

Report to the Planning Commission

DATE ISSUED: July 8, 2021 REPORT NO. PC-21-026

HEARING DATE: July 15, 2021

SUBJECT: EXPRESS CAR WASH SDP, Process Five Decision

PROJECT NUMBER: 658226

OWNER/APPLICANT: Nika Enterprises, Inc, Owner and Tim Varley, Applicant

SUMMARY

<u>Issue(s)</u>: Should the Planning Commission recommend to the City Council approval of a Site Development Permit that would allow for the demolition of an existing automobile sales building and parking lot, and construction of a new car wash building with 22 exterior vacuum station stalls and landscaping on a 0.71-acre site located at 6270 Miramar Road in the University Community Plan area?

Staff Recommendation(s):

- 1. Recommend the City Council <u>ADOPT Addendum No. 658226 to Environmental Impact Report No. 88-0612 (SCH No. 90010972)</u>; and
- 2. Recommend the City Council APPROVE Site Development Permit No. 2406911.

<u>Community Planning Group Recommendation</u>: On January 12, 2021, the University Community Planning Group voted 13-1-4 to recommend approval of the project as proposed, with a recommendation that the project's landscaping has at least 50% native San Diego plants in the landscaping plan.

<u>Environmental Review</u>: Addendum No. 658226 to Environmental Impact Report (EIR) No. 88-0612 (SCH No. 90010972) has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. There are no new impacts or an increase in severity of impacts that were analyzed in the EIR, therefore, an Addendum was prepared.

<u>Fiscal Impact Statement</u>: None. All costs related to processing this project are covered by a deposit account maintained by the applicant.

Code Enforcement Impact: None

<u>Housing Impact Statement</u>: The project site is designated Industrial by the University Community Plan, and residential uses are prohibited in this land use designation. Since residential is not allowed under the land use designation and there is no existent residential on the site, the project has a neutral impact on housing.

BACKGROUND

The project site is located at 6270 Miramar Road at the northwest intersection of Miramar Road and Miramar Place within the University Community Plan area (Attachments 1 and 2). The project site is 0.71-acres (31,008 square feet) and currently contains an approximately 800 square-foot automobile sales building on the northwest corner and a parking lot with landscaping. The property is within the (Industrial Light) IL-2-1 Zone, Community Plan Implementation Overlay Zone – B (CPIOZ-B), Airport Land Use Compatibility Overlay Zone, Airport Influence Area (MCAS Miramar), Airport Safety Zone (Accident Potential Zone 1 - MCAS Miramar), Fire Brush Zones, High Fire Severity Zone, Prime Industrial Lands, and FAA Part 77 Notification Area. The project site is designated Restricted Industrial by the University Community Plan and identified as Prime Industrial Lands in the General Plan Economic Prosperity Element.

The CPIOZ-B identifies sites where the application of standard development regulations of the existing zone are not adequate to ensure that new development is consistent with the goals, objectives, and proposals of the University Community Plan or compatible with surrounding development. Without the applications of CPIOZ-B, development in these areas may be subject to ministerial review only. The purpose of the Airport Land Use Compatibility Overlay Zone is to provide supplemental regulations for property surrounding MCAS Miramar. The project is located within the Accident Potential Zone 1 (APZ 1) and the purpose of the zone is to achieve the greatest degree of safety which can be reasonably attained through compatible land use and density controls to minimize the potential accident exposure in areas near MCAS Miramar.

The site is located within Geologic Hazard Category 51, representative of level mesas, underlain by terrace deposits and bedrock, with a nominal risk. No faults are known to exist on or near the project site. The project site is not within or adjacent to the Multiple Species Conservation Program (MSCP), or the Multiple Habitat Planning Area (MHPA), and does not contain any other type of Environmentally Sensitive Lands (ESL) as defined in SDMC section 113.0103.

The project site was reviewed under three prior discretionary actions. The first discretionary action was for the Miramar Road Auto Center project for a Tentative Map (TM), Planned Industrial Permit (PID), and Resource Protection Ordinance (RPO) permit for the development of a 15.0-acre automobile sales and service center. An Environmental Impact Report (EIR No. 88-0612/SCH No. 90010972) was certified by the San Diego City Council on March 26, 1991 (Resolution No. R-277586) and identified mitigatable impacts for sensitive biological resources, traffic, and air quality. The second discretionary action was for the Miramar Self Storage project for a Planned Development Permit, Site Development Permit, and Tentative Map to create two parcels from one 4.73-acre site to construct a 129,165 square-foot self-storage building. A Negative Declaration (ND

No. 10242) was prepared in 2004, and no new impacts and no new mitigation was required beyond EIR-88-0612. The third discretionary action was for the Miramar Auto project for a Site Development Permit to construct a two-story 1,937 square-foot automobile sales building on the 0.71-acre site. Addendum No. 101847 to EIR No. 88-0612 was prepared in 2007 and is developed under this entitlement today.

DISCUSSION

Project Description:

The project entails the demolition of an existing car dealership, including an approximately 800-square foot building and a parking lot with landscaping, and construction of a new 3,885 square-foot automated car wash with drive isles, 22 vacuum station stalls, and landscaping.

The subject property is located within the 70+ CNEL noise contour and the project requests a deviation through a Process 5 Site Development Permit to allow the car wash use within the noise contour identified in the Airport Land Use Compatibility Overlay Zone. The car wash is categorized as a Personal Vehicle Repair and Maintenance Use permitted in the IL-2-1 Zone. However, since the property is within the Airport Land Use Compatibility Overlay Zone with a Noise Contours of 75+ CNEL, the use is not be permitted per Land Development Noise Compatibility Criteria Table 132-15D and the development is proposing to deviate from this Division through a Process 5 Site Development Permit, in accordance with LDC Table 132-15B, to allow for the use within the overlay zone. MCAS Miramar reviewed the project and determined it to be consistent with the MCAS Miramar 2020 Air Installations Compatible Use Zones (AICUZ) noise and safety criteria and that the project also complies with the restrictions of the federally-owned easement located on the parcel.

The project site is in University Community Plan's Community Plan Implementation Overlay Zone (CPIOZ) Type B which requires a Process 3 discretionary review to assure the project's design consistency with the University Community Plan's Urban Design Element, but a Process 5 is required due to the deviation. The Urban Design Element has recommendations regarding architecture, grading, lot coverage, height, bulk and orientation of buildings to be compatible with surrounding development. The building height is 20 feet and will comply with the zone's maximum allowable height. The project site is designated Restricted Industrial by the University Community Plan and identified as Prime Industrial Lands in the General Plan Economic Prosperity Element. The project design is consistent with the Community Plan's Restricted Industrial Land Use designation and will not adversely affect the goals and objectives of the University Community Plan.

The proposed car wash was found in conformance with the IL-2-1 Zone, Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Safety Zone (APZ1), and Community Plan Implementation Overlay Zone - Type B (CPIOZ-B). The proposed development will comply with the regulations of the Land Development Code including any allowable deviation pursuant to the Land Development Code.

Community Plan Analysis:

The project site is located within University Community Plan area and is located on a parcel that is designated for industrial land uses, as illustrated (on Figure 4, page 20). It is also located in a Community Plan Implementation Overlay Zone (CPIOZ) Type B, as noted (on Figure 27, page 177). Because the site is in a CPIOZ Type B area, the site requires a discretionary review to assure the project's design consistency with the University Community Plan's Urban Design Element. The Element includes recommendations that address architecture, grading, lot coverage, height, bulk and orientation of buildings so that projects are compatible with surrounding development. The building height is 20 feet and will comply with the zone's maximum allowable height. The project includes mechanical equipment and outdoor storage, and landscaping along the exterior of the site to buffer the activities. The project site is also designated for Restricted Industrial by the University Community Plan (on figure 26, page 165), and is also identified as Prime Industrial Lands in the General Plan Economic Prosperity Element (on Figure EP-1). The project design is consistent with the Community Plan's Restricted Industrial Land Use designation and will not adversely affect the goals and objectives of the University Community Plan.

Environmental Analysis:

The project site is located in a fully developed area of the City. City staff analysis of the project identified the potential for the project to have a number of potentially significant impacts, with significant impacts requiring project specific mitigation be implemented, as indicated in the EIR No. 88-0612/SCH No. 90010972 related to sensitive biological resources and traffic.

The proposed project would not result in any additional significant impacts nor would it result in an increase in the severity of impacts from that analyzed and identified in the previously certified EIR.

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. With the approval of the deviation, the project meets all applicable regulations and policy documents, and staff supports the determination that the project is consistent with the recommended land use plan, design guidelines, and development standards in effect for this site per the SDMC, the University Community Plan, and the General Plan. Thus, staff recommends the Planning Commission recommend to City Council approve the project as proposed.

ALTERNATIVES

- Recommend the City Council ADOPT Addendum to Environmental Impact Report No. 88-0612 (SCH No. 90010972) and APPROVE Site Development Permit No. 2392192 (SDP), with modifications.
- 2. Recommend the City Council NOT ADOPT Addendum to Environmental Impact Report No. 88-0612 (SCH No. 90010972) and DENY Site Development Permit No. 2392192 (SDP), if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Tim Daly

Assistant Deputy Director

Development Services Department

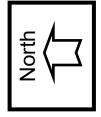
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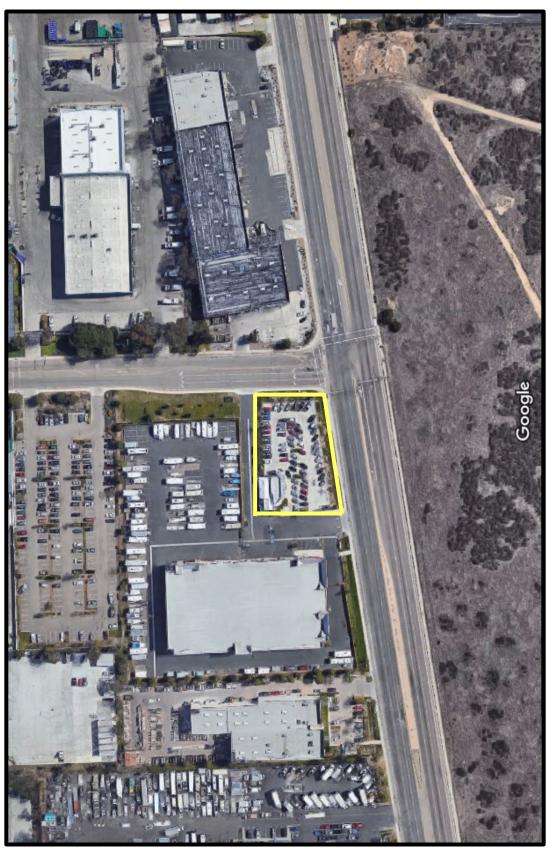
Development Project Manager

Development Services Department

Attachments:

- 1. Aerial Photograph
- 2. Community Plan Land Use Map
- 3. Project Location Map
- 4. Draft Permit Resolution with Findings
- 5. Draft Permit with Conditions
- 6. Draft Environmental Resolution (Addendum)
- 7. Community Planning Group Recommendation
- 8. Ownership Disclosure Statement
- 9. Development Plans

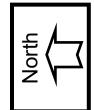


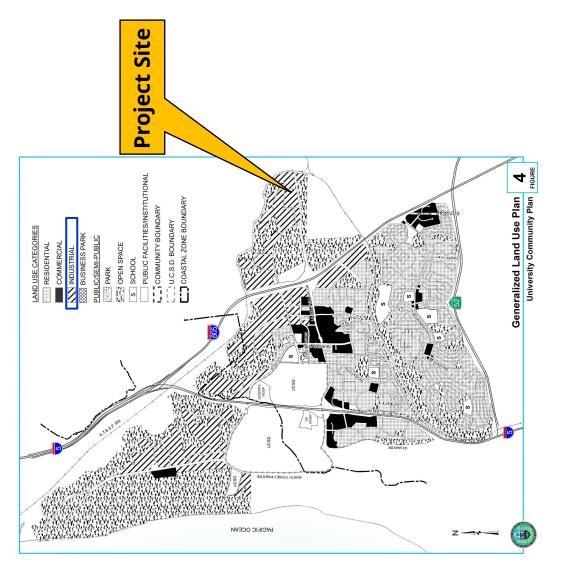


Aerial Photograph Express Car Wash SDP Project No. 658226 - 6270 Miramar Road



ATTACHMENT 2

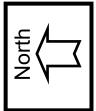


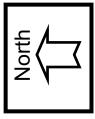


Land Use Map



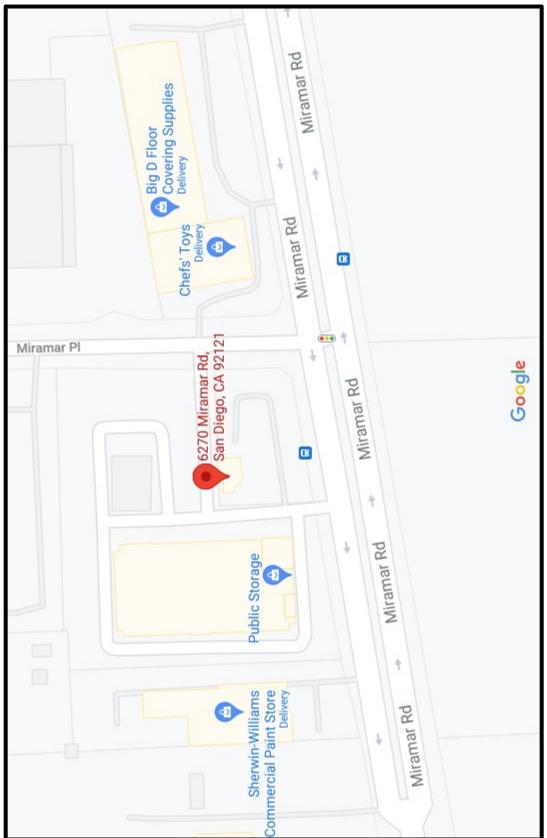
Express Car Wash SDP Project No. 658226 – 6270 Miramar Road





Express Car Wash SDP Project No. 658226 – 6270 Miramar Road **Project Location Map**





CITY COUNCIL RESOLUTION NO. ______ SITE DEVELOPMENT PERMIT NO. 2406911 EXPRESS CAR WASH SDP - PROJECT NO. 658336

WHEREAS, Nika Enterprises, Inc, a California corporation, Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit (SDP) to demolish an existing automobile sales building and parking lot, and to construct a new car wash building with exterior parking vacuum stalls known as the Express Car Wash SDP project, located at 6270 Miramar Road, and legally described as: Lot 1 of Miramar Self Storage, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1502, filed in the Office of the County Recorder of San Diego County on June 1, 2005 within the University Community Plan area, in the IL-2-1 Zone, Airport Land Use Compatibility Overlay Zone, Airport Influence Area (MCAS Miramar), Airport Influence Area (MCAS Miramar), Airport Safety Zone (Accident Potential Zone 1 - MCAS Miramar), Community Plan Implementation Overlay Zone - B, Fire Brush Zones, High Fire Severity Zone, Prime Industrial Landss, and FAA Part 77 Notification Area; and

WHEREAS, on July 15, 2021, the Planning Commission of the City of San Diego considered Site Development Permint (SDP) Permit No. 2406911, and pursuant to Resolution No.

[INSERT Planning Commission Resolution Number] -PC voted to recommend City council approval of the Permit; and

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

WHEREAS, the matter was set for public hearing on	, testimony
having been heard, evidence having been submitted, and the	ne City Council having fully considered
the matter and being fully advised concerning the same; NO	OW, 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. 2406911:

A. <u>SITE DEVELOPMENT PERMIT [San Diego Muncipial Code (SDMC) section 125.0505]</u>

- 1. Findings for all Site Development Permits:
 - a. The proposed development will not adversely affect the applicable land use plan.

The project proposes to demolish an existing automobile sales building and parking lot and to construct a new 3,885 square-foot car wash building with 22 exterior vacuum stalls on a 0.71-acre site.

The project is located within the Airport Land Use Compatibility Overlay Zone, Airport Influence Area (MCAS Miramar), and Airport Safety Zone (APZ1). The subject property is located within the 70+ CNEL noise contour and the project requests a deviation to allow the car wash use within the noise contour identified in the Airport Land Use Compatibility Overlay Zone. The car wash is categorized as a Personal Vehicle Repair and Maintenance Use permitted in the (Inudustrial Light) IL-2-1 Zone. However, since the property is within the Airport Land Use Compatibility Overlay Zone with a Noise Contours of 75+ CNEL, the use is not be permitted per Land Development Noise Compatibility Criteria Table 132-15D and the development is proposing to deviate from this Division through a Process 5 Site Development Permit, in accordance with Land Development Code (LDC) Table 132-15B, to allow for the use within the overlay zone. MCAS Miramar reviewed the project and determined it to be consistent with the MCAS Miramar 2020 Air Installations Compatible Use Zones (AICUZ) noise and safety criteria and that the project also complies with the restrictions of the federally-owned easement located on the parcel.

The project site is in University Community Plan's Community Plan Implementation Overlay Zone (CPIOZ) Type B which requires discretionary review to assure the project's design consistency with the University Community Plan's Urban Design Element. This element has recommendations regarding architecture, grading, lot coverage, height, bulk and orientation of buildings to be compatible with surrounding development. The proposed use of the Car Wash Facility is categorized as Personal Vehicle Repair & Maintenance and is permitted in the IL-2-1 Zone. Surrounding uses include Moving & Storage Facilities, Warehouses, and Wholesale Distribution, therefore the Car Wash Facility is compatible to the surrounding development. The project site is designated Restricted Industrial by the University Community Plan and identified as Prime Industrial Lands in the General Plan Economic Prosperity Element. The design location is consistent with the

Community Plan's Restricted Industrial Land Use designation and will not adversely affect the goals and objectives of the University Community Plan.

The proposed car wash was found in conformance with the MCAS Miramar Airport Land Use Compatibility Plan and the University Community Plan's Community Plan Implementation Overlay Zone – Type B (CPIOZ-B). Therefore, the proposed development will not adversely affect the applicable land use plan.

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

The project proposes to demolish an existing automobile sales building and parking lot and to construct a new 3,885 square-foot car wash building with 22 exterior vacuum stalls on a 0.71-acre site. A Deviation is proposed to allow Personal Vehicle Repair and Maintenance Use on a site within the MCAS Miramar Airport Land Use Compatibility Plan which contains an Aircraft Noise Exposure level greater than 75 decibels.

The car wash has been designed to comply with all of the applicable development regulations, including those of the IL-2-1 Zone, Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Safety Zone (APZ1), and Community Plan Implementation Overlay Zone - Type B (CPIOZ-B). The project was reviewed by the Environmental Analysis Section (EAS) and determined the project site was previously reviewed under three discretionary actions (Miramar Road Auto Center EIR, Miramar Self Storage Negative Declaration, and Miramar Auto Addendum to EIR). An Environmental Impact Report (EIR No. 88-0612/SCH No. 90010972) was certified by the San Diego City Council on March 26, 1991 (Resolution No. R-277586) for the Miramar Road Auto Center project and identified significant but mitigated impacts for Biological Resources, Traffic, and Air Quality. EAS has prepared Addendum No. 658226 to EIR No. 88-0612 in accordance with section 15164 of the CEQA State Guidelines. Their analysis evaluates the adequacy of the Miramar Road Auto Center EIR relative to the project. EAS has determined the proposed development would not cause new or more severe significant impacts than those identified in the previously certified EIR, Negative Declaration, and Addendum to EIR.

The environmental analysis did not find any significant impacts to public health and safety. The project will not have any impact on the provision of essential public services. The project will not be detrimental to publich health, safety and welfare in that the permit controlling the development and continued use of the proposed project contains specific conditions addressing compliance with the Citys codes, policies, regulations and other regional, state, and federal regulations to prevent detrimental impacts to health, safety, and general welfare of persons residing and/or working in the area. Conditions of approval require the review and approval of all construction plans by staff prior to construction to determine the construction of the project will comply with all regulations. The construction is in accordance with the approved plans and with all regulations. Therefore, the project will not be detrimental to the public health, safety, and welfare.

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

The project proposes to demolish an existing automobile sales building and parking lot and to construct a new 3,885 square-foot car wash building with 22 exterior vacuum stalls on a 0.71-acre site. A Deviation is proposed to allow Personal Vehicle Repair and Maintenance Use on a site within the MCAS Miramar Airport Land Use Compatibility Plan which contains an Aircraft Noise Exposure level greater than 75 decibels.

The project is located within the Airport Land Use Compatibility Overlay Zone, Airport Influence Area (MCAS Miramar), and Airport Safety Zone (APZ1). The subject property is located within the 70+ CNEL noise contour and the Project requests a deviation through a Process 5 Site Development Permit to allow the car wash use within the noise contour identified in the Airport Land Use Compatibility Overlay Zone. The car wash is categorized as a Personal Vehicle Repair and Maintenance Use permitted in the IL-2-1 Zone. However, since the property is within the Airport Land Use Compatibility Overlay Zone with a Noise Contours of 75+ CNEL, the use is not be permitted per Land Development Noise Compatibility Criteria Table 132-15D and the development is proposing to deviate from this Division through a Process 5 Site Development Permit, in accordance with LDC Table 132-15B, to allow for the use within the overlay zone. MCAS Miramar reviewed the project and determined it to be consistent with the MCAS Miramar 2020 Air Installations Compatible Use Zones (AICUZ) noise and safety criteria and that the project also complies with the restrictions of the federally-owned easement located on the parcel.

The car wash also complies with the applicable regulations of the IL-2-1 Zone, Airport Land Use Compatibility Overlay Zone (MCAS Miramar), Airport Safety Zone (APZ1), and Community Plan Implementation Overlay Zone - Type B (CPIOZ-B). Therefore, the proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

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

BE IT FURTHER RESOLVED, that Site Development Permit No. 2406911 is granted to Nika Enterprises, Inc, a California corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

RECORDING REQUESTED BY

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

WHEN RECORDED MAIL TO CITY CLERK MAIL STATION 2A

INTERNAL ORDER NUMBER: 24008536

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SITE DEVELOPMENT PERMIT NO. 2406911 **EXPRESS CAR WASH SDP PROJECT NO. 658226**CITY COUNCIL

This Site Development Permit is granted by the City Council of the City of San Diego to Nika Enterprises, Inc, a California corporation Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505. The 0.71-acre site is located at 6270 Miramar Road in the IL-2-1 Zone, Community Plan Implementation Overlay Zone - B, Airport Land Use Compatibility Overlay Zone, Airport Influence Area (MCAS Miramar), Airport Safety Zone (Accident Potential Zone 1 - MCAS Miramar), Fire Brush Zones, High Fire Severity Zone, Prime Industrial Lands, and FAA Part 77 Notification Area within the University Community Plan area. The project site is legally described as: Lot 1 of Miramar Self Storage, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1502, filed in the Office of the County Recorder of San Diego County on June 1, 2005.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish an existing automobile sales building and parking lot, and to construct a new car wash building with exterior parking vacuum stalls 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. Demolition of an existing automobile sales building and parking lot;
- b. Construction of a new 3,885 square-foot car wash building with 22 exterior vacuum stalls on the 0.71-acre site (31,008 square feet);
- c. Deviation to allow Personal Vehicle Repair and Maintenance Use on a site within the MCAS Miramar Airport Land Use Compatibility Plan which contains an Aircraft Noise Exposure level greater than 75 decibels.
- d. Landscaping (planting, irrigation and landscape related improvements);

- e. Off-street parking;
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

- 1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by [ENTER DATE typically 3 years, including the appeal time].
- 2. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
- 3. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
- 4. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
- 5. 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.).
- 6. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
- 7. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
- 8. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

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

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

CLIMATE ACTION PLAN REQUIREMENTS:

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

ENGINEERING REQUIREMENTS:

- 11. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the landscape and irrigation located within the City's right-of-way, satisfactory to the City Engineer.
- 12. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.

- 13. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
- 14. Prior to the issuance of any construction permit for a building, the applicant shall submit a Technical Report that will be subject to final review and approval by the City Engineer, based on the Storm Water Standards in effect at the time of the construction permit issuance.
- 15. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

- 16. Prior to issuance of any construction permit for a building, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Storm Water Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
- 17. Prior to issuance of any construction permit for a building, the Owner/Permittee shall include at least 50% native San Diego plants in the landscaping plan.
- 18. Prior to issuance of any construction permit for public 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 show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.
- 19. Prior to issuance of any construction permit for public improvements, the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A" Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.
- 20. In the event that a foundation only permit is requested by the Owner/Permittee, a site plan or staking layout plan, shall be submitted to the Development Services Department identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions, and labeled as 'landscaping area.'

- 21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.
- 22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

- 23. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.
- 24. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.
- 25. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
- 26. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

- 27. Prior to issuance of any construction permit for a building, the Owner/Permittee shall provide a 14-foot wide Irrevocable Offer of Dedication (IOD) for a future 22-foot parkway along the Miramar Road frontage, satisfactory to the City Engineer.
- 28. Prior to issuance of any construction permit for a building, the Owner/Permittee shall provide a 2-foot wide IOD for a future 12-foot parkway along the Miramar Place frontage, satisfactory to the City Engineer.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

29. Prior to the issuance of any construction permit for a building, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside

of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Director and the City Engineer.

- 30. Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.
- 31. All proposed private water and sewer facilities are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
- 32. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities and five feet of any water facilities.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as
 conditions of approval of this Permit, may protest the imposition within ninety days of the
 approval of this development permit by filing a written protest with the City Clerk pursuant to
 California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on [INSERT Approval Date] and [Approved Resolution Number].

ATTACHMENT 5

Site Development Permit No. 2406911 Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO	DEVELOPMENT SERVICES DEPARTMENT
Benjamin Hafertepe	
Development Project Manager	
NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.	
	cution hereof, agrees to each and every condition of devery obligation of Owner/Permittee hereunder.
	NIKA ENTERPRISES, INC, A CALIFORNIA CORPORATION Owner/Permittee
	By NAME TITLE

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

RESOLUTION NUMBER R-	
DATE OF FINAL PASSAGE	

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING ENVIRONMENTAL IMPACT REPORT ADDENDUM NO. 658226 TO ENVIRONMENTAL IMPACT REPORT NO. 88-0612/SCH NO. 90010972 FOR THE EXPRESS CAR WASH SDP PROJECT NO. 658226.

WHEREAS, on March 26, 1991, Bob Baker Enterprises, Inc., submitted an application to Development Services Department for a Vested Tentative Map, Planned Industrial Development and Resource Protection Permit No. 88-0612 for the Miramar Road Auto Center (Project); and

WHEREAS, on March 26, 1991, the City Council certified Environmental Impact Report No. 88-0612 (RR-277584), a copy of which is on file in the Development Services Department in accordance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.); and

WHEREAS, on May 4, 2020, Super Star Car Wash submitted an application to the Development Services Department for approval of minor technical changes or additions to the Project; and

WHEREAS, State CEQA Guidelines section 15164(a) allows a lead agency to prepare an Addendum to a final Environmental Impact Report if such Addendum meets the requirements of CEQA; and

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

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

- 1. That the information contained in the Final Environmental Impact Report No. 88-0612 / SCH No. 90010972 along with the Addendum has been reviewed and considered by the City Council prior to making a decision on the Project.
- 2. That there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions in the Environmental Impact Report for the Project.

ATTACHMENT 6

- 3. That no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Environmental Impact Report or that any significant effects previously examined will be substantially more severe than shown in Environmental Impact Report.
- 4. That no new information of substantial importance has become available showing that mitigation measures or alternatives previously found not to be feasible are in fact feasible which would substantially reduce any significant effects, but that the Project proponents decline to adopt, or that there are any considerably different mitigation measures or alternatives not previously considered which would substantially reduce any significant effects, but that the Project proponents decline to adopt.
- 5. That pursuant to State CEQA Guidelines section 15164, only minor technical changes or additions are necessary, and therefore, the City Council adopts Addendum to Environmental Impact Report No. 88-0612 / SCH No. 90010972, a copy of which is on file in the office of the Development Service Department.

That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: [XXXX, CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

By:

[NAME], [DEPUTY CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

January 14, 2021

Benjamin Hafertepe Development Services Department <u>Bhafertepe@sandiego.gov</u> (619)446-5086

Dear Ben,

This is to notify you that on January 12, 2021, the University Community Planning Group recommended approval of Project 658226, Express Car Wash, as presented with an agreement by the applicant to include at least 50% native San Diego plants in the landscaping plan. The vote to approve was 13 Yes, 1 No, with 4 Abstentions and no Recusals.

The motion reads: "The UCPG recommends approval of project 658226 as presented. The UCPG also recommends that project landscaping has at least a 50% native San Diego plants in the landscaping plan."

Best regards,

Chris Nielsen

UCPG Chair

cn@adsc-xray.com

858-663-0186



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

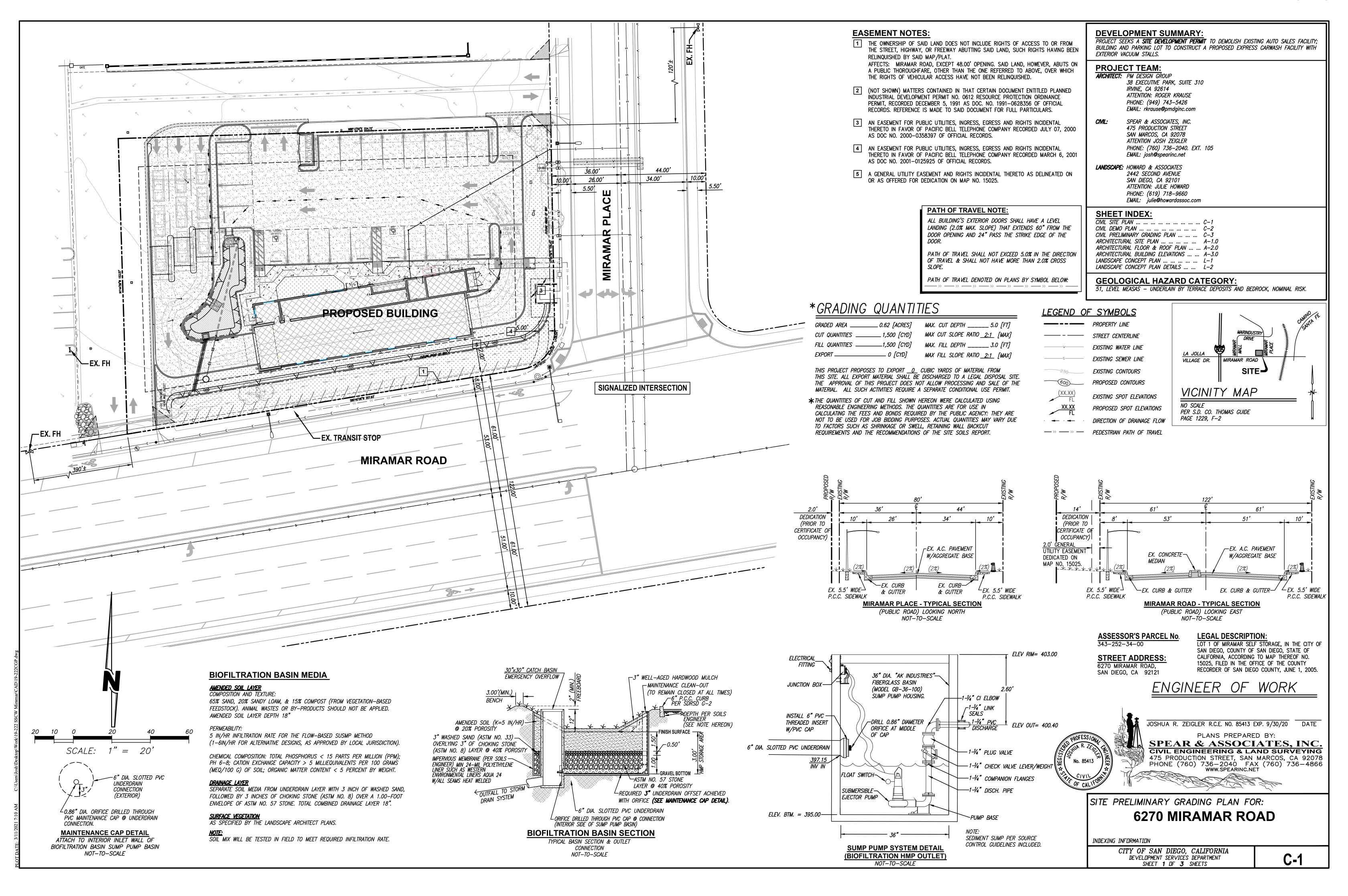
Ownership Disclosure Statement

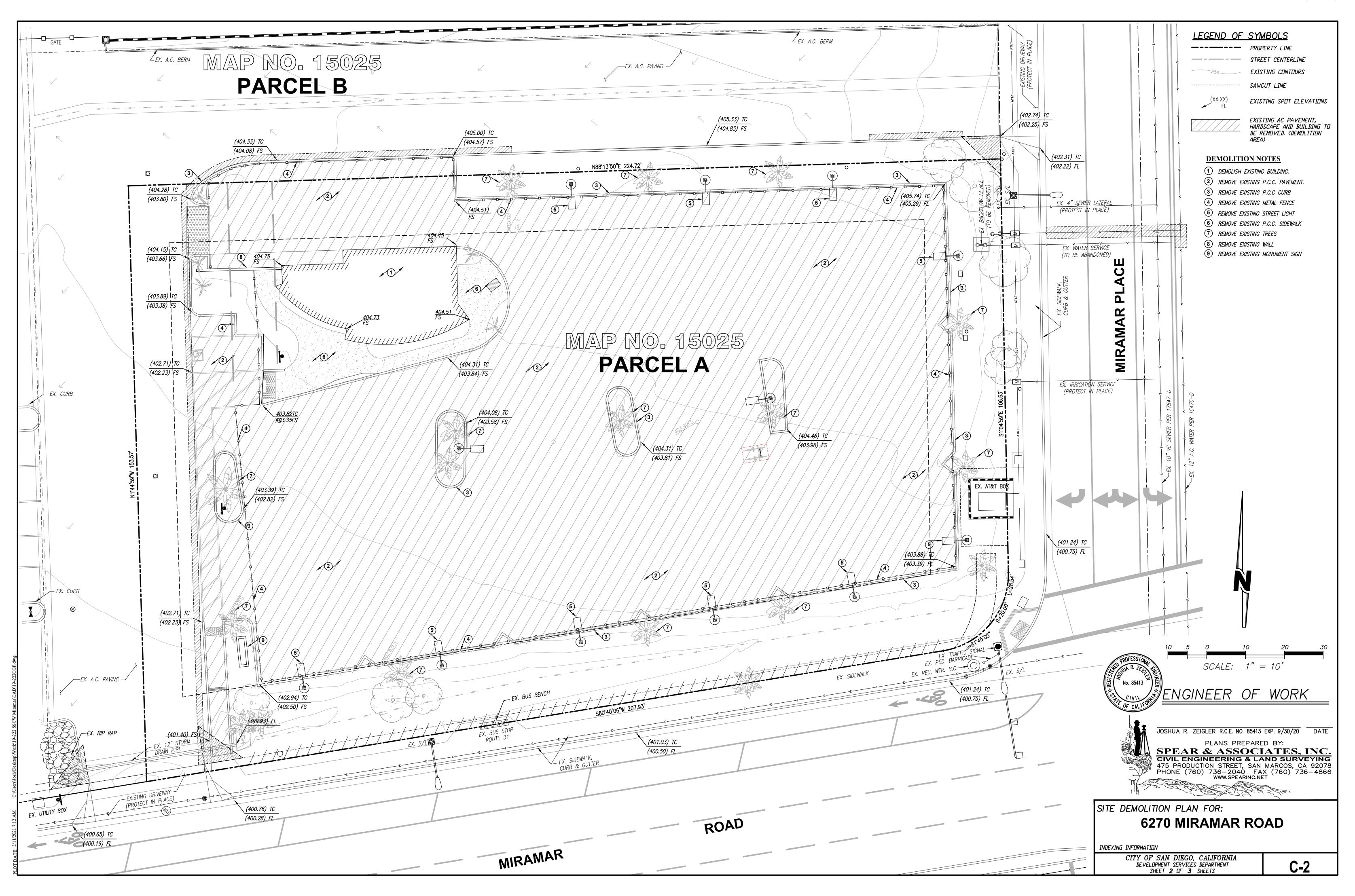
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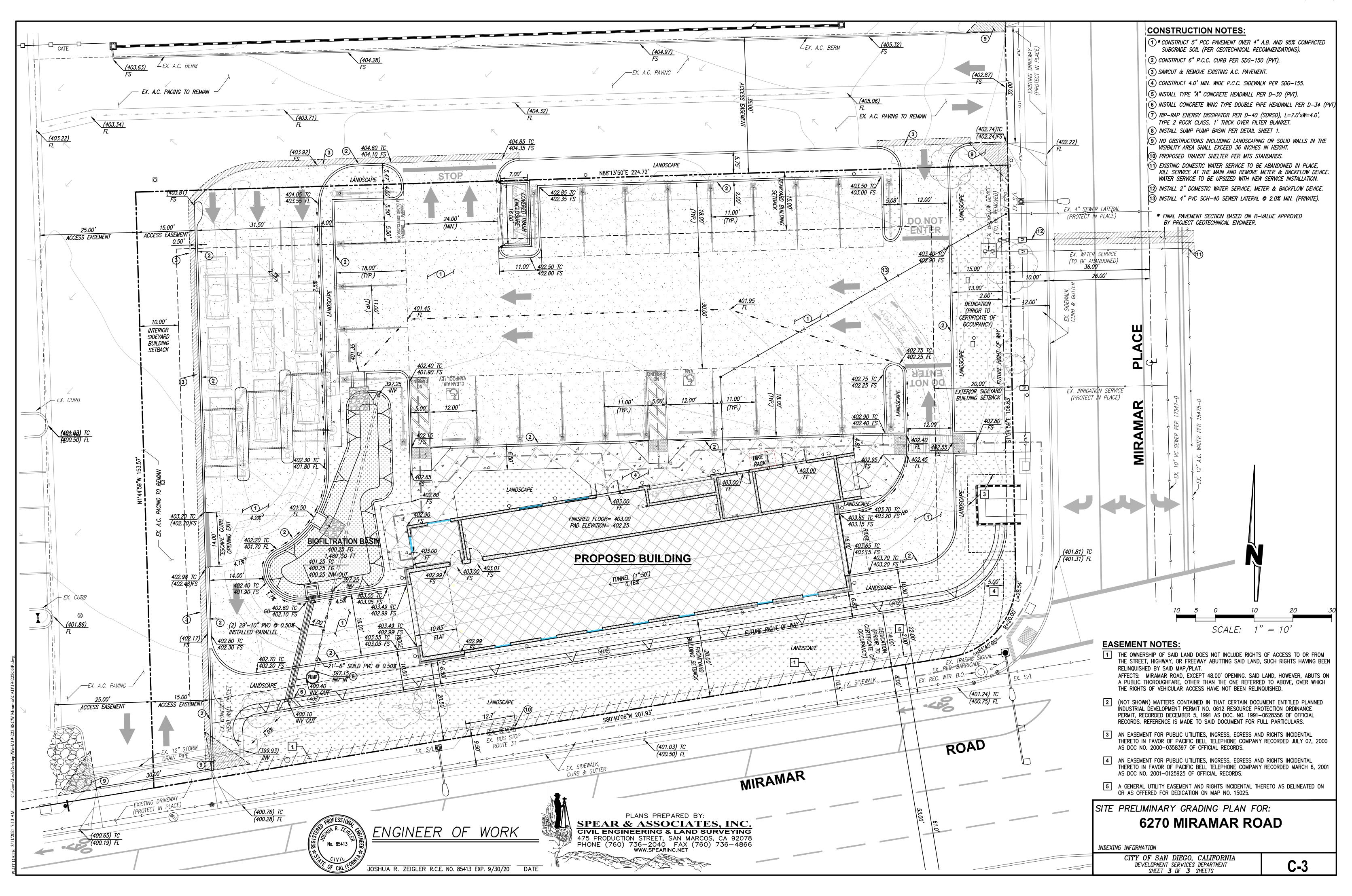
DS-318

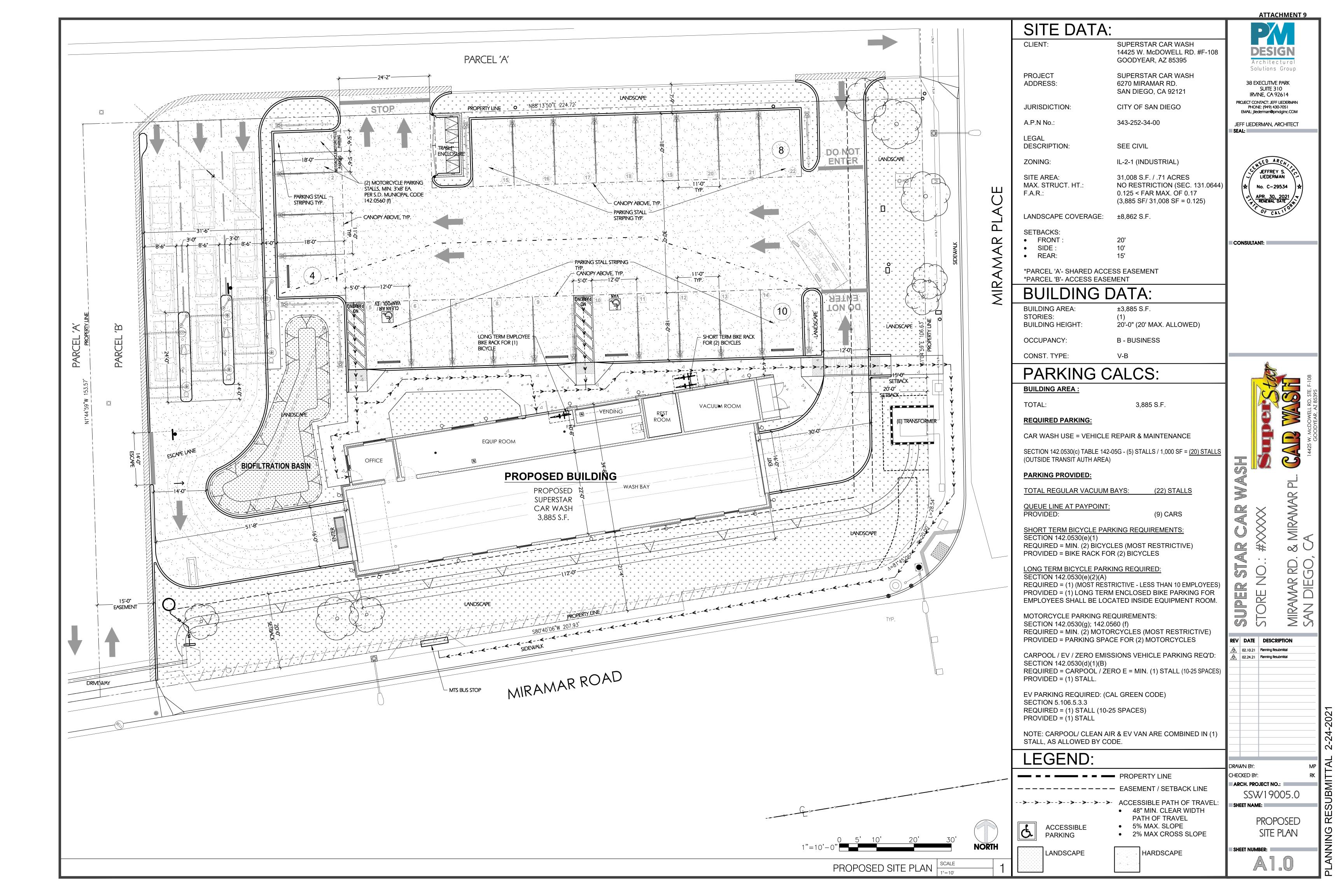
October 2017

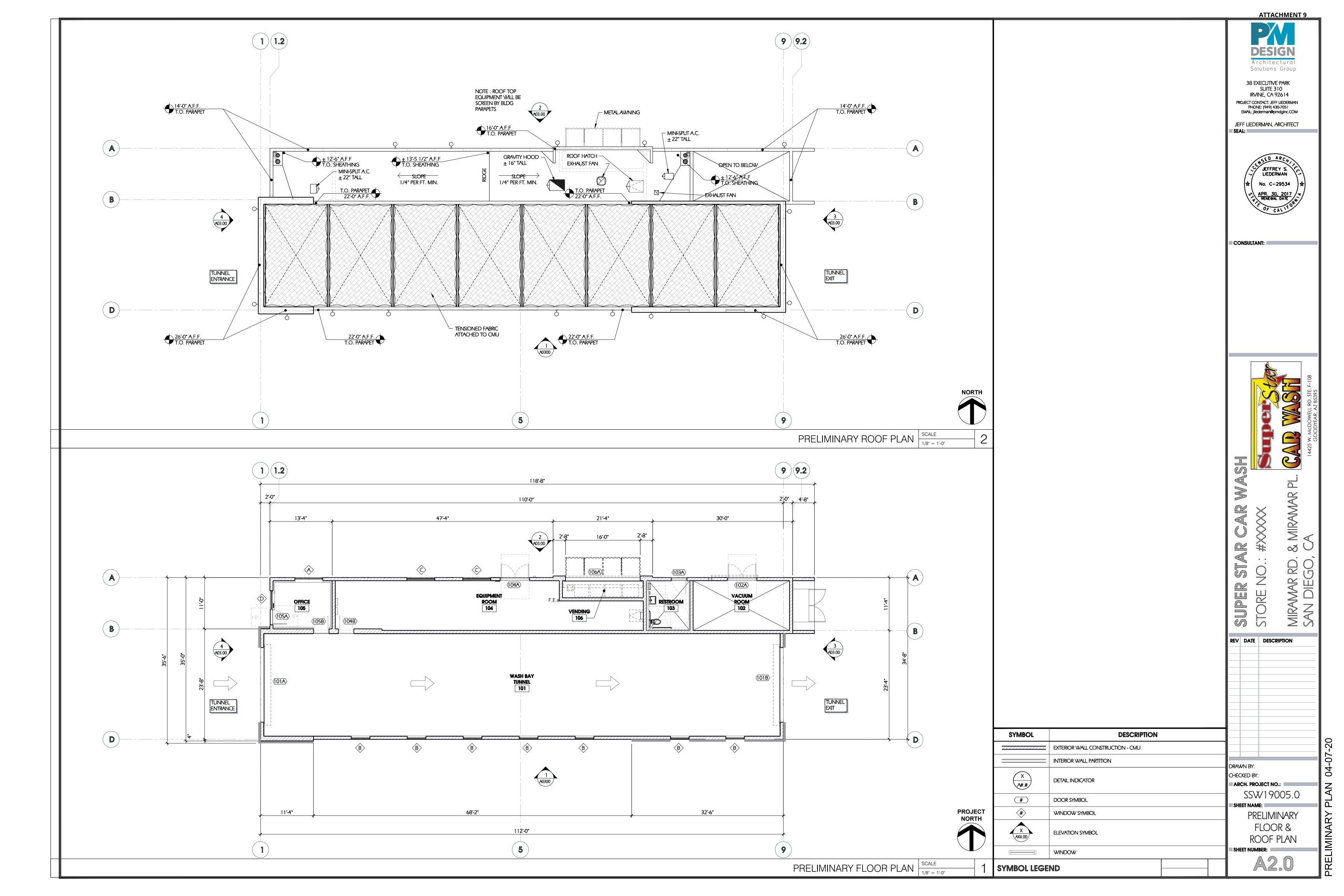
☐ Neighborhood Development Pern	nit 🖪 Site Deve	oproval(s) requested:	ent Permit C	Conditional Use Pe		
Proiect Title: Super Star Car Wash			Proiect No.	. For City Use Only	658226	
Project Address: 6270 Miramar Road,						
San aifer Form of Ournovehin/Logal	Status (planes	1/A				
Specify Form of Ownership/Legal Corporation Limited Liability -c	10.73	e cnecк): - What State? <u>CA</u> Corporate I	Identification	No. C2297532	*	
□ Partnership □ Individual		2.00000112 Throughsteenann	755 A 800 - 100 700 700 70 0 0 100 00 00 00 00 00 00 00 00 00 00			
with the City of San Diego on the sowner(s), applicant(s), and other fin individual, firm, co-partnership, join with a financial interest in the appli individuals owning more than 10% officers. (A separate page may be a ANY person serving as an officer of A signature is required of at least of notifying the Project Manager of an ownership are to be given to the Product of the Project to the Product of the	subject propertion propertions in the saccition. If the action of the shares. Ittached if nece or director of tone of the propertions in conject Manager	ne owner(s) acknowledge that an applic ty with the intent to record an encumi sted persons of the above referenced p ociation, social club, fraternal organizat applicant includes a corporation or par If a publicly-owned corporation, includ assary.) If any person is a nonprofit orga- the nonprofit organization or as trus perty owners. Attach additional pages ownership during the time the applicat at least thirty days prior to any public result in a delay in the hearing process	brance agair property. A f cion, corpora rtnership, inc de the names anization or stee or bene stee or bene tion is being hearing on t	nst the property. Prinancially interested tion, estate, trust, relude the names, tit s, titles, and address a trust, list the name ficiary of the nonpotes. The applicant processed or considerations.	lease list below the diparty includes any eceiver or syndicate les, addresses of all ses of the corporate es and addresses of incomplete organization. It is responsible for idered. Changes in	
Property Owner						
Name of Individual: Nika Enterprises,	Inc.		Owner	☐ Tenant/Lessee	☐ Successor Agency	
Street Address: 17735 Vineyard Lane	*					
City: Poway				State: _CA	Zip: _92064	
Phone No.: 858-312-1149		Fax No.:	Email: toys	autoclub@gmail.com		
Signature:			Date: 1/29/	2020		
Additional pages Attached:	☐ Yes	⊠ No				
Applicant						
Name of Individual: OnPoint Develop	ment, LLC		☐ Owner	☐ Tenant/Lessee	Successor Agency	
Street Address: 7514 Girard Avenue, St	uite 1515					
City: _La Jolla				State: _CA	Zip: _92037	
Phone No.: 317-313-4678		Fax No.:	Email: jeff@	onpointdev.com		
Signature: Jyl. Jyly	W.		Date:1/29/	9/2020		
	☐ Yes	□ No	St. Standardmen o			
Other Financially Interested Perso	ns					
Name of Individual:			☐ Owner	☐ Tenant/Lessee	☐ Successor Agency	
Street Address:						
City:				State:	Zip:	
Phone No.:		Fax No.:	Email:			
Signature:			Date:			
Additional pages Attached:						

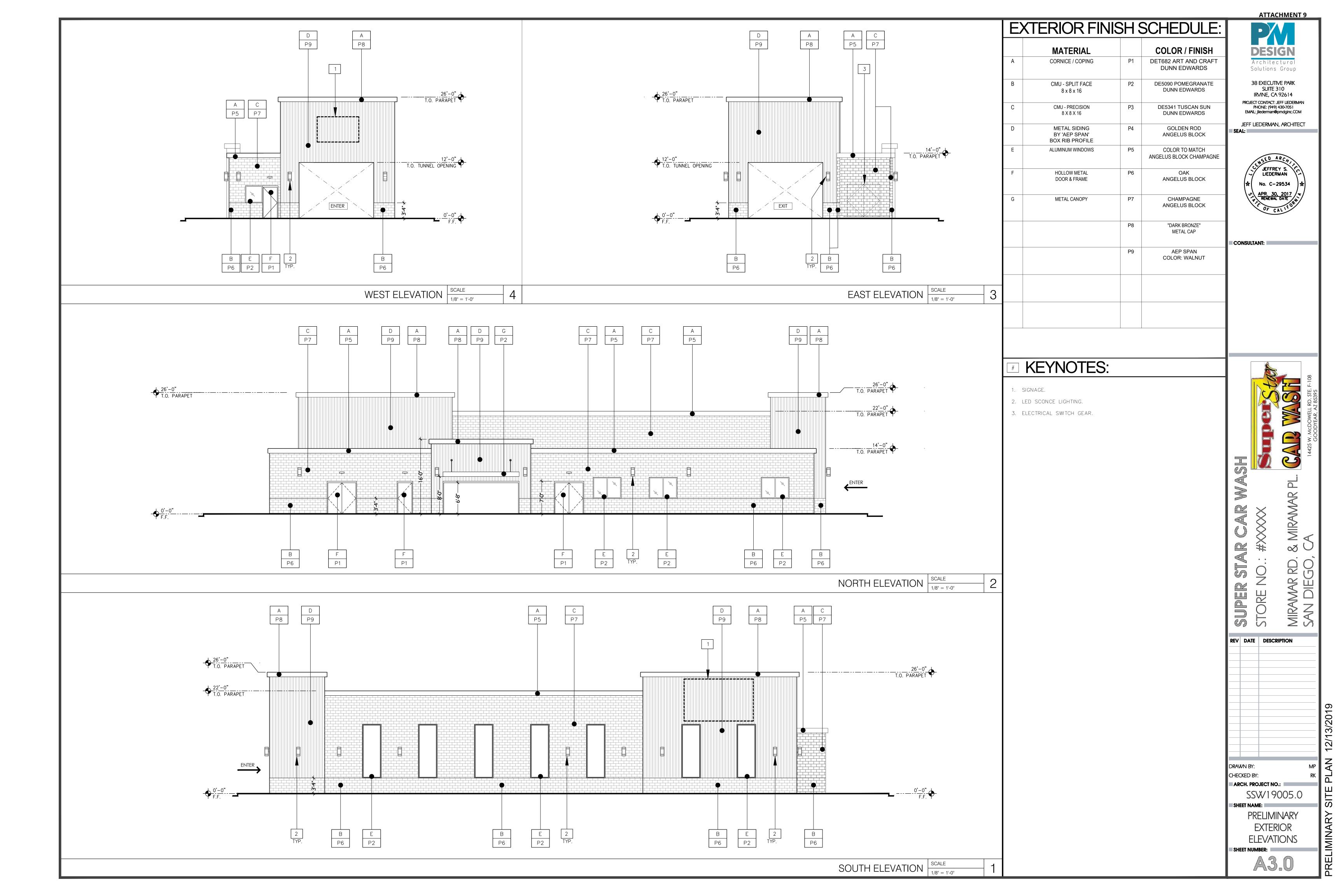


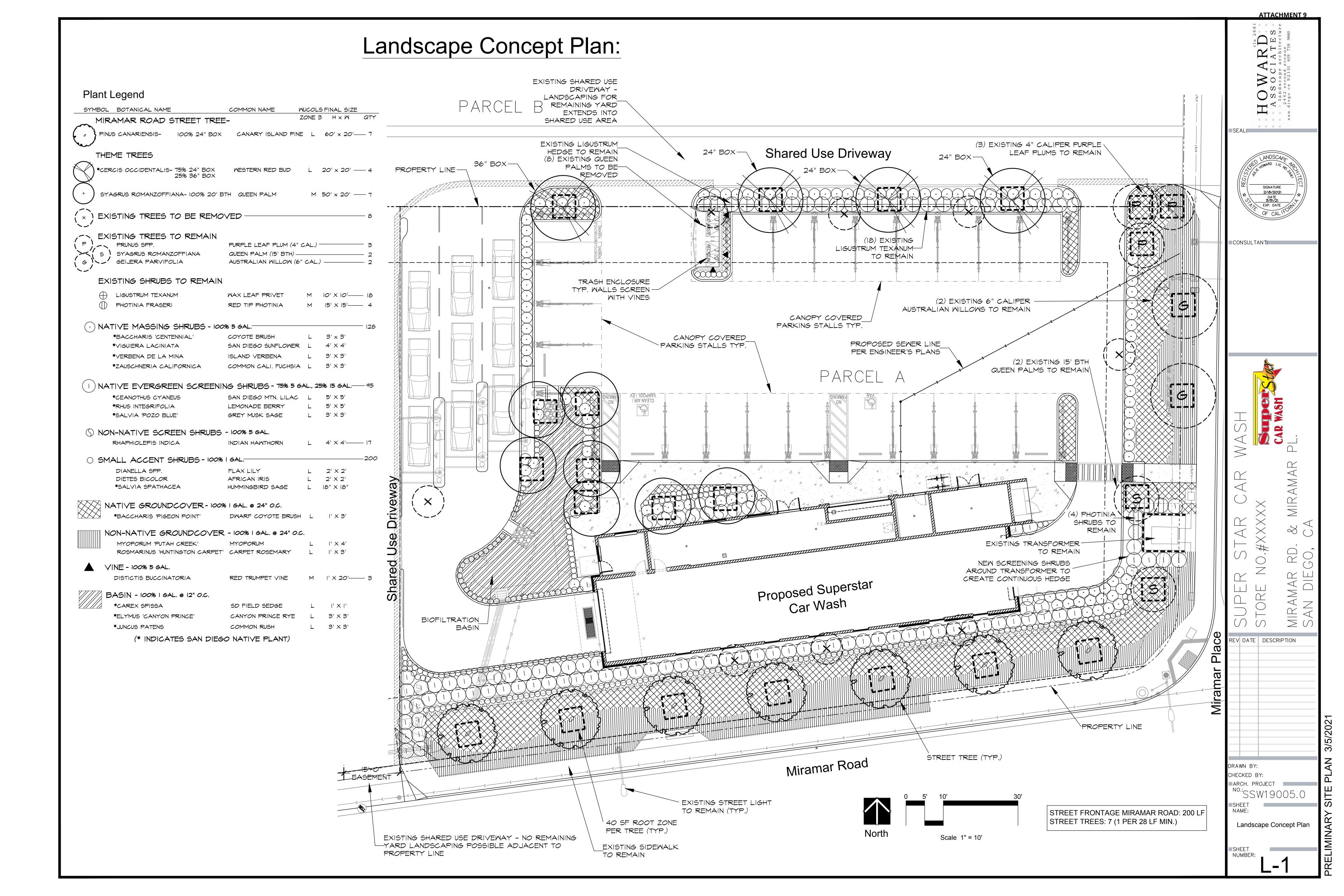


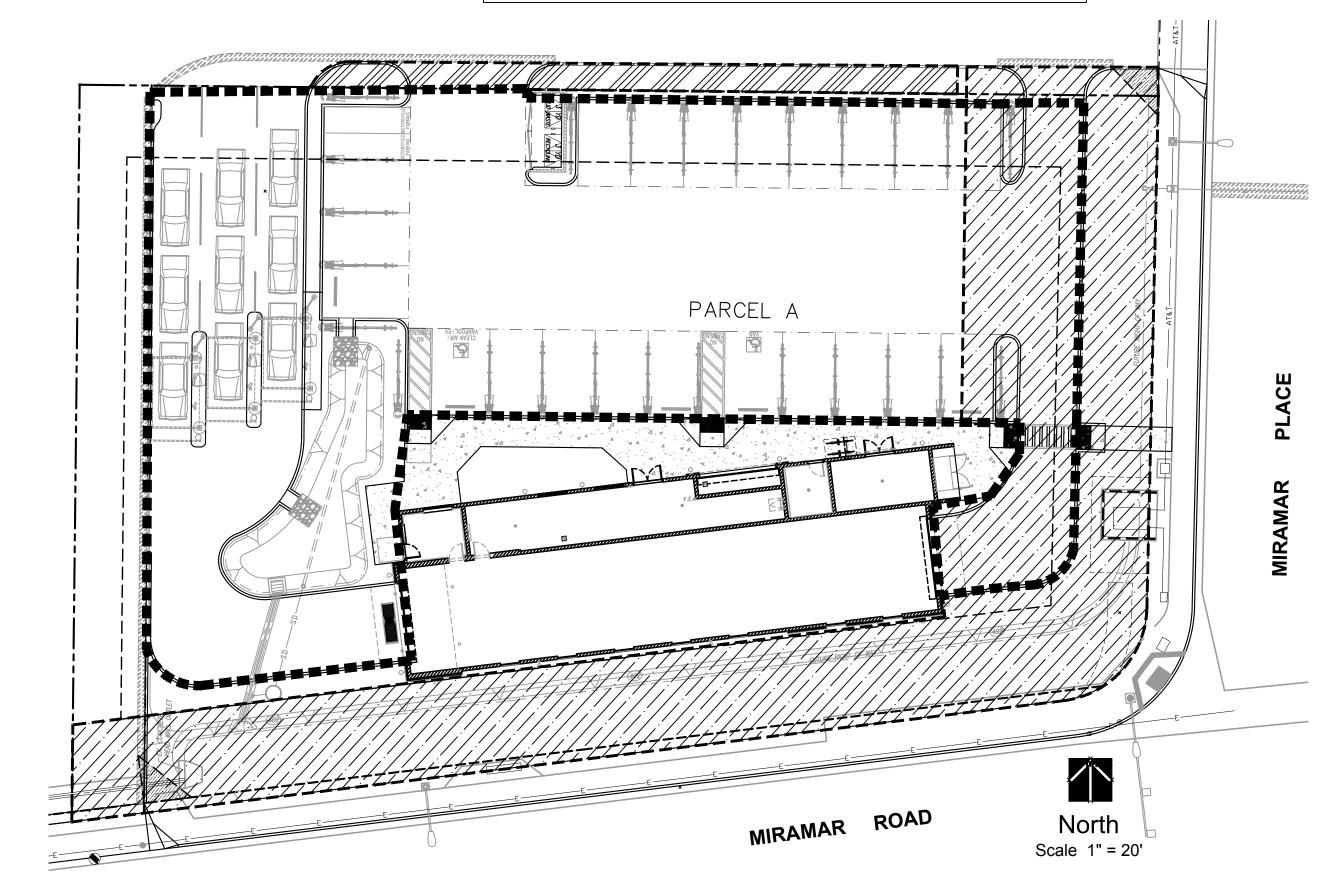




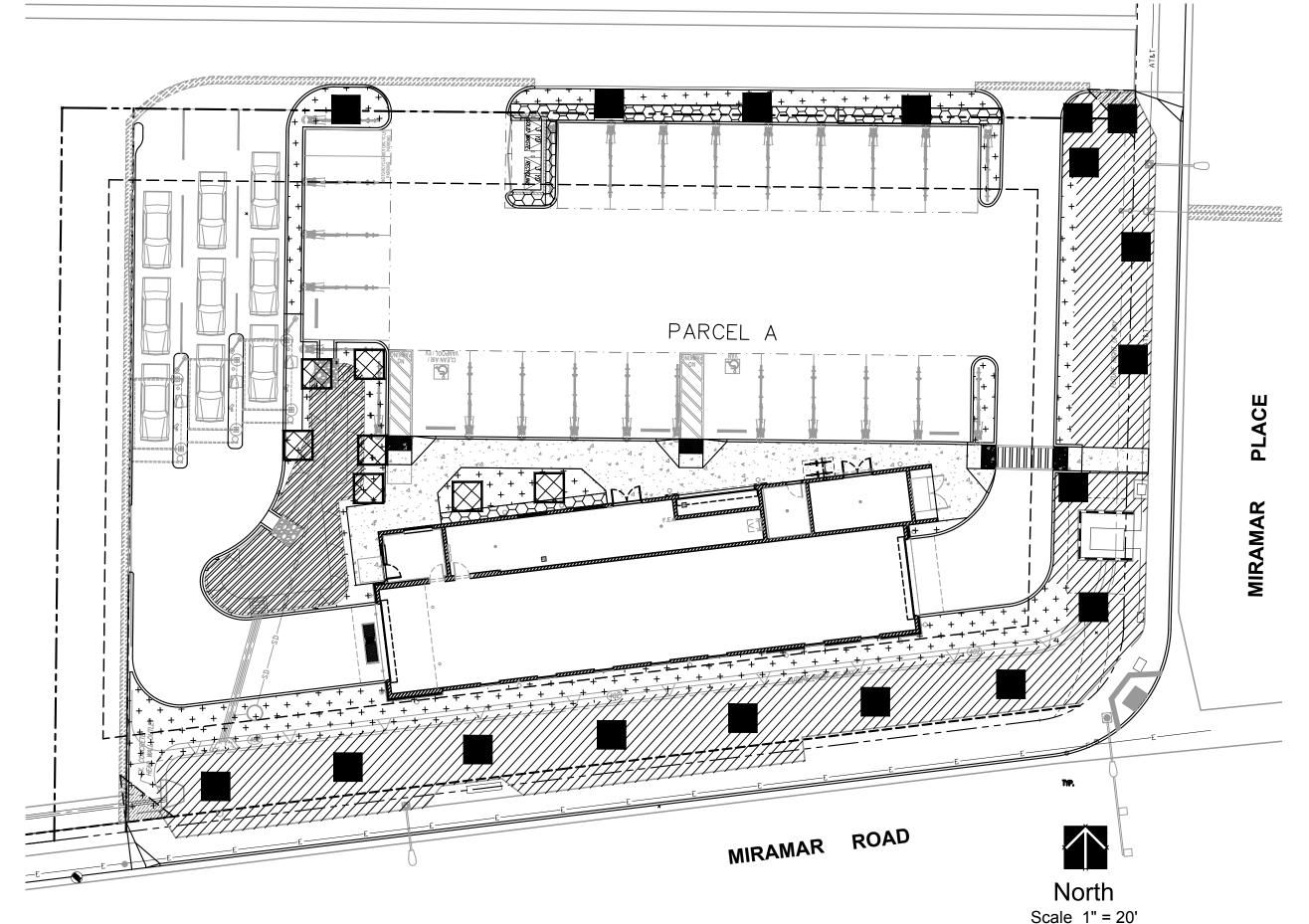








Hydrozone Map:



City of San Diego

1222 First Ave., MS-501

Landscape Calculations Worksheet

DS-4 Commercial Development in All Zones Industrial Development in RM and C Zones Commercial Components of Mixed-Use Development

Plant Points Achieved with Trees (50%)

Provide the following information on the Landscape Plans. The Landscape Calculations determine the planting area and plant points required by the Landscape Regulations, Chapter 14, Article 2, Division 4 of the Land Development Code. Refer to §142.0403 Table 142-04B for proposed and existing plant point schedule.

At least one-half of the required planting points shall be achieved with trees.

provide a written summary explaining how requirements are being met.

• If any of the requirements of Landscape Regulations, Section 142.0405(a) 1, 2, and 3 apply to your project,

TREET YARD [§142.0404 - §142.0405] Industrial and Commercial Development (except Auto Service Stations—see below)					
Planting Area Required	Planting Area Provided	Excess Area Provided			
Total Area (a) 9180 sq. ft. x 25% = (b) 2295 sq. ft.	_(c) 2853 sq. ft.	_(c-b) 558 sq. ft.			
Plant Points Required	Plant Points Provided	Excess Points Provided			
Total Area (a) 9180 sq. ft. x $0.05* = (d)$ points	(e). 577 points	_(e-d) 118 points			
	Plant Points Achiev	ed with Trees (50%)			
	577 poin	its			
auto Service Stations Only					
Planting Area Required [§142.0405(c)(2)]	Planting Area Provided	Excess Area Provided			
Total Area sq. ft. x 15% = sq. ft.	sq. ft.	sq. ft.			
Plant Points Required	Plant Points Provided	Excess Points Provided			

Total Area _____ sq. ft. x 0.03 = ____ points

REMAINING YARD [§142.0404 - §142.0405]		
Planting Area Required	Planting Area Provided	Excess Area Provided
Total Area 1977 sq. ft. x 30% = 593 sq. ft.	sq. ft.	sq. ft.
Plant Points Required	Plant Points Provided	Excess Points Provided
Total Area 1977 sq. ft. x 0.05 = 99 points	149 points	50 points
	Plant Points Achiev	ed with Trees (50%)
	60	points

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DS-4 (08-20)

	Evapotranspiration Rate										
	ET ₀		[in]								
	Yearly		47.00				I	<u> </u>	I	<u> </u>	1
	Maximum Applied Water Bu	dget									
	LA (Total Landscape Area) =		9,973								
	SLA (Special Landscape Area) =										
	Maximum Applied Gallons / Year = Eto(0.62) [(0.7)(LA) + (0.3)(SLA)]										
	Maximum Applied Gallons / Year =		203,429								
	Design Case Table										
Α	В	С	F	G		E	Н	D	I	J	K
Cont- roller #	Hydrozone #	Valve Circuit#	Hydrozone Area (HA)	% of Total Landscaped Area	_	lant or (PF)	HA x PF	Irrigation Method	ΙE	PFxHA/I E	ETWU (Eto)(.62)(PFx HA/IE)
			[SF]	[SF]	(WU	COOLS)					[gal]
	Existing groundcover - low		5,496	55.3%	low	0.3	1,649	Bubbler	0.60	2,748	80,077
	Drip- Shrubs and groundcover low		2,463	24.8%	Low	0.3	739	Drip	0.80	924	26,914
	Drip- Shrubs and groundcover mod		100	1.0%	mod	0.5	50	Drip	0.80	63	1,82
	Rotor- Basin shrubs and groundcover low		874	8.8%	Low	0.3	262	rotor	0.70	375	10,91
	Bubbler- Trees low		720	7.2%	Low	0.3	216	Bubbler	0.71	304	8,865
	Bubbler- Trees mod		280	2.8%	mod	0.5	140	Bubbler	0.71	197	5,746
		Total:	9,933			I	T-1-1 E-1	imated Wate		/CTA/!!>-	134,338

Hydrozone Legend:

	GROUNDCOVER - LOW WATER USE - 5737 SF
+ + + + + + + + + + + + + + + + + + + +	SHRUBS AND GROUNDCOVER - LOW WATER USE AREA - 2,606 SF
	SHRUBS AND GROUNDCOVER - MODERATE WATER USE AREA - 100 SF
	BASIN-SHRUBS AND GROUNDCOVER - LOW WATER USE AREA - 874 SF
	TREES (40SF EACH): LOW WATER USE AREA- 720SF
	TREES (40SF EACH): MODERATE WATER USE AREA- 280SF



City of San Diego Development Services 1222 First Ave., MS-501

Landscape Calculations Worksheet DS-5

Vehicular Use Area (VUA) August 2020

Provide the following information on the Landscape Plans. The Landscape Calculations determine the planting area and plant points required by the Landscape Regulations, Chapter 14, Article 2, Division 4 of the Land Development Code. Refer to §142.0403 Table 142-04B for proposed and existing plant point schedule.

- At least one-half of the required planting points shall be achieved with trees.
- If any of the requirements of Landscape Regulations, Section 142.0405(a) 1, 2, and 3 apply to your project, provide a written summary explaining how requirements are being met.

VEHICULAR USE AREA (<6,000 sf) [§142.0406 - §142.0407]

Planting Area Required		
40 sq. ft. per tree.		
Plant Points Required	Plant Points Provided	Excess Points Provided
Total Area sq. ft. x 0.05 = points	points	points
	Plant Points Achiev	ed with Trees (50%)
		_ points

VEHICULAR USE AREA (≥6,000 sf) [§142.0406 - §142.0407]

	Planting Area Required	Planting Area Provided	Excess Area Provided
VUA inside Street Yard	2000 sq. ft. $\times 0.05 = 100$ sq. ft.	230 sq. ft.	<u>130</u> sq. ft.
VUA outside Street Yard	14920 sq. ft. x 0.03 = 448 sq. ft.	sq. ft.	<u>1357</u> sq. ft.
	Plant Points Required	Plant Points Provided	Excess Points Provided
VUA inside Street Yard	2000 sq. ft. x 0.05 = 100 points	100 points	0 points
		Plant Points Achieve	ed with Trees (50%)
		50	_ points
VUA outside Street Yard	14920 sq. ft. x 0.03 = 448 sq. ft.	448 points	0 points
		Plant Points Achiev	ed with Trees (50%)
		250	_ points

TEMPORARY VEHICULAR USE AREA [§142.0408]

adjacent to VUA

a specified time limit of less than 5 years from the date of construction permit issuance.)					
	Planting Area Required		Planting Area Provided	Excess Area Provided	
ength of	ft x 3 ft =	sa ft	sa ft	sa ft	

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DS-5 (08-20)

Landscape Concept Statement:

The landscape design has been developed to enhance the streetscape of Miramar Road as well as screen the commercial use of the site. This design utilizes low maintenance, low water use planting.

Standard Landscape Notes:

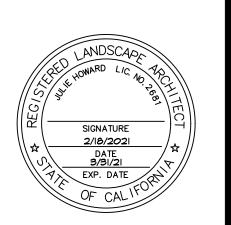
- 1. All landscape and irrigation shall conform to the standards of the county-wide landscape regulations and the 'City of San Diego Land Development Manual Landscape Standards', and all other landscape related City and regional
- 2. The irrigation system will be designed to afford optimum coverage for the support of plant growth. The coverage will meet the water requirements for the selected plant material and within the given planting areas. The design will take into consideration the type of exposure the system will have. The irrigation system will be designed with respect to water conservation. Irrigation heads shall be chosen for maximum coverage with low-gallonage and precipitation qualities. The irrigation system shall be a fully automatic system and as maintenance-free as possible. The materials for the system will be of an extremely durable nature, and will have been selected for wear resistance and long life. The overall system shall be designed for ease of maintenance.
- 3. Maintenance: All required landscape areas, including in the right-of-way shall be maintained by Owner. The landscape areas shall be maintained free of debris and litter, and all plant material shall be maintained in a healthy growing condition consistent with the City of San Diego Landscape Regulations and Standards. If any required landscape indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.
- 4. Tree root barriers shall be installed where trees are placed within 5 feet of improvements including walls, walks, curbs, or street pavement. Root barriers will not be wrapped around the root ball.
- 5. All trees within public right of way shall be provided with 40 sq. ft. root zone and planted in an air and water permeable landscape area. The minimum dimension (width) of this area shall be 5 feet, measured from the inside face
- 6. Street trees shall be maintained so that all branches over pedestrian walkway are 6' above walkway and branches over vehicular travel ways are 16' above the grade of the travel way per the San Diego m.c. section 142.0403 (b) (10). 7. All landscape areas shall be irrigated with a permanent subsurface automatic irrigation system utilizing drip irrigation
- and a weather based smart controller. 8. All planting areas shall receive a 3" layer of bark mulch.

INTERSECTIONS

inimum Street Tree Separation Distance	
PROVEMENT	MINIMUM DISTANCE TO STREET TREE
AFFIC SIGNALS D STOP SIGNS	20'
DERGROUND LITY LINES	5'
MER LINES	10'
OVEGROUND LITY STRUCTURES	10'
IVEMAY TRIES	10'

• • O =

ATTACHMENT 9



CONSULTANT:

 \approx \sim #

REV DATE DESCRIPTION

DRAWN BY: CHECKED BY: ARCH. PROJECT SHEET NAME:

Landscape Concept Plan

SHEET NUMBER: