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces

from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)].

The proposed project, with the deviations, is consistent with the purpose and intent of the CC-3-5 Zone which is to provide for the opportunity for mixed use projects within a regulatory framework of development restrictions necessary for the thoughtful, safe and sane development of properties for the economic, social and physical benefit of the community. Without the density bonus authorized for the development the project would be limited to eighteen dwelling units and six additional housing units would not be realized on the site at a time when the City Council has resolved to increase affordable housing during a declared housing emergency in the City of San Diego. The deviations are very minor, 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L], and will not adversely affect the neighborhood, community or city, nor negatively impact the community by setting a precedent. The deviations are deemed by the City Council to be appropriate in consideration of the facts, the existing conditions at the site and in the neighborhood, and in consideration of the positive benefits brought to the community as a result of proposed project which includes twenty-four apartment units two of which will be affordable to persons at the very low income range of fifty percent of area median income as affordable housing units. Without the deviations the site is so constrained that the proposed project would be required to provide fewer dwelling units.

Granting the development permit and adopting the zoning ordinance will allow the developer to build six additional rental dwelling units on the site as allowed by the state density bonus regulations. In return for these additional six units two dwelling units will be rented to persons whose income is at the very low income range of fifty percent of area median income as affordable housing units through 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). Without the requested deviations these two units would not be provided and be available to persons whose income is at the very low income range of fifty percent of area median income.

As mixed-use project, a project which provides residential, commercial retail and office space opportunities on the same site in the same building, the potential of the project to reduce the consumption of fossil fuel energy may occur. The design of the project may potentially include sustainable features such as drought tolerant plantings, low flow plumbing fixtures, recycled content building materials, utilization of local material suppliers, low E glass, reduction of car trips, and if possible photovoltaic panels for the generation of electricity on site.

2. The development will not be inconsistent with the purpose of the underlying zone. The project will demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space.

The proposed project, with the deviations, is consistent with the purpose and intent of the CC-3-5 Zone which is to provide for the opportunity for mixed use projects within a regulatory framework of development restrictions necessary for the thoughtful, safe and sane development of properties for the economic, social and physical benefit of the community. For additional information, see L. Supplemental Findings--Deviation for Affordable Housing, Finding No. 2 above.

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 project will demolish an existing two-story commercial building and construct a three-story mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space.

The project proposes two deviations and two density bonus development incentives. The deviations include: 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J]; and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L]. Two density bonus incentives are allowed by state law to gain the two proposed very low income affordable housing units. The density bonus incentives are: 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)].

The proposed project, with the deviations, is consistent with the purpose and intent of the CC-3-5 Zone which is to provide for the opportunity for mixed use projects within a regulatory framework of development restrictions necessary for the thoughtful, safe and sane development of properties for the economic, social and physical benefit of the community. Without the density bonus authorized for the development the project would be limited to eighteen dwelling units and six additional housing units would not be realized on the site at a time when the City Council has resolved to increase affordable housing during a declared housing emergency in the City of San Diego. The deviations are very minor and will not adversely affect the neighborhood, community or city, nor negatively impact the community by setting a precedent. The deviations are deemed by the City Council to be appropriate in consideration of the facts, the existing conditions at the site and in the neighborhood, and in consideration of the positive benefits brought to the community as a result of proposed project which includes twenty-four apartment units

two of which will be affordable to persons at the very low income range of fifty percent of area median income as affordable housing units. Without the deviations the site is so constrained that the proposed project would be required to provide fewer dwelling units. The proposed deviations are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

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. 589770 is granted to Habib A. Jaboro and Wafa J.

Jaboro, Co-Trustees, Habib A. and Wafa Jaboro Family Trust, dated February 24, 2005, Wisam

Naeim Aziz, an unmarried man, and Thaeir Aziz, as his sole and separate property, Owners and

Voltaire & Nimitz, LLC, Permittee, under the terms and conditions set forth in the permit

attached hereto and made a part hereof.

APPROVED: JAN GOLDSMITH, City Attorney

By

Andrea Dixon 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

JOB ORDER NUMBER: 43-1567

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 589770 POINT PLAZA - PROJECT NO. 164585 [MMRP] CITY COUNCIL

This Site Development Permit No. 589770 is granted by the City Council of the City of San Diego to HABIB A. JABORO AND WAFA J. JABORO, CO-TRUSTEES, HABIB AND WAFA JABORO FAMILY TRUST, dated February 24, 2005, WISAM NAEIM AZIZ, an unmarried man, and THAEIR AZIZ, as his sole and separate property, Owners and VOLTAIRE & NIMITZ, LLC, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0504. The 0.61 acre site is located at 3903 Voltaire Street within the CP-1-1 and CC-3-5 Zones (proposed CC-3-5 Zone), Airport Approach Overlay Zone, Airport Environs Overlay Zone, Coastal Height Limit Overlay Zone, Community Plan Implementation Overlay Zone Type B in the Peninsula Community Plan Area. The project site is legally described as Lot 1 of Nimitz Center, according to Map thereof No. 4854, filed July 11, 1960.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing two-story commercial building and construct a threestory mixed-use development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space with two deviations and two development incentives known as the Point Plaza project, 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 an existing two-story commercial building and construct a three-story mixeduse development consisting of twenty-four apartment units; twenty-two market rate apartment units and two affordable apartment units, and approximately 12,004 square feet of commercial space;
- b. Two deviations; 1) Reducing the minimum required width of parking stalls adjacent to columns from 9 feet to 8 feet 11 inches [LDC Section 142.0560(b) and Table 142-05J];

and 2) Reduce the minimum width of drive aisles in the lower level of the parking garage from 24 feet to 23 feet [LDC Section 142.0560(j)(1) and Table 142-05L];

- c. Two development incentives; 1) Reducing the minimum required distance between driveways along Las Lomas Street from 45 feet to 22 feet [LDC Section 142.0560(j)(6)]; and 2) To reduce the number of private exterior spaces from the required 75 percent or 18 decks to 59 percent or 14 decks, reduce the minimum size of the decks to less than 60 square feet and reduce the minimum required setback from nine feet to three feet to align with the commercial space below [LDC Section 131.0455(c)].
- 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.

Attachment 10

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" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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.

11. Prior to issuance of any occupancy permit for residential units, such units shall be sound attenuated to the 45 dB CNEL interior noise level or lower.

12. Prior to the issuance of building permits, an avigation easement for aircraft noise and height shall be recorded with the San Diego County Recorder for the land uses for which sound attenuation is required.

13. Prior to issuance of any building permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration.

14. This Permit may be developed in phases. Each phase shall be constructed prior to lease to individual tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

15. 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

16. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 164585, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

17. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 164585, 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:

Transportation/Circulation; Historical Resources; Noise; and Paleontological Resources

18. 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:

19. 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:

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

21. 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.

22. 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.

23. 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 on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

24. The drainage system proposed for this development is private and subject to approval by the City Engineer.

25. Prior to the issuance of any construction permits, the Owner/Permittee shall dedicate and improve an additional three feet of right-of-way, adjacent to the site on Las Lomas Street, satisfactory to the City Engineer.

26. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the Owner/Permittee to provide the right-of-way free and clear of all encumbrances and prior easements. The Owner/Permittee must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.

27. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the replacement of damaged sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Las Lomas Street and Voltaire Street, satisfactory to the City Engineer.

28. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the replacement of existing curb with City Standard curb and gutter, adjacent to the site on Las Lomas Street and Voltaire Street, satisfactory to the City Engineer.

29. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the construction of a new City Standard curb ramp, at the Las Lomas Street and Voltaire Street intersection adjacent to the site, satisfactory to the City Engineer.

30. This project proposes to export 53,000 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 the approval of a Neighborhood Use Permit or Conditional Use Permit, per LDC Section 141.0620(i).

31. Prior to the issuance of any construction permits, the Owner/Permittee shall assure, by permit and bond, the installation of two City Standard street lights; one on Voltaire Street and one on Las Lomas Street, adjacent to the site, satisfactory to the City Engineer.

32. Prior to issuance of an occupancy permit, the Owner/Permittee agrees to participate in a maintenance assessment district for decorative street lighting if such a district is in existence at this time. In the event the Owner/Permittee participates in this maintenance assessment district, the requirement for City-standard street lights may be waived or modified by the City Engineer, in consideration of lighting levels that would be achieved by using decorative lights.

33. The Owner/Permittee shall enter into an agreement with the City waiving the right to oppose a maintenance assessment initiated for the installation of decorative street lights and their perpetual maintenance.

LANDSCAPE REQUIREMENTS:

34. 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.

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

36. Prior to issuance of an occupancy permit, 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.

37. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

38. 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.

39. If any required landscape, including existing or new plantings, hardscape, landscape features, or other improvements, 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 30 days of damage or prior to issuance of a Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

40. A minimum of 61 automobile spaces, including 3 van accessible spaces, are required by the Land Development Code. Seventy-four spaces, including 3 van accessible spaces, 8 motorcycle spaces, and 10 bicycle spaces are shown on Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

41. 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.

42. Approval and utilization of this Site Development Permit shall rescind Permit Nos. C-4279, C-5198 and Resolution No. 167765.

43. Prior to the issuance of any building permits, the Owner/Permittee shall grant an avigation easement to the San Diego County Regional Airport Authority as required by the Airport Land Use Compatibility Plan for San Diego International Airport. The Owner/Permittee shall obtain the required avigation easement language from the San Diego County Regional Airport Authority.

44. Prior to submitting building plans to the City for review, the Owner/Permittee shall place a note on all building plans indicating that an avigation easement has been granted across the property to the airport operator. The note shall include the County Recorder's recording number for the avigation easement.

45. All signs associated with this development shall be consistent with the sign design and material criteria established by the Peninsula Community Plan CPIOZ for Voltaire Street and the City-wide sign regulations.

46. 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.

47. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide private sub-meters to measure the water use of each apartment unit and commercial lease space, in a manner satisfactory to the Director of Development Services Department.

48. Prior to the issuance of any building permits, the Owner/Permittee shall indicate on construction documents the installation of photovoltaic panels for the on-site generation of electricity capable of providing, at a minimum, the electricity needed for all on-site common areas, in a manner satisfactory to the Director of Development Services Department. Common areas shall include fixtures in common corridors, courtyards, hallways, patios, subterranean parking garages, and other such areas generally accessible to persons and not private interior lease or rental spaces.

TRANSPORTATION REQUIREMENTS

49. Prior to issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of twenty-four-foot wide commercial driveway and a second twenty-foot wide residential driveway on Las Lomas Street, satisfactory to the City Engineer.

50. Prior to issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of a raised median along the project's frontage on Voltaire Street between Sea Colony Drive and Las Lomas Street, satisfactory to the City Engineer.

51. Prior to issuance of any building permits, the Owner/Permittee shall assure by permit and bond the re-striping of Voltaire Street between Las Lomas Street and Worden Road as a two-lane collector street with two-way-left-turn lane, satisfactory to the City Engineer.

52. The Owner/Permittee shall provide and maintain a ten foot visibility area along the front setback on both sides of both the commercial and residential driveways on Las Lomas Street. No obstacles higher than thirty-six inches shall be located within this area, including yet not limited to walls, landscaping or other improvements.

53. The Owner/Permittee shall provide and maintain a twenty-five foot visibility area along the front setback at the corner of the intersection of Voltaire Street and Las Lomas Street. No obstacles higher than thirty-six inches shall be located within this area, including yet not limited to walls, landscaping or other improvements.

54. The Owner/Permittee shall install a "no parking" red zone between the two driveways along the project's frontage on Las Lomas Street.

WASTEWATER REQUIREMENTS:

55. Prior to issuance of any building permits, the Owner/Permittee shall verify that the existing lateral can handle the flow generated from the site or size a new lateral ton accommodate the flow.

56. Prior to connecting to any existing sewer lateral, it shall be closed circuit television inspected by a California licensed Plumbing Contractor to verify lateral is in good working condition and free of all debris.

57. All onsite sewer facilities shall be private.

58. 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.

59. The Owner/Permittee shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

60. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities.
WATER REQUIREMENTS:

61. 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.

62. Prior to the issuance of any building permits, the Owner/Permittee shall apply for and obtain 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.

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

64. 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.

GEOLOGY REQUIREMENTS:

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

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

Site Development Permit No. 589770 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.

HABIB AND WAFA JABORO FAMILY TRUST, dated February 24, 2005 Owner/Permittee

By

HABIB A. JABORO, CO-TRUSTEE

HABIB AND WAFA JABORO FAMILY TRUST, dated February 24, 2005 Owner/Permittee

 By_{-}

WAFA J. JABORO, CO-TRUSTEE

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

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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.

> WISAM NAEIM AZIZ, an unmarried man Owner/Permittee

By WISAM NAEIM AZIZ

THAEIR AZIZ, as his sole and separate property Owner/Permittee

NOTE: Notary acknowledgments 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.

VOLTAIRE & NIMITZ, LLC Permittee

By _____

Brian Rucker, Managing Member

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

RESOLUTION NUMBER R-____

ADOPTED ON _____

WHEREAS, on March 2, 2009, Voltaire & Nimitz, LLC submitted an application to the Development Services Department for a Rezoning of property and a Site Development Permit.

WHEREAS, the permit was set for a public hearing to be conducted by the City Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on DATE; and

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Mitigated Negative Declaration No. 164585. NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it is hereby certified that Mitigated Negative Declaration No. 164585 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council; directing the City Clerk to file a Notice of Determination..

BE IT FURTHER RESOLVED that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and

therefore, that said Mitigated Negative Declaration, a copy of which is attached hereto and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED that pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: JAN GOLDSMITH, City Attorney

By:

Andrea Dixon Deputy City Attorney

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Site Development Permit No. 589770

PROJECT NO. 164585

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 164585 (Project No. 164585) shall be made conditions of Site Development Permit No. 589770 as may be further described below.

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

- 1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
- 2. In addition, the ED shall verify that <u>the MMRP Conditions/Notes that apply ONLY to the</u> <u>construction phases of this project are included VERBATIM</u>, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
- 3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

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

- 4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.
- 5. **SURETY AND COST RECOVERY** The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation

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

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT, The PERMIT

HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

> Qualified archaeological monitor Qualified acoustician Qualified paleontological monitor

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

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant t is also required to call **RE and MMC at 858-627-3360**
- 2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 164585 and/or Environmental Document Number 164585, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc

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

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

Not Applicable

4. MONITORING EXHIBITS

All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11×17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

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

5. OTHER SUBMITTALS AND INSPECTIONS:

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

Issue Area	Document submittal	Assoc Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Pre-construction Meeting
General	Consultant Const. Monitoring Exhib	oits Prior to or at the Pre-Construction
		meeting
Geology	As Graded Soils Report	Geo-technical/fault inspection
Paleontology	Paleontology Reports	Paleontology site observation
Archeology	Archeology Reports	Archaeology/Historic site
observation		
Noise	Acoustical Reports	Noise mitigation features inspection
Traffic	Traffic Reports	Traffic features site observation
Bond Release	Request for Bond Release letter	Final MMRP inspections prior to
Bond		
		Release Letter

Document Submittal/Inspection Checklist

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

TRANSPORTATION/CIRCULATION

In order to avoid significant direct and cumulative transportation/circulation impacts, the following mitigation measures shall be implemented by the project applicant:

Prior to the issuance of any building permits, than Applicant shall assure by permit and bond the restriping of Voltaire Street, between Las Lomas Street and Worden Street as a two-lane collector street with two-way left-turn lane, to the satisfaction of the City Engineer.

HISTORICAL RESOURCES

In order to avoid significant historical resources impacts, the following mitigation measures shall be implemented by the project applicant:

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 - 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

- 3. The PI may submit a detailed letter to MMC requesting a reduction to the $\frac{1}{4}$ mile radius.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor(s) Shall be Present During Grading/Excavation/Trenching
 - 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.
 - 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 - 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
 - 4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 - 1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 - 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

- C. Determination of Significance
 - 1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
 - 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 - 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 - 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
 - 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.

- 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
 - 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 - 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
 - 3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
 - 4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
 - 5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
 - 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 - 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 - 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision

for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVR and submit to MMC via fax by 8AM of the next business day.
 - Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.

- b. Recording Sites with State of California Department of Parks and Recreation
 The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources
 encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
- 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
 - 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
 - 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 - 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
 - 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

- 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.
- D. Final Monitoring Report(s)
 - 1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 - 2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

In order to avoid significant paleontological resources impacts, the following mitigation measures shall be implemented by the project applicant:

I. Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
 - 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
 - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. Identify Areas to be Monitored

Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).

- 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 - 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.
 - 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 - 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
 - 1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 - 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 - 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
 - 1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.

- c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
- d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries All discoveries shall be processed and documented using the existing procedures detailed in Sections III During Construction.
 - c. Potentially Significant Discoveries If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III During Construction shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
 - 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring,

- a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
- b. Recording Sites with the San Diego Natural History Museum The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
- 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
 - 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
 - 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
 - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
 - 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
 - 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

<u>Noise</u>

In order to avoid potential direct paleontological resources impacts, the following mitigation measures shall be implemented by the project applicant:

- I. Prior to Permit Issuance Plan Check
 - A. Prior to issuance of the building permit, the Permit Holder shall incorporate the requirements for environmental noise mitigation on the appropriate construction documents as described in the (*Acoustical Analysis Report Point Plaza, 3903-3911 Voltaire Street, San Diego, California, prepared Eilar Associates, Inc., dated January 11, 2010*) report.
 - B. Prior to issuance of the building permit, the Assistant Deputy Director (ADD)
 Environmental designee shall verify the following sound attenuation measures for all exterior/outdoor usable areas Table 1, Calculated Future Traffic Noise Impacts at Outdoor Use Areas (Table 5 of approved acoustical report) and interior Table 2, Interior Overall Noise Levels with Mitigation Recommendations (Table 6 of approved acoustical report) have been incorporated into the design of the development to ensure that exterior noise levels are at and/or below 65 dBA CNEL and interior levels are at and/or below 45 dBA CNEL.

EXTERIOR/OUTDOOR USABLE AREAS

The locations of the exterior sound barriers referenced in Table 1, shall be solid in construction and constructed of masonry, wood, plastic, fiberglass, steel, glass, or combinations thereof of these listed materials, with no holes or gaps through or below the barriers. Where architectural or aesthetic factors allow, glass or clear plastic may be utilized on that portion above a pony wall, if desirable to preserve a view.

	CALCUI	LATED FUT	URE TRAFFI	TABLE 1 C NOISE IMP	PACTS AT OU	TDOOR USE 4	AREAS
						oise Level EL)	
Receiver	Level	Unit Number	Use Area	Location	Without Mitigation	With Mitigation	Sound Barrier Wall Height (ft.)
C4	2	N/A	Courtyard	Southwest	66.0	50.4	3.5
D1	2	8	Deck	West	71.3	59.2	6
D6	2	1	Deck	East	61.8	56.0	5
D7	2	2	Deck	East	61.8	55.9	5
D8	2	3	Deck	East	61.7	55.8	5
D9	2	4	Deck	East	61.3	55.1	5
D10	2	10	Deck	North	69.3	58.1	6
D11	2	9	Deck	North	66.9	55.4	6
D12	2	11	Deck	Southeast	63.5	57.0	5
D13	2	15	Deck	North	71.3	59.9	6

INTERIOR

Every unit shall have a mechanical ventilation system that meets the criteria of Chapter 4 of the 2007 California Mechanical Code.

Table 2, Interior Overall Noise Levels with Mitigation Recommendations (Table 6 of approved acoustical report) identifies specific units that require additional interior attenuation in the form of an acoustical rating of an STC, to be verified prior to issuance of building permit.

Int	ERIOR OVE	RALL NOISE L	TABLE 1 LEVELS WITH		N RECOMMEN	DATIONS
Location	Level	Combined Exterior Façade Impact (CNEL)	Minimum Window Ratings (STC)	Interior CNEL (windows open)	Interior CNEL (windows closed)	Mechanical Ventilation
Unit 4 Living Room	2	67.7	25	58.1	43.5	Required
Unit 4 Bedroom 2	3	67.7	25	56.8	44.0	Required
Unit 8 Living Room	2	72.4	28	65.2	44.3	Required
Unit 8 Bedroom 2	3	68.5	28	58.3	42.8	Required
Unit 10 Living Room	2	72.9	31	59.9	44.6	Required
Unit 10 Bedroom 2	3	72.9	31	60.7	44.7	Required
Unit 11 Living Room	2	67.9	25	58.5	43.1	Required
Unit 14 Bedroom 1	2	73.7	28	65.0	41.8	Required
Unit 15 Living Room	2	72.4	28	59.3	44.6	Required
Unit 15 Bedroom	2	72.4	25	60.3	41.0	Required
Unit 16 Living Room	2	73.8	28	61.8	45.0	Required
Unit 16 Bedroom	2	72.4	25	64.5	42.1	Required
Unit 17 Living Room	2	73.7	28	68.	44.6	Required
Unit 17	2	73.7	28	64.	41.0	Required

İnt	ERIOR OVE	RALL NOISE I	TABLE LEVELS WITH	—	N RECOMMEN	DATIONS
Location	Level	Combined Exterior Façade Impact (CNEL)	Minimum Window Ratings (STC)	Interior CNEL (windows open)	Interior CNEL (windows closed)	Mechanical Ventilation
Bedroom 2						
Retail (East)	1	74.3	25	60.3	44.3	Required
Retail (West)	1	67.4	25	55.1	42.2	Required

In addition, exterior door installation shall include all-around weather-tight door stop seals and an improved threshold closure system. Furthermore, seal and caulk (i.e., OSI Green Series Draft and Acoustical Sound Sealant, Pecora AC-29 FTR, or as identified in Appendix D of approved acoustical report) between the rough openings and the finished door frame shall be completed by applying an acoustically resilient, non-skinning butyl caulking compound.

- C. Prior to issuance of occupancy the building permit, the Assistant Deputy Director (ADD) Environmental designee shall verify the sound attenuation measures for all exterior/outdoor usable areas and interior levels have been incorporated into the design of the development to ensure that exterior noise levels are at and/or below 65 dBA CNEL and that interior levels are at and/or below 45 dBA CNEL
- II. Post Construction Prior to Final Inspection
 - A. The Permit Holder shall submit one copy of the final Acoustical Analysis with construction documents to the BI, and one copy to MMC. MMC to verify the sound attenuation barrier has been constructed in accordance with the Construction documents.

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

(O-INSERT~)

ORDINANCE NUMBER O-_____(NEW SERIES)

ADOPTED ON

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING 0.94 ACRES LOCATED BETWEEN NIMITZ BOULEVARD, VOLTAIRE STREET AND LAS LOMAS STREET, WITHIN THE PENINSULA COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CP-1-1 ZONE INTO THE CC-3-5 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTION 131.0507; 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 0.94 acres located between Nimitz Boulevard, Voltaire Street and Las Lomas Street, and legally described as All that area described lying northeasterly of the centerline of Nimitz Boulevard bounded on the north by the prolongation of the centerline of Voltaire Street and bounded by the southeast by the prolongation of the centerline of Las Lomas Street; terminating at a line intersecting through Lot 1 of Nimitz Center, Map No 4584; having a bearing of North 15° 14' 59" West and a distance of 326.33 feet, in the Peninsula Community Plan area, in the City of San Diego, California, as shown on Zone Map Drawing No. B-4273, filed in the office of the City Clerk as Document No. OO- ______, are rezoned from the CP-1-1 Zone into the CC-3-5 Zone, as the CC-3-5 Zone is described and defined by San Diego Municipal Code Chapter 13 Article 1 Division 5. 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 conflicts 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 therefor was made prior to the date of adoption of this ordinance.

APPROVED: JAN GOLDSMITH, City Attorney

By _

Andrea Dixon Deputy City Attorney

Initials~ Date~ Or.Dept: INSERT~ Case No.164585 O-INSERT~ Form=inloto.frm(61203wct)

POINT PLAZA MIXED-USE AFFORDABLE HOUSING UNITS FOR "RENT" ONLY



EBADER NOTES VOLTAIR E STREET 1. NA GRANNE PROPOSED THIS PROJECT. Exilavatum of she for nasement and only. No fill energy for foundations AMMENTES MOVEED L & BRA AREAS WITH SEATING THROUGHDUT I CHIETY AND MITH SPATING **ARCHITECTURAL SITE PLAN** NOTES YNEINTY MAP ALTS. PRIMET TEAM SHEET INDEX HYDRANTS W/W 600" PROJECT INFO 1. NEAREST EXISTING BUS STOPS TO MADLECT SITE IS LOCATED O I. FIRE NOTE: POST ADICATOR VALVES, APALOEPARTMENTS CONNECTIONS, AND ALARMBELLB ARE TO BE LOCATED ON THE ATTREE & ACCESS ARCHITECT: SOLS ENGINEER SHEET # SHEET TITLE PROJECT ADDRESS: BEB-11 VOLTAJAÇ STARET San Dirgo, ca 52:36 PITUE SCIENCE STELACISON DRAVE LA MESA, CA. 31341 CONTACT: BTCSH POCESAWK PHONE: BTRAIL2014 BO. CAL BOLLS AND TESTING S200 RIVENCIALE STREET SAN DEECO, CAL 1922 CONTACT. GARRETT FOUNT/ PHONE: STP-2004320 2 GRADING DNLY) MAX SI DP5: // PROPOsed: \$3,000 cm (Suport - Garage SJT: #-0", Mail Fell: #", Max Clitelope, (), Max, Fill THTLE SHEET / STE PLAN TOPOSRAPISC SLEWEY PARKING LEVEL PLAN SITE PLAN / FIRST R.COO 86COND FLOCA PLAN THEO FLOCA PLAN NOOF PLAN BUILDING RECTON EXTERIOR ELEVATIONS EXTERIOR ELEVATIONS T.1 61.1 AL2 AL3 MA MA M5 A21 A31 10. ALL BENBAS VOLTANIE A MINITZ, LLC 1784 San Diego Ave. Ste 20 Ban Diego Ca. 821 10 . Převnet Bullonic Adoresses that are vsigle and lesible fitom to Treet from NG The Property Merchies Policy Page (NFC 2014.4 LANDSGAPE ARCHITECT: MCCALCHIGHLANDSCAPE ARE MCCALCHIGHLANDSCAPE ARE MICHANDERO, CA.2010 OCHTACT: DWID MCCALDUG-419/2948160 AGCUSTICAL ENG, NEEFI ELAR ASSOCIATES, NC. SSI ENCINTAS ELVID. STE 200 EVGNTAS, GA 8020 CONTACT: VX TRD 753-1560 APN: 4, all outdoor lighting brall be shaded and adjusted to Fall on the same prieases where such lights are socated. 44:30-20 UTE SHALL ME DIRECTED INTO LANDSCAPED AREAS AND HALL SLOPE, NTO LANDSCAPED AREAS WHERE FEASIBLE LEGAL DESCRIPTION LOT 1 OF NINITZ GENDER, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, 12 NO THEES OR SHPLASS EXCEEDING J-J' BI HEIGHT AT MA MAY BE LOCATED WITHIN TENSORY OF A SUBJECT AT MA THE ISSUMPCE OF ANY CONSTRUCTION PERMIT, THE A CIVIL ENGINEER: Des Survey Langeng Survey Langeng Chalanget Ada Shiri 19422-788 TRAFFIC ENGINEER: PROJECT SCOPE ORAMAGE/GRADES AQUATERRA ENGALERIA 1943 CAMPESINO PLACE DEENISTER DA 5254 LANDECAPE NOTES CONCEPTUAL LANDSCAPE PLAN . PRICE TO ISSUMNCE OF ANY CONSTRUCTION PERMIT WITH THE M HALL SUBMIT A WATER POLITION CONTROL PLAN (MPCP). THE W

KO A, DORPORATION 5035 HUIPPIN CANNON ROLSTE, 330 SAN CHESOL (AL S2123 CONTACT: SECRE E HOESAN PHONE (6: 9-833-303)

DEPENDENT ATTACASE

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EXISTING: C STORE 2 STORE NEW REZONE AND SITE DEVELOPMENT PERMIT FOR

HEAST



ATTACHMENT 13

ATTACHMENT -











VOLTAIRE STREET



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ATTACHMENT 1.3







ATTACHMENT	13			ATTACHMENT 13
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ELEVATION ALONG NIMITZ BLVD. Scale 1916-194





ELEVATION ALONG VOLTAIRE ST. SCALE-3/16"-1"-0"



ELEVATION ALONE VOLTAIRE ST. SCALE = 3/16" = 1'-0"



ELEVATION ALONE LAS LOMAS ST. Scale - 346" - 110"

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5,85 5,85





ATTACHMENT 13

Peninsula Community Planning Board Minutes Apr 16 - 2009 Meeting Room Pt. Loma Library

L Parliamentary items:

Meeting called to order by C. Mellor approx. 6:38pm

- A. Chair Report: C. Mellor greetings to new elected members M. Sanicki, N. Graham, C. Veum, H. Kinnaird, D. Cohen.
 - New Board elected new officers as follows:
 - Chair = C. Mellor MSC 12-0-(1CM)

i" Vice Chair = H. Kinnaird MSC 12-0-(1HK)

2nd Vice Chair = J. Lester MSC 12-0-(1JL)

Secretary = D. Davis MSC 12-0-(1DD)

Treasurer = N. Graham 12-0-(1NG)

Chair expressed concern with full agenda, may not be enough time to allow for subcommittee chair elections.

B. Non Agenda Public Comment: speaker- topics

T. Delaney (sp?) - Airport expansion concerns

- J. Gilhooly BUDG project concerns (when is gas management plan to be generated for public review?)
- J. Ross natural resource City meeting updates
- Joyce Summer introduced herself as a CCDC liaison rep. and plans on attending our board meetings contact: jgsummer@cox.net (619 232-6651)
- K. Faulconer (619 239-6622) gave update on the upcoming busy schedule of the council, thanked those that served (C. Jones, C. Shinn, D. Wiley) on Board. D. Wiley was present and received a certificate of appreciation.
- C. Conger cell phone transmission safety and PCPB airport authority subcommittee concerns
- C. Ageada with no objections, approved
- D. Approval of Minutes: draft of the Mar 5th and Mar 19th minutes as routed were approved by those present at the March meetings
- E. Treasurer report: N. Graham will coordinate with Chair and previous treasurer to obtain records
- F.I Atteadance: Board members D. Davis, C. Veum, J. Lester, D. Kaup, S. Kilbourn-McGee, C. Mellor, D. Cohen, H. Kinnaird, J. Shurnaker, N. Graham, M. Sanicki, S. Khalil, G. Halbert (Excused Absent: M. Hoppe, S. Brown)
- F.2 Community Attendance: see sign in sheet attached

III New/Old Business:

- A. <u>BUDG update:</u> Tom Alspaugh introduced new partners "re-assigned" to the Development Team (Bio Fuels Energy) hired by the City. Tom A. informed those present their group and had approx. 9 community meetings (3 of which has been with the PCPB board) – Tom A. and guests answered questions from the Board and Public. BUDG "reassignment approval" is tentatively set for City Council May 19th.
- B. <u>Victoria Joea (619 578-7542 and sdhc.org) discussed Housing Commission 5 year consolidated plan and answered funding questions from those present. 5 year consolidated plan going to the City Council for approval May 2nd.</u>

II. Action Items: (note: reminder Board Chair does not vote on action items unless to break a tie typical)

- A. <u>Stadel Res</u> (630 Rosecrans St.)- after discussion board indicated support of project as applicant and city work through the coastal commission process. An amended motion by S. Kahlil "that board support is subject to cycle issues dated 3-19-09 being resolved and/or cleared with City was approved MSC <u>10</u> (<u>2</u> JS, <u>9</u>) <u>0</u>. with an original motion by J. Shumaker supporting project as originally designed was approved MSC (<u>11</u> DD, CV, JL, DK, SKM, DC, HK, NG, MS, SK, GH) (<u>1</u> JS)-<u>0</u>.
 - Mark Hoppe arrived late
- B. Lerner Residence (3424 Jennings St.) & Gruber Residence (3434 Jennings St): after discussion a motion by G. Halbert that these projects return in one month with confirmation from City Attorney dept. that the 1970 law against selling substandard lots (along with the 1989 memorandum to planning staff) doesn't apply to these properties was approved MSC (7 DD, SKM, HK, JS, NG, SK, GH) (6 JL, MH, DC, MS, CV, DK)– 0
- C. Point Plaze (3903 Voltaire) after discussion the motion by J. Shumaker to recommend approval of the project for site dev. permit and rezone with direction to the applicant to return to PCPB during construction to review signage for the project and owner to waive opposition to future formation of a special lighting district (as agreed by applicants representative present) was approved MSC (12 DD, CV, JL, SKM, DC, HK, JS, NG, MS, SK, GH, MH) (1 DK) 0.

1V. Sub-Committee Reports:

- A. Project Review: S. Kilbourn McGee- motion by D. Davis for S.Kilborn- McGee to be subcommittee chair was approved MSC (13 DD, CV, JL, DK, CM, DC, HK, JS, NG, MS, SK, GH, MH)- 0-(1 SKM).
- B. Bylaws (Ad Hoc): J. Lester no report or election
- C. Airport Authority, ANAC (Airport Noise Advisory Comm.), ATAG (Airport (land use compatibility) Technical Advisory Group) and NTAG(Noise Tech. Advisory Group): S. Khalil motion for S. Khalil to be subcommittee chair was approved MSC (13 DD, CV, JL, DK, SKM, CM, DC, HK, JS, NG, MS, GH, MH) <u>0</u> (1 SK). After discussion that it is the intent to represent pros and cons in the panel discussion the board approved draft agenda and draft invitation flyer dated 4-16-09 for a Town Hall meeting on Terminal Development & Destination Lindberg MSC (11 DD, CV, JL, DK, SKM, DC, NG, MS, GH, MH, SK) (2 HK, JS)– <u>0</u>.

After discussion a motion by S. Khalil that all remaining PCPB subcommittee chairs remain in place until next PCPB regular board meeting was approved MSC (13 DD, CV, JL, DK, SKM, DC, HK, JS, NG, MS, SK, GH, MH) -0-0.

D. BU Digester Gas (Ad Hoc): D. Davis - no report or election, see new/old business

- F. North Bay Planning/Dev: J. Lester -- no report or election
 G. Midway Planning: D. Kaup no report or election
 H. Environment: D. Cohen no report or election
- I. Parks Rec: H. Kinnaird no report or election
- J. P3: (needs chair) no report or election

V. Government Reports/Public Communication: 1, Council District II. M. Awbrey- no report

2. City Planning: no report

VI. Adjournment: approx: 9:30PM Next PCPB regular meeting: 3701 Voltaire St.; scheduled for May 21 st, 2009 at 6:30PM

WWW.PCPB.NET

Airport noise complaint phone 619 400-2799 Neighborhood Code compliance 619 236-5500

Final 4-20-09

1

City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 THE City of San Diego (619) 446-5000	Ownership Disclosure Statement
Approval Type: Check appropriate box for type of approval (s) request Neighborhood Development Permit Variance Tentative Map Vesting Tentative Map Map Wa	Planned Development Permit Conditional Use Permit aver Land Use Plan Amendment • X Other Rezone
Project Title Point Plaza	Project No. For City Use Only
Project Address:	······································
3903 Voltaire Street, San Diego APN 449-390-20	
Part I - To be completed when property is held by individual	(5)
below the owner(s) and tenant(s) (if applicable) of the above reference who have an interest in the property, recorded or otherwise, and state the individuals who own the property). <u>A signature is required of at least of</u> from the Assistant Executive Director of the San Diego Redevelopment Development Agreement (DDA) has been approved / executed by the Manager of any changes in ownership during the time the application is	with the intent to record an encumbrance against the property. Please list ad property. The list must include the names and addresses of all persons he type of property interest (e.g., tenants who will benefit from the permit, all <u>ma of the property owners</u> . Attach additional pages if needed. A signature I Agency shall be required for all project parcels for which a Disposition and a City Council. Note: The applicant is responsible for notifying the Project is being processed or considered. Changes in ownership are to be given to in the subject property. Failure to provide accurate and current ownership
Name of Individual (type or print):	Name of Individual (type or print);
Contern Tenent/Lessee Redevelopment Agency	Owner Tenant/Lessee Redevelopment Agency
Street Address:	Street Address:
City/State/Zip:	Citv/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Signaturé : Date:	Signature : Date:
Name of Individual (type or print):	Name of Individual (type or print):
Owner Tenant/Lessee Redevelopment Agency	Owner Tenant/Lessee Redevelopment Agency
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Signature : Date:	Signature : Date:

Printed on recycled paper. Visit our web site at <u>www.sandiego.gov/development-services</u> Upon request, this information is available in alternative formats for persons with disabilities.

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ATTACHMENT 15

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ti - To be completed when property is held by individual	
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Project Manager at least birty days prior to any public basing on musion draid remarks a delay in the hearing process.	Agency diall be required for all project parasis for which a Disposition City Council. Note: The applicant is responsible for notifying the Pri- being processed or constituents. Changes in contentity are to be give the subject property. Failure to provide accurate and current owner.
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LUNDSTROM

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ATTACHMENT 15	02
ATTACHMENT 15	

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New THE POINT PLAZA	Project No. (For City Use Day)
ert il - To be completed when property is held by	a corporation or partnership
egal Status (please chack):	
Corporation [] Limited Linkliky -ar- [General]	What State? Corporate Identification No.
s Identified above, will be fligd with the City of Sen D by property. Placese list below the neuron, titles and a Brandise, and state the type of property internet (e.g. h a pertnership who dwo the property). <u>Askington</u> unperty. Attach additional papes if histoic Note: Th numership during the time the application is being pro- lemager at tract thing days prior to a ny public hearing atomstion could result in a datay in the hearing pro-	Americal azionomiesto in the intervention for a permit, man or other maker, inco on the onliced property with the intervention property, recorded or addresses of all persons who have in intervent to property, recorded or , terms who will benefit from the permit, all corporate officers, and all permits a resulted of all terms one of the composite officers or permers who will be a applicant is required for antifying the Project Manager of any changes in correct or considered. Changes in provide accurate and entrem tomeschip g on the hubject property. Failure in provide accurate and entrem contesting the Additional pages attached IVes INC
Corporate/Partnership Name (type or print):	Corporate/Parmenship Name (type or print)
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	Name of Corporate Officer/Parater (type or print):
Name of Corporate Universe artists (type or prints	
Name of Corporate Officent wints (type of prints The type or prints	Title (type or print):

ATTACHMENT 15

Project Title:	Project No. (For City Use Only)			
Part II - To be completed when property is held by a corporation or partnership				
Legal Status (please check):				
Corporation T Limited Liability -or- General) What State? Corporate Identification No				
By signing the Ownership Disclosure Statement, the owner(s) acknown as identified above, will be filed with the City of San Diego on the su- the property. Please list below the names, titles and addresses of a otherwise, and state the type of property interest (e.g., lenants who in a partnership who own the property). A signature is required of a property. Attach additional pages if needed. Note: The applicant is i ownership during the time the application is being processed or con Manager at least thirty days prior to any public hearing on the subje information could result in a delay in the hearing process. Additional	bject property with the intent to record an encumbrance against all persons who have an interest in the property, recorded or will benefit from the permit, all corporate officers, and all partners at least one of the corporate officers or pariners who own the responsible for notifying the Project Manager of any changes in sidered. Changes in ownership are to be given to the Project ct property. Failure to provide accurate and current ownership onal pages attached Yes No			
Corporate/Partnership Name (type or print): City of San Diego, Real Estate Assets	Corporate/Partnership Name (type or print):			
X Owner Tenant/Lessee	Cowner Tenan/Lessee			
Street Address: 1200 Third Ave., Suite 1700	Street Address:			
City/State/Zip: San Diego, CA 92101	City/State/Zip:			
Phone No: Fax No: (619) 236-6020	Phone No: Fax No:			
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):			
Title (type or print): Jim Barwick, Director Real Estate Assets	Tille (type or print):			
Signature : Date: 3/15/10	Signature : Date:			
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):			
Owner Tenant/Løssee	Owner Tenant/Lessee			
Street Address:	Street Address:			
City/State/Zip:	City/State/Zip:			
Phone No: Fax No:	Phone No: Fax No:			
Name of Corporate Officer/Partner (type or print):	Name of Corporate Officer/Partner (type or print):			
Title (type or print):	Title (type or print):			
Signature ; Date:	Signature : Date:			
Corporate/Partnership Name (type or print):	Corporate/Partnership Name (type or print):			
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Street Address:	Street Address:			
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Title (type or print):	Tille (lype or print):			
Signature : Date:	Signature : Date:			

Ownership Disclosure Statement

Supplemental Information

Owners:

Habib A. Jaboro and Wafa J. Jaboro, Co-Trustees, Habib A. and Wafa Jaboro Family Trust, dated February 24, 2005; Wisam Naeim Aziz; and Thaeir Aziz

Applicant:

Voltaire & Nimitz, LLC:

Perenia Capital, LLC; Greg & Rhonda Smith; and Martin A. Weinstein

Perenia Capital, LLC:

Brian Rucker and Jeff Shaffer

	ROJECT DAT	TA SHEET			
PROJECT NAME:	Point Plaza, Project 164585				
PROJECT DESCRIPTION:	Demolish an existing building and construct a mixed use project with 24 dwelling units and 12,004 square feet of commercial floor area over a subterranean garage.				
COMMUNITY PLAN AREA:	Peninsula				
DISCRETIONARY ACTIONS:	Rezone and Site Development Permit				
COMMUNITY PLAN LAND USE DESIGNATION:	Neighborhood Commercial				
	ZONING INFO	RMATION:			
ZONE	CC-3-5 (CPIOZ Type B)				
HEIGHT LIMIT: Zone height 100 feet, Coastal height limit overlay 30 feet					
LOT SIZE: 2,500 square feet					
FLOOR AREA RATIO: 2.0					
FRONT SETBACK	FRONT SETBACK: 0 feet				
SIDE SETBACK	: NA				
STREETSIDE SETBACK	: 0 feet				
REAR SETBACK	: 10 feet, option for 0 feet				
PARKING	3: 61 spaces required, 74 sp	aces provided			
<u>ADJACENT</u> <u>PROPERTIES</u> :	LAND USE DESIGNATION & ZONE	EXISTING LAND USE			
NORTH:	Residential low/medium & RM-3-7	Condominiums			
SOUTH:	NA	NA			
EAST:	Residential low/medium & RM-3-7	Small apartments & Duplex			
WEST:	Residential medium & RM-2-5	Nimitz Blvd., Apartments and condominiums across Nimitz			
DEVIATIONS OR VARIANCES REQUESTED:	 A deviation to allow for 8 feet 11 inch wide parking spaces adjacent columns where 9 feet is required. A deviation to allow for 23 feet wide drive aisle where 24 feet is required. A development incentive to reduce the percentage of units with private exterior open space to 59% where 75 % is required, and to allow decks with less than 6 feet in dimension. LDC Section 131.0455. A development incentive to allow for 22 feet between driveways where 45 feet is required. On April 16, 2009 the Peninsula Community Planning Board voted 12:1:0 to 				
PLANNING GROUP RECOMMENDATION	recommend approval of the above referenced project.				

DEVELOPMENT SERVICES **Project Chronology Point Plaza - PTS# 164585**

Date	Action	Description	City Review Time	Applicant Response
03/02/09	First Submittal	Project Deemed Complete		
03/26/09	First Assessment Letter		18 days	
08/31/09	Second Submittal]	111 days
09/16/09	Second Review Complete		12 days	
02/09/10	Third Submittal			104 days
04/23/10	Third Review Complete		53 days	
04/23/10	Issues Complete		0 days	
09/02/10	Public Hearing		94 days	
TOTAL ST	AFF TIME		177 days	T T
TOTAL AP	PPLICANT TIME			215 days
TOTAL PR	ROJECT RUNNING TIME	From Deemed Complete to Planning Commission		