



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: November 22, 2021 REPORT NO. PC-21-060

HEARING DATE: December 2, 2021

SUBJECT: NIMITZ CROSSING NUP, Process Two Appeal Decision

PROJECT NUMBER: [682499](#)

OWNER/APPLICANT: Voltaire 24, LP, Owner/Applicant

SUMMARY

Issue: Should the Planning Commission grant or deny an appeal of the Development Services Department approval of a Neighborhood Use Permit for an interim ground floor residential use in an existing mixed-use structure located at 3903 Voltaire Street within the Peninsula Community Plan and Local Coastal Program Land Use Plan area?

Staff Recommendation: Deny the appeal and affirm the Development Services Department decision to approve Neighborhood Use Permit No. 2548504.

Community Planning Group Recommendation: On July 22, 2021, the Peninsula Community Planning Board voted 8-1-1 to recommend approval of the project (Attachment 9).

Environmental Review: On October 19, 2010, the City Council adopted Mitigated Negative Declaration No. 164585 for the Point Plaza Project, which included a rezone of a portion of the site from CP-1-1 (Commercial-Parking) to CC-3-5 (Commercial-Community), and a Site Development Permit to demolish an existing two-story 7,450 square foot commercial development, and construct a three-story mixed use development Pursuant to Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines, Section 15162, the City has determined that there are no conditions which would require preparation of additional environmental documents under CEQA.

Fiscal Impact Statement: None. All costs associated with this project are recovered through fees funded by the applicant.

Housing Impact Statement: The project site is in the CC-3-5 (Commercial-Community) Zone; is designated Commercial, Employment & Retail Services in the General Plan, is designated Commercial within the Peninsula Community Plan. The project currently provides 24

dwelling units, including two affordable units. Through implementation of the interim ground floor residential use, the project would convert ground floor commercial space for residential use and add 12 additional studio apartments in the Peninsula Community for up to 10 years.

BACKGROUND

The Nimitz Crossing Project (Project) is located at 3903 Voltaire Street on a 0.54- acre site. The Project is developed with a three-story mixed-use development, including 24 multi-family residential dwelling units and approximately 12,000 square feet of commercial space over a subterranean parking structure, that was originally approved under Site Development Permit No. 589777 (Attachment 4). The site is in the CC-3-5 Zone, Coastal Height Limitation Overlay Zone, Airport Influence Area (Review Area 1-SDIA), Airport Approach Overlay Zone, FAA Part 77 Noticing Area (SDIA and North Island), Community Plan Implementation Overlay Zone (Area B) and the Peninsula Community Plan.

Pursuant to San Diego Municipal Code (SDMC) Section [126.0205](#), the Project requires a Process Two, Neighborhood Use Permit for the proposed interim ground floor residential use, to be decided by City staff. Staff's decision is appealable to the Planning Commission.

The existing three-story over basement structure contains:

- Basement: 48 parking spaces to provide parking for the 24 residential units on Floors 2 and 3;
- 1st Floor: 12 parking spaces and 8,784 net square feet of vacant commercial space (proposed 12 studio apartments as an interim ground floor residential use for up to 10 years); and
- 2nd and 3rd Floors: 24 residential units, of which 2 are affordable housing per agreement with the San Diego Housing Commission.

DISCUSSION

The Project proposes implementation of an interim ground floor residential use, pursuant to [SDMC Section 141.0309](#), which will allow for conversion of ground floor commercial space for interim residential use. The Project would provide 12 studio apartments for up to 10 years.

On October 13, 2021, the Development Services Department issued the City's Notice of Decision (Attachment 5) approving Neighborhood Use Permit No. 2508504. City staff has reviewed and approved the Neighborhood Use Permit (Attachments 7 and 8) based on the Project Plans (Attachment 11). The Neighborhood Use Permit includes a condition that the interim ground floor residential use will expire no later than ten years from approval.

On October 26, 2021, Steven Barbaro (Appellant) filed an Appeal (Attachment 7) of the Notice of Decision, citing Conflict with Other Matters.

Legal Standard for Appeal of the Development Services Department Decision

Pursuant to [SDMC Section 112.0504](#), an appeal of a Process Two decision may only be granted with evidence supporting one of the following findings:

1. Factual Error: The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate; or
2. New Information: New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
3. Findings Not Supported: The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
4. Conflicts: The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City Council policy, or the Municipal Code.

The Planning Commission can deny the appeal and affirm approval of the Project if none of the above findings are supported by sufficient evidence, or grant the appeal and reverse approval of the Project if the Planning Commission finds that one of the above-referenced findings is supported by sufficient evidence.

PROJECT APPEAL DISCUSSION

Appellant's appeal issues are identified below along with City staff's evaluation and responses.

Appeal Issue No. 1: Conflict with Other Matters

"The approval of 12 more units to be added without additional parking will have an immediate impact on the ability for homeowners on Udall St to find reasonable parking near our homes, many of which were built without driveways or garages.

The current residents of Nimitz Crossing are already impacting the availability of street parking. It is most noticeable after 8:00pm when no parking on the 3800 block is available forcing us to park two blocks away or more and some of which is 2-hour parking starting at 8:00am. This starts becoming a quality of life issue.

12 more units means likely 12-24 more cars will be added to an already challenging parking situation. Many residents of the neighboring apartment complex use Udall St. as well as the guests of the California Dreams youth hostel on the corner of Udall St and Worden St. Adding more cars will be asking us to look outside of our neighborhood for parking. The impact on our quality of life will be immediate and long term.

The developer designed Nimitz Crossing for a specific use with a long-term assessment of the neighborhood. I believe he should stick to his long-term plan. I do not think it is reasonable to tell

homeowners on Udall St to sacrifice our right to reasonable street parking because the developer decided the short-term climate does not benefit his design. I believe we have a right to a certain quality of life and approving these additional units will immediately and negatively impact the quality of life on Udall St. and it should not be approved."

Staff Response:

[SDMC Section 141.0309\(c\)](#), which establishes special regulations applicable to the interim ground floor residential use, expressly provides that "No additional parking is required for the interim ground floor residential use." Even though parking is not required, City staff notes that the Project plans include 12 parking spaces that were provided for the planned commercial space, which will be designated for use by the 12 studio apartments (Attachment 11) .

Specifically, the Project currently includes 24 two-bedroom units and approximately 8,784 square feet of shell commercial space. Per [SDMC Section 142.0525](#), Table 142-05C, 48 minimum parking spaces are required based on the total number of existing multi-family residential units. However, as indicated by the Project plans, 12 extra spaces are provided on the ground floor. These spaces provide parking for the 12 studio units.

Based on the above, City staff has not identified any conflict between the proposed Project and any land use plan, City Council policy, or SDMC provision governing minimum parking.

Conclusion:

City staff has reviewed the proposed Project, analyzed the appeal issue raised, and determined that the Project is in conformance with regulations of the Land Development Code and the Peninsula Community Plan. There were no inaccurate statements, nor was insufficient evidence presented to the City staff concerning the Development Services Department approving the Project. All information was disclosed and shared to interested parties during the review and decision process. The Project is located within previously developed portions of the property and conforms with all of the development standards required by the underlying CC-3-5 Zone, all conditions as approved under Site Development Permit No. 589777 for the initial project, and SDMC Section 141.0309 ("Interim Ground Floor Residential"). The Project is consistent with the Community Plan and appropriate findings were made for a Neighborhood Use Permit under SDMC Sections 126.0205(a) and (c). The appellant has not provided sufficient evidence to support findings that are grounds for appeal. Therefore, City staff recommends that the Planning Commission deny the appeal and affirm the Development Services Department decision to approve the project.

ALTERNATIVES

1. Deny the appeal and modify the Development Services Department decision to approve Neighborhood Use Permit No. 2508504.
2. Grant the appeal and reverse the Development Services Department decision to approve Neighborhood Use Permit No. 2548504 in accordance with Section 112.0504.

Respectfully submitted,



Tim Daly
Assistant Deputy Director
Development Services Department

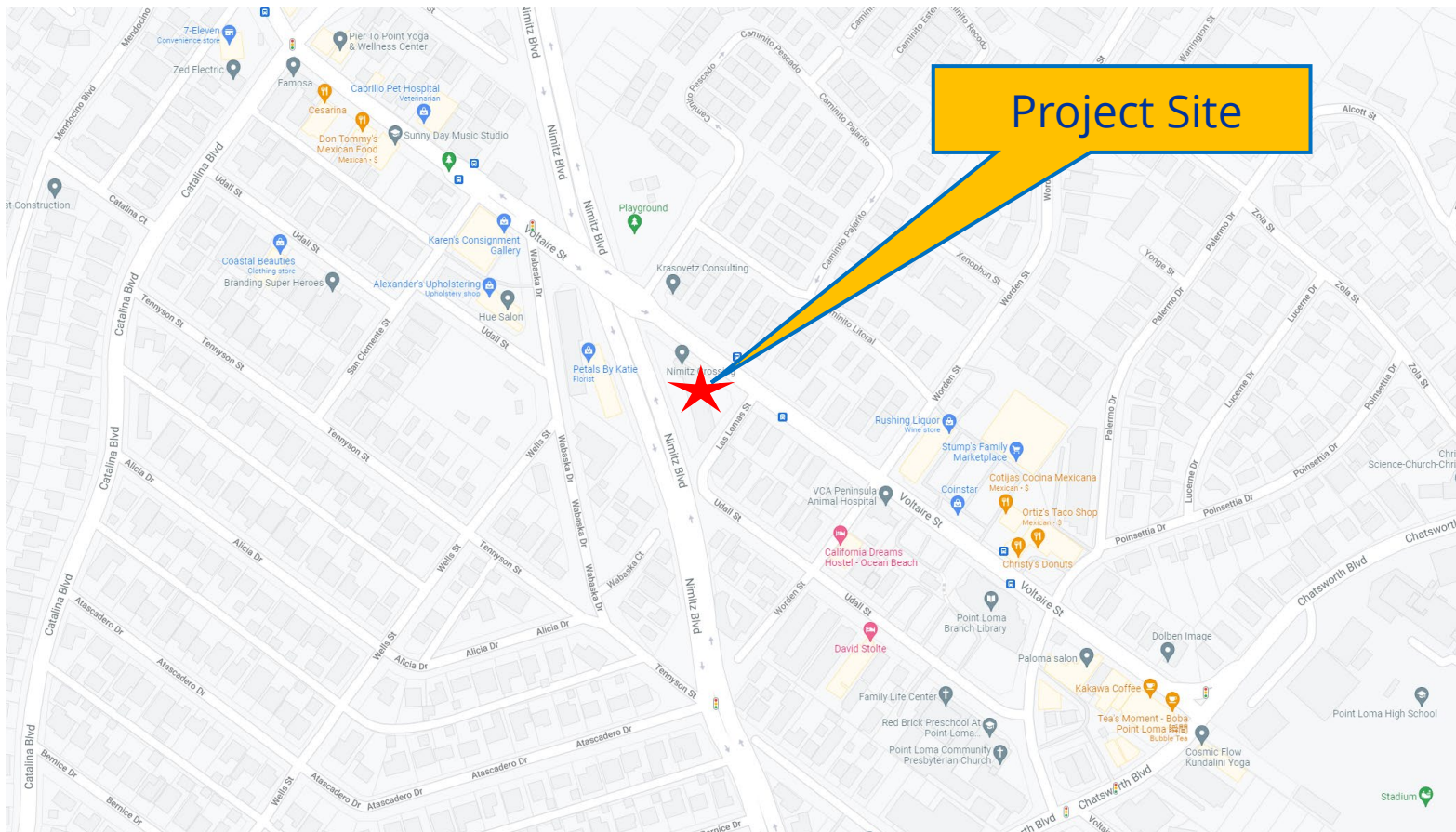


Martha Blake
Development Project Manager
Development Services Department

EL/MB

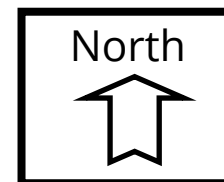
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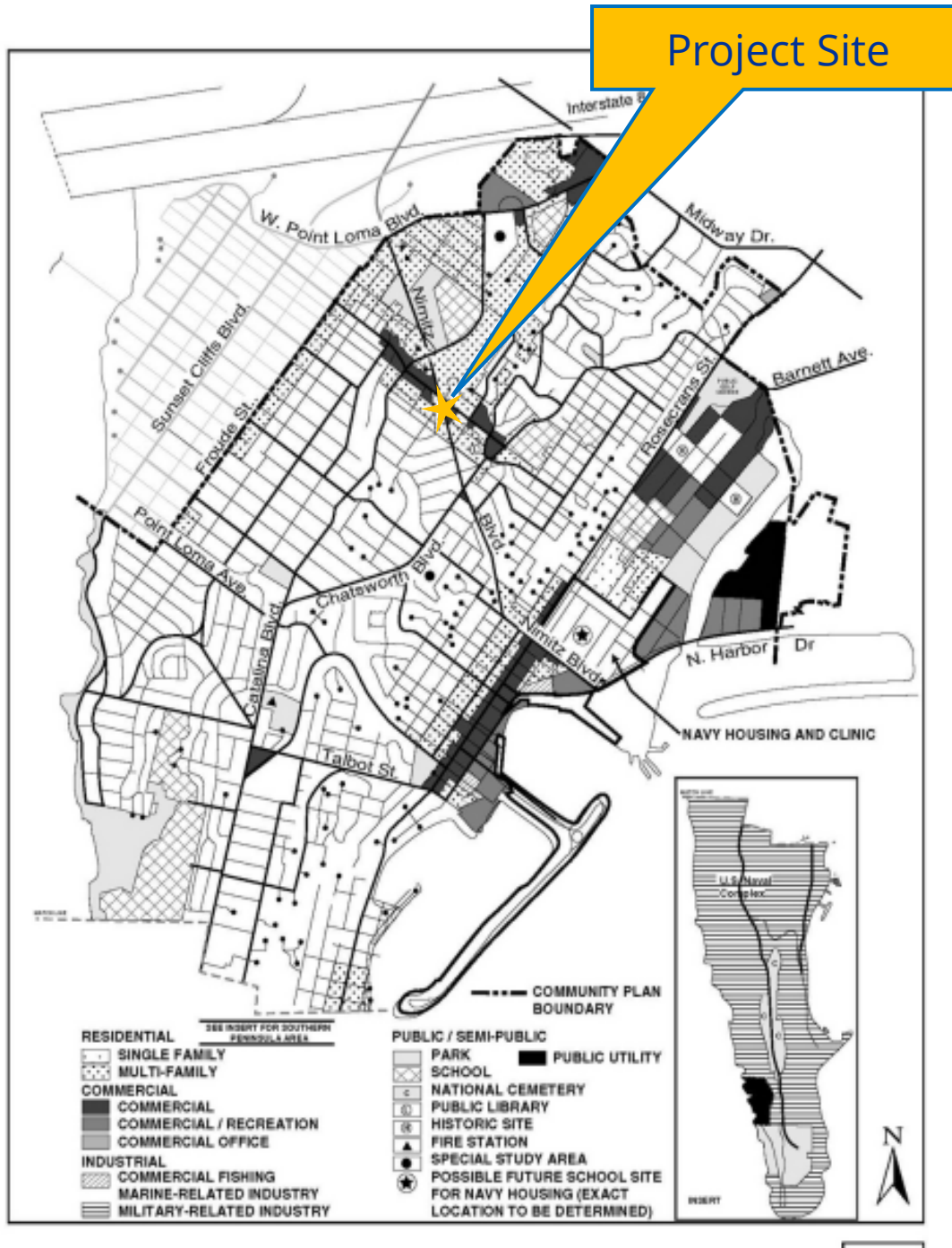
1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Site Development Permit NO. 589770
5. Notice of Decision
6. Appeal Application
7. Draft Permit Resolution with Findings
8. Draft Neighborhood Use Permit with Conditions
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Plans



Project Location Map

Nimitz Crossing
PROJECT NO. 682499

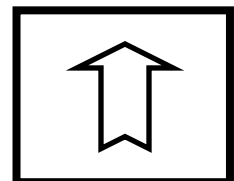




Land Use Map



Nimitz Crossing
PROJECT NO. 682499

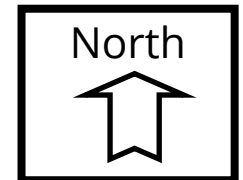


North



Aerial Photo

Nimitz Crossing
PROJECT NO. 682499





OCT 18, 2013 9:32 AM 5561

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

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
Ernest J. Dronenburg, Jr., COUNTY RECORDER
FEES: 100.00

PAGES: 29

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A



F8
29p
1CON

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 43-1567

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

This Site Development Permit No. 589770 is granted by the 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 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, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated OCT 19 2010, on file in the Development Services Department.

The project shall include:

The project or facility shall include:

- a. 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;

¹ **ORIGINAL** R- 306256

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- 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 density bonus 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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback 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

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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.

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5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

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

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

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

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

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action

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

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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

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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.

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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.

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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, 2 motorcycle spaces and 14 bicycle 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," although fourteen bicycle spaces shall be provided. 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.

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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 to 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.

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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 OCT 19 2010, by Resolution No. R-306256.

RESOLUTION NUMBER R- 306256
DATE OF FINAL PASSAGE OCT 19 2010

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A RESOLUTION GRANTING SITE DEVELOPMENT PERMIT
NO. 589770 FOR POINT PLAZA – PROJECT NO. 164585.

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 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 density bonus 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 No. 4854, filed July 11, 1960, in the Peninsula Community Plan area, in the CC-3-5 and CP-1-1 Zones which are to be rezoned to the CC-3-5 Zone; and

WHEREAS, on September 2, 2010, the Planning Commission of the City of San Diego considered Site Development Permit No. 589770, and pursuant to Resolution No. 4624-PC voted to recommend approval of the Permit; and

WHEREAS, the matter was set for public hearing on OCT 19 2010, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; 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

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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; 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:

**A. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC]
SECTION 126.0504**

1. Findings for all Site Development Permits

a. 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 (twenty-two 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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback 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.

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b. 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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback to three feet to align with the commercial space below [LDC Section 131.0455(c)].

Prior to construction all permits 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.

c. 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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback 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.

2. Supplemental Findings – Deviation for Affordable Housing

a. 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.

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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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback 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 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.

b. 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

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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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback 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.

c. **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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback 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

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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.

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

a. 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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback 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

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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.

b. 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 2. Supplemental Findings-Deviation for Affordable Housing, Finding No. b, above.

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c. 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) Reducing the amount of private exterior space required from the required 75 percent of dwelling units or 18 decks to 59 percent or 14 decks and from a nine foot setback 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.

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BE IT FURTHER RESOLVED, that the 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 attached permit which is made part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:als
09/23/10
Or.Dept:DSD
R-2011-217
PL#2010-02427

-PAGE 9 OF 9- **ORIGINAL**
R-306256

Passed by the Council of The City of San Diego on October 19, 2010 by the following vote:

YEAS: LIGHTNER, FAULCONER, GLORIA, YOUNG, DEMAIIO, FRYE, HUESO.
NAYS: NONE.
NOT PRESENT: EMERALD.
VACANT: NONE.
RECUSED: NONE.

5580

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Mary Zumaya, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
 RESOLUTION NO. R-306256 approved by the Council of the City of San Diego, California,
 and authenticated by the Mayor on October 29, 2010.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By: Mary Zumaya, Deputy

ORIGINAL

City of San Diego

5581

MEMORANDUM

533-4021

DATE: October 26, 2010
TO: Donna Trask, Development Services Department, M.S. 302
FROM: City Clerk/Mary Zumaya
SUBJECT: Obtaining Signatures of Permittee

SITE DEVELOPMENT PERMIT NO. 589770 – POINT PLAZA PROJECT NO. 164585 as approved by the City Council on October 19, 2010 Resolution No. R- 306256. The City Attorney has prepared the necessary papers.

We are forwarding the original of the permit to your office. Certified copies of the resolution are attached to the original. Please obtain the signature(s) of the permittee(s). These signatures must be properly notarized.

To ensure that the Original Permit becomes part of the City Clerk's Official Records, when preparing the original permit for recordation with the County Recorder, please ensure that there is a notation on the upper left-hand corner stating that "after recording, please return the permit to the Office of the City Clerk, MS 2A."

Please deliver a conformed copy of the permit, with the recording stamp, to the Office of the City Clerk, Hearings Section Supervisor, as soon as possible.

A Photocopy of the recorded permit will be sent to your department for your distribution.

ELIZABETH S. MALAND
City Clerk


By Mary Zumaya
Mary Zumaya, Deputy

Enclosure (1)
Rev. 01/08
[LXH]FORMS
permit transmittal

ORIGINAL

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

5582



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.**

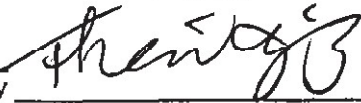
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The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

WISAM NAEIM AZIZ, an unmarried man
Owner

By 
WISAM NAEIM AZIZ

THAEIR AZIZ, as his sole and separate
Property Owner

By 
THAEIR AZIZ

VOLTAIRE & NIMITZ, LLC
Permittee

By 
BRIAN RUCKER, Managing Member

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

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California

County of San DiegoOn Oct. 16, 2013 before me, Stacie L. Maxwell, Notary Public
Date Here Insert Name and Title of the Officerpersonally appeared Mike Westlake
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Point Plaza - PTS 164585

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Individual☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Individual☐ Partner — ☐ Limited ☐ General☐ Attorney in Fact☐ Trustee☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

ORIGINAL



All-purpose Acknowledgment California only

State of California

County of

San DiegoOn 10/14/13

before me,

Laura E Figueroa Notary Public

(here insert name and title of the officer),

personally appeared

Habib A. Jaboro

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Signature]

Notary Seal



FO01-000DSG5350CA-01

ORIGINAL

Scanner Enabled Stores should scan this form
Manual Submission Route to Deposit Operations
0563350 CA (12-07 113424)

5586

WELLS
FARGO**All-purpose Acknowledgment California only**

State of California

County of

San DiegoOn 10/14/13 before me, Laura E. Figueroa Notary Public (here insert name and title of the officer),
personally appeared Wafa F. Jaboro.

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



Notary Seal

Scanner Enabled Stores should scan this form
Manual Submission Route to Deposit Operations

DSG5350 CA (12-07 113424)



FO01-000DSG5350CA-01

ORIGINAL

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WELLS
FARGO**All-purpose Acknowledgment California only**

State of California

County of

San Diego

On

11/14/13

before me,

Laura E. Figueroa Notary Public

(here insert name and title of the officer),

personally appeared

Wisam N. Aziz

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



Notary Seal

Scanner Enabled Stores should scan this form
Manual Submission Route to Deposit Operations

DSG5350 CA (12-07 113424)



FO01-000DSG5350CA-01

ORIGINAL

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WELLS
FARGO**All-purpose Acknowledgment California only**

State of California

County of

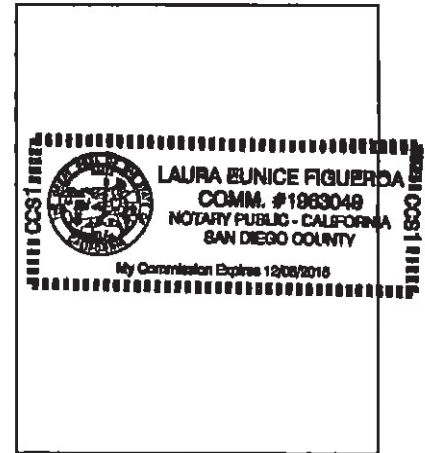
San DiegoOn 10/14/13 before me, Laura E. Figueroa Notary Public (here insert name and title of the officer),
personally appeared Thaeir Aziz

who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf
of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



Notary Seal

Scanner Enabled Stores should scan this form
Manual Submission Route to Deposit Operations

DSG350 CA (12-07 113424)



FO01-000DSG5350CA-01

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ACKNOWLEDGMENT

State of California
 County of San Diego

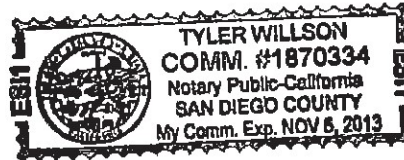
On 10/15/13 before me, Tyler Willson, Notary Public
 (insert name and title of the officer)

personally appeared Brian Rucker,
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
 subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
 his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the
 person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
 paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]



(Seal)

ORIGINAL



THE CITY OF SAN DIEGO

DATE OF NOTICE: October 13, 2021

NOTICE OF DECISION

DEVELOPMENT SERVICES DEPARTMENT

PROJECT NO:	682499
PROJECT NAME:	<u>NIMITZ CROSSING</u>
PROJECT TYPE:	NEIGHBORHOOD USE PERMIT, 15162 CONSISTENCY DETERMINATION, PROCESS TWO
APPLICANT:	VOLTAIRE 24, LP
COMMUNITY PLAN AREA:	PENINSULA
COUNCIL DISTRICT:	2
CITY PROJECT MANAGER:	Martha Blake, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5375/ mblake@sandiego.gov

On October 13, 2021, Development Services Department approved an application for a Neighborhood Use Permit (Process Two) for a project proposing Interim Ground Floor Residential Use for up to twelve studio apartments on the first floor that was permitted as retail/commercial space at 3903 Voltaire Street. The 0.54-acre site is in the CC-3-5 Zone, ALUCP Noise Contours (SDIA), AAOZ, AIA (Rev Area 1 - SDIA), FAA (SDIA/NAS), CHLOZ, CPIOZ-B within the Peninsula Community Plan area.

If you have any questions about this project, the decision, or wish to receive a copy of the resolution approving or denying the project, contact the City Project Manager above.

The decision by Development Services Department staff can be appealed to the **Planning Commission** no later than ten (10) business days after the decision date. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services. During the Statewide "Safer-at-Home" directive to reduce the spread of COVID-19, beginning March 19, 2020, appeals to the Planning Commission must be filed by email or US mail as follows:

- 1) Appeals filed via E-mail: [The Development Permit/Environmental Determination Appeal Application Form DS-3031 can be obtained here](#). Send the completed appeal form by email to PlanningCommission@sandiego.gov. Your email appeal will be acknowledged within 24 hours. You must separately mail the appeal fee by check payable to the City Treasurer to: Planning Commission/Appeal, MS 501, 1222 First Avenue, 5th Floor, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked within 5 business days of the date the appeal is filed.
- 2) Appeals filed via US Mail: [The Development Permit/Environmental Determination Appeal Application Form DS-3031 can be obtained here](#). Send the completed appeal form by US Mail to Planning Commission/Appeal, MS 501, 1222 First Avenue, 5th Floor, San Diego, CA 92101. Appeals filed by US Mail must be USPS postmarked by the appeal deadline to be considered valid. The completed appeal form

shall include the required appeal fee, with a check payable to: City Treasurer.

The Development Services Department has determined that the project would not introduce additional impacts or increase the severity of impacts beyond those already analyzed in the previous Mitigated Negative Declaration No. 164585 for the Point Plaza Project, which was Adopted on October 19, 2010 by Resolution No. R-306256.

This information will be made available in alternative formats upon request.

Internal Order No.: 11004543

cc: Fred Kosmo, Interim Chair Peninsula Community Planning Board

td 04.2020



Development Services Department

Martha Blake / Project No. 682499
1222 First Ave., MS 501
San Diego, California 92101-4140

RETURN SERVICE REQUESTED

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.
Upon request, this information is available in alternative formats for persons with disabilities.
DS-3032 (11-17)

5. Description of Grounds for Appeal

The approval of 12 more units to be added without additional parking will have an immediate impact on the ability for homeowners on Udall St to find reasonable parking near our homes, many of which were built without driveways or garages.

The current residents of Nimitz Crossing are already impacting the availability of street parking. It is most noticeable after 8:00pm when no parking on the 3800 block is available forcing us to park two blocks away or more and some of which is 2 hour parking starting at 8:00am. This starts becoming a quality of life issue.

12 more units means likely 12-24 more cars will be added to an already challenging parking situation. Many residents of the neighboring apartment complex use Udall St. as well as the guests of the California Dreams youth hostel on the corner of Udall St and Worden St. Adding more cars will be asking us to look outside of our neighborhood for parking. The impact on our quality of life will be immediate and long term.

The developer designed Nimitz Crossing for a specific use with a long-term assessment of the neighborhood. I believe he should stick to his long-term plan. I do not think it is reasonable to tell homeowners on Udall St to sacrifice our right to reasonable street parking because the developer decided the short-term climate does not benefit his design. I believe we have a right to a certain quality of life and approving these additional units will immediately and negatively impact the quality of life on Udall St. and it should not be approved.

PLANNING COMMISSION RESOLUTION NO. XXXXX
NEIGHBORHOOD USE PERMIT NO. 2508504
NIMITZ CROSSING – PROJECT NO. 682499

WHEREAS, on January 12, 2021, VOLTAIRE 24, LP, Owner/Permittee, filed an application with the City of San Diego for a Neighborhood Use Permit pursuant to San Diego Municipal Code (SDMC) Section 141.0309 to amend Site Development Permit (SDP) No. 589770 (Project No. 164585) to allow Interim Residential Ground Floor Use of the vacant commercial space, as described in and by reference to the approved Exhibit “A” and corresponding conditions for the associated Permit No. 2508504 on portions of a 0.54-acre site; and

WHEREAS, the project site is located at 3903 Voltaire Street. The 0.54-acre site is in the CC-3-5 Zone, ALUCP Noise Contours (SDIA), AAOZ, AIA (Rev Area 1 - SDIA), FAA (SDIA/NAS), CHLOZ, CPIOZ-B within the Peninsula Community Plan area; and

WHEREAS, the project site is legally described as Lot 1 of Nimitz Center, Map No. 4584 filed in the Office of the County Recorder July 11, 1960; and

WHEREAS, on October 19, 2010, City Council adopted Mitigated Negative Declaration No. 164585 for the Point Plaza Project, which included rezoning of the property and SDP No. 589770 to construct a mixed use commercial and multifamily residential development. Pursuant to CEQA Guidelines Section 15162, there are no conditions that require preparation of any additional documentation pursuant to CEQA (subsequent/supplemental EIR; subsequent ND/MND; or addendum) for Neighborhood Use Permit No. 2508504; and

WHEREAS, on October 23, 2021, the Development Services Department issued the City’s Notice of Decision approving Neighborhood Use Permit No. 2508504, which includes a condition that the interim ground floor residential use will expire no later than ten years from approval; and

WHEREAS, on October 26, 2021, Steven Barbaro filed an Appeal of the Notice of Decision, citing Conflict with Other Matters; and

WHEREAS, on December 2, 2021, the City of San Diego Planning Commission considered the Appeal and Neighborhood Use Permit No. 2508504 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego that it adopts the following findings with respect to Neighborhood Use Permit No. 2508504:

FINDINGS:

Neighborhood Use Permit – SDMC Section 126.0205(a)

(1) The proposed development will not adversely affect the applicable land use plan.

The proposed project is the conversion of vacant ground floor commercial space in a mixed-use project in the CC-3-5 Zone for interim ground floor residential use for up to ten years. This conversion is permitted with a Neighborhood Use Permit pursuant to SDMC Section 131.0522, Table 131-05B. The interim ground floor use is a separately regulated residential use accessory to the mixed-use development, and therefore is not a dwelling unit subject to the maximum permitted density. The initial project was approved by the City of San Diego in 2010 with the issuance of Site Development Permit No. 589770, as a mixed-use development with 12,000 gross square feet of ground floor commercial space (approximately 8,500 net square feet) with 24 residential units on the second and third floors, including two affordable bonus units.

The goals of the Peninsula Community Plan include providing housing opportunities for residents of all levels and age groups. By providing new studio apartments, the project will provide housing opportunities to more economically diverse tenants than are accommodated in the two-bedroom units on the second and third floors. The proposed project is the use of the vacant commercial space for resident use on an interim basis and it does not propose a change the community plan land use; therefore, the project will not adversely affect the applicable land use plan.

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

The proposed project is the conversion of ground floor commercial space in mixed-use project in the CC-3-5 Zone for interim ground floor residential use for up to ten years. This conversion is permitted with a Neighborhood Use Permit pursuant to SDMC Section 131.0522, Table 131-05B. The interim ground floor use is a separately regulated residential use accessory to the mixed-use development, and therefore is not a dwelling unit subject to the maximum permitted density. The initial project was approved by the City of San Diego in 2010 with the issuance of Site Development Permit No. 589770, as a mixed-use development with 12,000 gross square feet of ground floor commercial space (approximately 8,500 net square feet) with 24 residential units on the second and third floors, including two affordable bonus units.

SDMC Section 141.0309 does not require that the interim ground floor use provide additional parking; however, the project provides 12 parking spaces that will be used by the tenants of the 12 apartments.

A new construction permit for the building is required to convert the commercial shell use to the residential use and will comply with all applicable building and safety codes, including the California Building Code and California Fire Code. Therefore, as conditioned, including the conditions of Site Development Permit No. 589777 issued in 2010 and the construction building permit issued in 2019, the project will not be detrimental to the public health, safety, and welfare.

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

The proposed project is the conversion of ground floor commercial space in mixed-use project in the CC-3-5 Zone for interim ground floor residential use for up to ten years. This conversion is permitted with a Neighborhood Use Permit pursuant to SDMC Section 131.0522, Table 131-05B. The interim ground floor use is a separately regulated residential use accessory to the mixed-use development, and therefore is not a dwelling unit subject to the maximum permitted density. The initial project was approved by the City of San Diego in 2010 with the issuance of Site Development Permit No. 589770, as a mixed-use development with 12,000 gross square feet of ground floor commercial space (approximately 8,500 net square feet) with 24 residential units on the second and third floors, including two affordable bonus units.

The initial project as constructed complies with the approved SDP No. 589770, and utilizing the ground floor retail space as residential will not require any deviations nor any change in the existing development footprint, setbacks, height, bulk, or scale with no deviations. Therefore, the project complies with the Land Development Code regulations.

Supplemental Findings – Interim Ground floor Residential - SDMC Section 126.0205 (c)

(1) The proposed development is physically suitable for residential use and located within an existing vacant commercial space that has been vacant for a minimum of six consecutive months.

The proposed project is the conversion of ground floor commercial space in mixed-use project in the CC-3-5 Zone for interim ground floor residential use for up to ten years as permitted with a Neighborhood Use Permit pursuant to SDMC Section 131.0522, Table 131-05B. The interim ground floor use is a separately regulated residential use accessory to the mixed-use development, and therefore is not a dwelling unit subject to the maximum permitted density. The project was approved by the City of San Diego in 2010 with the issuance of Site Development Permit No. 589770, as a mixed-use development with 12,000 gross square feet of ground floor commercial space (approximately 8,500 net square feet) with 24 residential units on the second and third floors, including two affordable bonus units.

The commercial space will be modified in accordance with approved construction building permits and shall be in compliance with the California Building Code and California Fire Code for the residential use at the time of the conversion. The mechanical, plumbing and electrical systems

constructed for the anticipated commercial use will be adapted for residential use. The commercial space has been vacant for more than six consecutive months and is physically suitable for residential use.

(2) The ground floor height complies with SDMC Section 131.0548.

The project is in the Coastal Height Limit Overlay Zone, and the ground-floor height requirement does not apply to development in the Coastal Height Limit Overlay Zone pursuant to SDMC Section 131.0548 which states: "The ground-floor height requirement shall not apply to development in the Coastal Height Limit Overlay Zone or the Clairemont Mesa Height Limit Overlay Zone."

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Neighborhood Use Permit No. 2508504 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in NEIGHBORHOOD USE PERMIT NO. 2508504, a copy of which is attached hereto and made a part hereof, and with associated Exhibit "A".

Martha Blake
Development Project Manager
Development Services

Adopted on December 2, 2021

Job Order No. 11004543

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: 11004543

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NEIGHBORHOOD USE PERMIT NO. 2508504
NIMITZ CROSSING PROJECT NO. 682499
AMENDMENT TO SITE DEVELOPMENT PERMIT NO. 589770
PLANNING COMMISSION

This Neighborhood Use Permit [Permit] No. 2508504 is granted by the Planning Commission of the City of San Diego to Voltaire 24, LP, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0205. The 0.54-acre site is located at 3903 Voltaire Street in the CC-3-5 zone of the Peninsula Community Plan. The project site is legally described as Lot 1 of Nimitz Center, in the City of San Diego, State of California, according to Map thereof No. 4584 filed in the Office of the County Recorder of San Diego County, July 11, 1960.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow Interim Ground Floor Residential Use on the first floor of an existing mixed-use project that was constructed as commercial space subject to the City's land use regulations] described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 2, 2021, on file in the Development Services Department.

The project shall include:

- a. Interim ground floor residential use of vacant commercial space for up to twelve residential units in the three-story over basement parking Nimitz Center mixed-use development, previously approved by the City Council of the City of San Diego on October 19, 2010 as Site Development Permit No. 589770 (Project No. 164585, Point Plaza), which has already been constructed.
- b. 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 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 December 2, 2024.
2. This Neighborhood Use Permit and corresponding ground floor residential use of the of this site shall expire on December 2, 2031. Upon expiration of this Permit, the facilities and improvements described herein for residential use shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. Except as amended by this Permit, all conditions of Site Development Permit No. 589770 (Project No. 164585, Point Plaza) remain in full force and effect.
4. 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.
5. 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.
6. 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.
7. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
8. 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.).
9. The Owner/Permittee shall secure all necessary construction 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.

10. 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.

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

12. 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:

13. 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.

AIRPORT REQUIREMENTS:

14. Prior to issuance of a construction permit, all habitable rooms must be sound-attenuated to an maximum interior noise level of 45 dB CNEL, to the satisfaction of the Development Services Department.

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

PLANNING/DESIGN REQUIREMENTS:

16. 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.

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 Planning Commission of the City of San Diego on December 2, 2021 and Resolution No. XXXXX.

Neighborhood Development Permit No. 2508504
Date of Approval: December 2, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Martha Blake
Development Project Manager

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

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

VOLTAIRE 24, LP
Owner/Permittee

By _____
Richard Simis
General Partner

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



**PCPB- July 22, 2021 Draft Minutes
(Pending Approval at September meeting.)**

PCPB meeting
July 22nd, 2021 meeting

Zoom conference

General

Meeting called to order at 6:03 pm by Fred Kosmo.

Present: Fred Kosmo, Margaret Virissimo, Brad Herrin, Korla Eaquina, Mandy Havlik, Don Sevens, Tina Compton, Angela Vedder, Don Sevens, Paul Webb, Matt Schalles, Sam Laub, Tracy Dezenzo, Cameron Havlik, Elizabeth Getzoff, Andrew Luce, Kathi Riser, Rudy Medina, Richard Simis, Cole Reed, Kohta Zaiser, Monique Tello

Absent: Eva Schmitt, Robert Tripp Jackson, Nicole Burgess, Joe Holasek

Approval of the agenda. Margaret makes a motion to approve the agenda. Tina seconds the motion. The motion passes unanimously.

Approval of May meeting minutes. Margaret makes a motion to approve the meeting minutes. Sam seconds the motion. Motion passes unanimously.

Approval of June meeting minutes. Tina makes a motion to approve the meeting minutes. Sam seconds the motion. Margaret abstains from the vote. Motion passes with one abstention.

Board Officer Reports

Fred states that redistricting continues to move forward and reports that the planning board is doing well.

Korla reports that \$435 has been donated to the PCPB on behalf of Robert for his birthday celebration. The new balance is \$693.93.

Non-Agenda Public Comment

Tracy reports on behalf of the commission for Arts and Culture, who announced 174 funding awards for the fiscal year 2022.

Government and Community Reports

Kohta Zaiser with Mayor Gloria's office reports that there are new policy points to help meet the growth in need of affordable housing in San Diego.

Cole Reed shares the allocation of budget to several different San Diego projects.

APPLICANT-INITIATED ACTION ITEMS

1. Nimitz Crossing NUP. Neighborhood Use Permit (NUP) to convert 12,000 square feet of commercial space for interim ground floor residential use with 12 dwelling units, at a development that was permitted as retail/commercial space, at 3903 Voltaire St. The 0.55-acre site is in the CC3-5 Zone. Applicant: Kathi Riser.

Brad shares that there was a chance in policy with the city that allowed the applicants to complete this project. The project has since been completed, and the units remain vacant.

Kathi shares that the new plan is to convert the current commercial units and generate up to 12 studio apartments on the ground floor. The studios would feature street-front patios. This repurposing of the space would better serve all the current residents.

Mandy suggests that more units within the building be designated as affordable housing to accommodate the current deficit. Two of the 24 units are currently designated as affordable, and none of the proposed studios will be designated as affordable units.

Paul Webb suggests the project go through the community plan and rezoning process.

Margaret makes a motion to support the request for the neighborhood use permit. Don seconds the motion.

Margaret asks for the consideration of adding one additional unit of affordable housing.

Motion to approve the permit passes. Those who voted in favor were Mandy, Don, Brad, Matt, Angela, Tina, Margaret, and Sam. Opposed is Paul. Korla abstains. **Motion passes 8 to 1 to 1.**

INFORMATION ITEMS

1. Discuss upcoming CPC items and guide our CPC representative. (Korla Eaquina)

Korla shares that she voted yes on a motion by the PARC committee to support the efforts of working with the city to create more parkland.

2. Update on Famosa Canyon (Cameron Havlik)

Cameron shares that the City Council has allowed the San Diego Housing Commission to enter into exclusive negotiations regarding Famosa Canyon.

BOARD-INITIATED ACTION ITEMS

1. In-Person Meeting Schedule. Discussion and potential action on procedures and scheduling in-person meetings for the PCPB. (Fred Kosmo)

Mandy shares that she agrees with Eva's professional opinion to continue meetings via zoom. Paul concurs. Korla notes the environmental impact of commuting to the meetings and agrees that they should remain online.

The Brown Act expansion continues until September 30th.

Cameron encourages the board to table this conversation until September 30th.

Fred tables the discussion until September.

Margaret V. left the meeting at 8 pm.

2. Review and approve of comment letters on the San Diego International Airport (SDIA) draft Environmental Assessment for the SDIA Airport Improvement Plan. (Paul Webb)

Within his letter, Paul notes that there may not be the need for eleven total additional gates. Paul notes air quality as well, saying that the airport needs to improve its ground service infrastructure to alleviate the total carbon emission. Lastly, Paul notes that the project analysis is based on a forecast, however this does not mean that the project should ignore the sound effects on the residential community.

Don opposes the letter, stating that utilizing phases may have negative effects.

Korla makes a motion to approve Paul's letter. Sam seconds the motion. Those in favor include Korla, Sam, Mandy, Angela, Paul, Matt. Don and Brad oppose. Motion passes 6 to 2.

3. Traffic and Transportation Committee: Approval of Dalana Pursel to the Traffic and Transportation subcommittee. Approved unanimously by the subcommittee. (Mandy Havlik)

The vote was unanimous within the Traffic and Transportation Subcommittee.

Mandy makes a motion to approve Dalana Pursel to the subcommittee. Don seconds the motion. Motion passed unanimously.

4. Traffic and Transportation Committee: Letter requesting Safe pedestrian facilities on Rosecrans and Scott Streets. (Mandy Havlik)

Brad suggests an alteration to the letter to feature a HAWK style crosswalk recommendation.

Fred suggests tabling the letter until the Traffic and Transportation Committee considers the changes to include the HAWK option.

Matt suggests including a simple revision to the letter to mention the HAWK option and allow the city to determine which solution is most viable.

Don suggests revisiting this letter in a future meeting.

Fred tables the motion for a revision to the letter for a future meeting.

5. Environmental Committee: Approval of Leah Schaperow to the Environmental subcommittee. Approved unanimously by the subcommittee. (Eva Schmitt)

The vote at the Environmental subcommittee was unanimous.

Mandy makes a motion to approve Leah Schaperow to the Environmental subcommittee. Don seconds the motion. Motion passed unanimously.

6. Environmental Committee: Approve draft process for establishing a high school student liaison for the board. (Eva Schmitt)

Korla suggests there be a GPA requirement for the applicants.

Mandy makes a motion to approve the student liaison requirements along with the friendly amendments. Angela seconds the motion. Motion passed unanimously.

Meeting adjourned at 8:46 pm.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin: 0;">Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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Approval Type: Check appropriate box for type of approval(s) requested: ☐ Neighborhood Use Permit ☐ Coastal Development Permit
☐ Neighborhood Development Permit ☐ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance
☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: Nimitz Crossing **Project No. For City Use Only:** _____

Project Address: 3903 Voltaire Street, San Diego, CA 92107

Specify Form of Ownership/Legal Status (please check):

☐ Corporation ☐ Limited Liability -or- ☐ General – What State? _____ Corporate Identification No. _____
☒ Partnership ☐ Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: Richard Simis, General Partner of Voltaire 24, LP ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 2820 Shelter Island Drive
 City: San Diego State: CA Zip: 92106
 Phone No.: 858-518-7372 Fax No.: N/A Email: Richard@pbsconstructionservices.com
 Signature: [Signature] manager Date: _____
 Additional pages Attached: ☒ Yes ☐ No

Applicant

Name of Individual: Richard Simis for PBS Real Estate Investments, LLC ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 2820 Shelter Island Drive
 City: San Diego State: CA Zip: 92106
 Phone No.: 858-518-7372 Fax No.: N/A Email: Richard@pbsconstructionservices.com
 Signature: [Signature] manager Date: _____
 Additional pages Attached: ☐ Yes ☐ No

Other Financially Interested Persons

Name of Individual: Richard Simis for PBS Construction Services, ☐ Owner ☐ Tenant/Lessee ☐ Successor Agency
 Street Address: 2820 Shelter Island Drive
 City: San Diego State: CA Zip: 92106
 Phone No.: 858-518-7372 Fax No.: N/A Email: Richard@pbsconstructionservices.com
 Signature: _____ Date: _____
 Additional pages Attached: ☐ Yes ☐ No

Nimitz Crossing

Ownership Disclosure Statement DS 318 Attachment

Owner:

Voltaire 24, LP

By: PBS Real Estate Investments, LLC

Its General Partner

Richard Simis owns 100% of PBS Real Estate Investments, LLC

PBS Real Estate Investments owns 100% of Voltaire 24, LP

Richard Simis owns 100% of PBS Construction Services, Inc.

PROJECT DIRECTORY

OWNER/DEVELOPER:

VOLARE 24, LP
2820 SHELTER ISLAND DRIVE
SAN DIEGO, CA 92108
ATTN: RUDY MEDINA
PH: (619) 587-4047
FAX: (619) 587-4047
EMAIL: RUDY@MEDINA-INVEST.COM

ARCHITECT:

AWBREY COOK ROGERS MCGILL
ARCHITECTS + INTERIORS
1045 14TH STREET, SUITE 100
SAN DIEGO, CA 92101
ATTN: SCOTT MCGILL
PH: (619) 398-3484
FAX: (619) 398-3488
EMAIL: SCOT@MCGILLA.COM

CONSULTING ENGINEERS:

CVL LANDWORKS
110 CUPPERWOOD WAY, SUITE 9
OCEANVIEW, CA 92089
ATTN: DAVID GARDEN
PH: (760) 908-8745
EMAIL: dave@cvlwork.com

1st FLOOR INTERIM ARCHITECT:

OTC STUDIO
845 10TH STREET SUITE 423
SAN DIEGO, CA 92101
PH: (619) 693-3744

LANDSCAPE ARCHITECT:

MCCULLOUGH LANDSCAPE ARCHITECTS
706 16 TH STREET, SUITE 100
SAN DIEGO, CA 92101
ATTN: BRIAN FREDERICK
PH: (619) 236-3700
EMAIL: brian@mla.com

APPLICABLE CODES

LIST OF 2016 CALIFORNIA BUILDING STANDARDS ADOPTED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION, EFFECTIVE AS OF JANUARY 1, 2017 :

2016 CALIFORNIA BUILDING CODE (PART 2 OF TITLE 24), BASED ON THE INTERNATIONAL BUILDING CODE (I.B.C.)

2016 CALIFORNIA ELECTRICAL CODE (PART 3 OF TITLE 24), BASED ON THE NATIONAL ELECTRICAL CODE (N.E.C.)

2016 CALIFORNIA MECHANICAL CODE (PART 4 OF TITLE 24), BASED ON THE UNIFORM MECHANICAL CODE (U.M.C.)

2016 CALIFORNIA PLUMBING CODE (PART 5 OF TITLE 24), BASED ON THE UNIFORM PLUMBING CODE (U.P.C.)

2016 CALIFORNIA ENERGY CODE (PART 6 OF TITLE 24), BASED ON THE CALIFORNIA ENERGY CODE (C.E.C.)

2016 CALIFORNIA ELEVATOR SAFETY CODE (PART 7 OF TITLE 24), BASED ON THE CALIFORNIA CODE OF REGULATIONS (C.C.R.) TITLE 8

2016 CALIFORNIA FIRE CODE (PART 9 OF TITLE 24), BASED ON THE INTERNATIONAL FIRE CODE (I.F.C.)

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A59.7 577th FLOOR

A59.8 578th FLOOR

A59.9 579th FLOOR

A60.0 580th FLOOR

A60.1 581st FLOOR

A60.2 582nd FLOOR

A60.3 583rd FLOOR

A60.4 584th FLOOR

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A61.8 598th FLOOR

A61.9 599th FLOOR

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A62.3 603rd FLOOR

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A68.9 669th FLOOR

A69.0 670th FLOOR

A69.1 671st FLOOR

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A69.3 673rd FLOOR

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A72.3 703rd FLOOR

A72.4 704th FLOOR

A72.5 705th FLOOR

A72.6 706th FLOOR

A72.7 707th FLOOR

A72.8 708th FLOOR

A72.9 709th FLOOR

A73.0 710th FLOOR

A73.1 711st FLOOR

A73.2 712nd FLOOR

A73.3 713rd FLOOR

A73.4 714th FLOOR

A73.5 715th FLOOR

A73.6 716th FLOOR

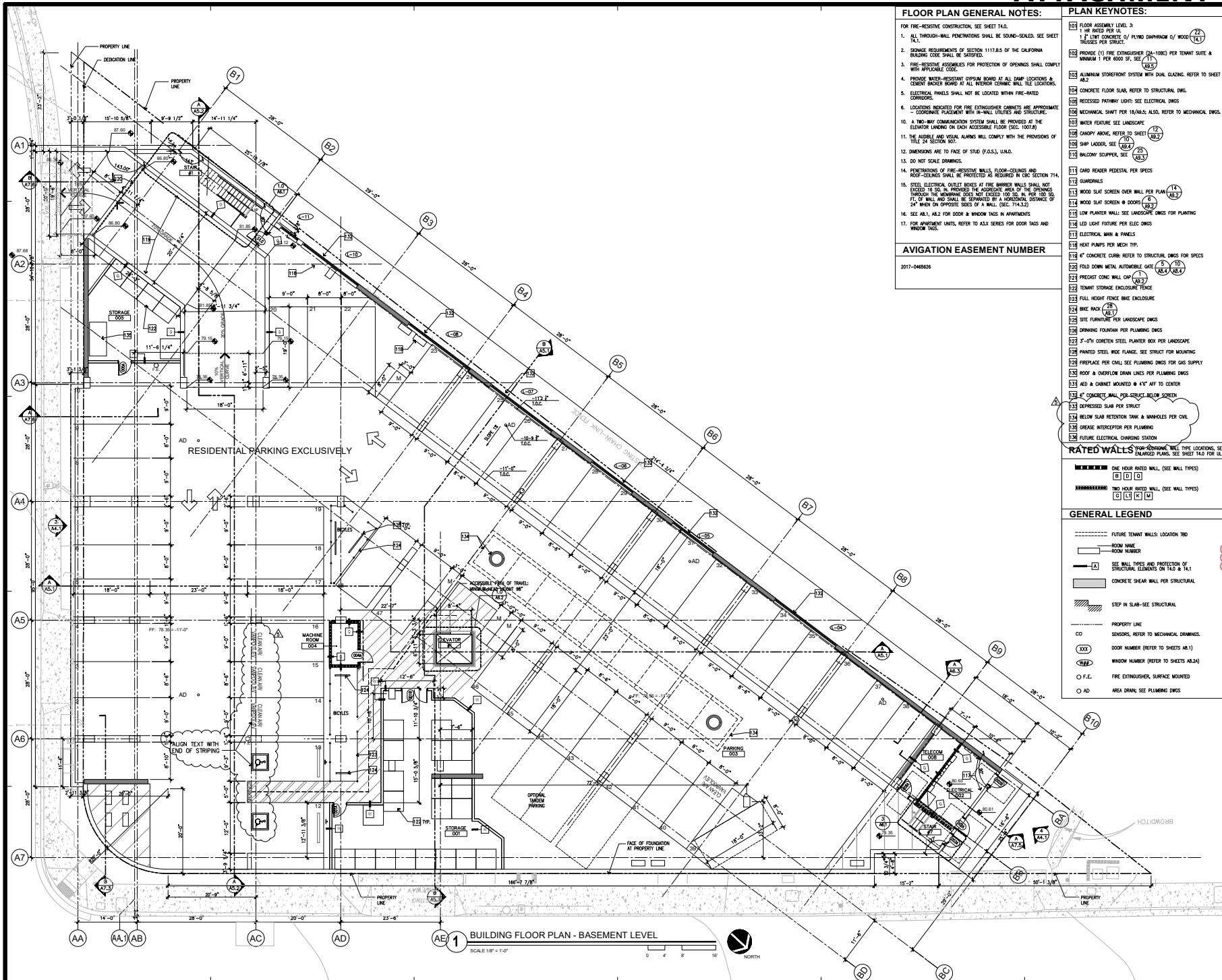
A73.7 717th FLOOR

A73.8 718th FLOOR

A73.9 719



A0.1



FLOOR PLAN GENERAL NOTES:

- FOR FIRE-RESISTIVE CONSTRUCTION, SEE SHEET T4.0.
- ALL THROUGH-WALL PENETRATIONS SHALL BE SOUND-SEALED. SEE SHEET T4.1.
- STORAGE REQUIREMENTS OF SECTION 1117.8.5 OF THE CALIFORNIA BUILDING CODE SHALL BE SATISFIED.
- FIRE-RESISTIVE ASSEMBLIES FOR PROTECTION OF OPENINGS SHALL COMPLY WITH ATTACHED CODE.
- PROVIDE WATER-RESISTIVE DIPSUM BOARD AT ALL DAMP LOCATIONS & CORNER BRACKER BOARD AT ALL INTERIOR CORNER WALL TILE LOCATIONS.
- ELECTRICAL PANELS SHALL NOT BE LOCATED WITHIN FIRE-RATED CORRIDORS.
- LOCATIONS INDICATED FOR FIRE EXTINGUISHER CABINETS ARE APPROXIMATE - COORDINATE PLACEMENT WITH IN-WALL UTILITIES AND STRUCTURE.
- A TWO-WAY COMMUNICATION SYSTEM SHALL BE PROVIDED AT THE ELEVATOR LANDING ON EACH ACCESSIBLE FLOOR (SEC. 1007.8).
- THE AUDIBLE AND VISUAL ALARMS SHALL COMPLY WITH THE PROVISIONS OF TITLE 24 SECTION 907.
- DIMENSIONS ARE TO FACE OF STUD (F.O.S.), UNLESS NOTED.
- DO NOT SCALE DRAWINGS.
- PERFORATIONS OF FIRE-RESISTIVE WALLS, FLOOR-Ceilings AND ROOF-Ceilings SHALL BE PROTECTED AS REQUIRED IN CBC SECTION 714.
- STEEL ELECTRICAL OUTLET BOXES AT FIRE BARRIER WALLS SHALL NOT EXCEED 18 IN. IN PROVIDED THE AGGREGATE AREA OF THE OPENINGS THROUGH THE MEMBRANE DOES NOT EXCEED 100 SQ. IN. PER 100 SQ. FT. OF WALL AND SHALL BE SEPARATED BY A HORIZONTAL DISTANCE OF 24" WHEN ON OPPOSITE SIDES OF A WALL. (SEC. 714.3.2)
- SEE A1.1, A1.2 FOR DOOR & WINDOW TAGS IN APARTMENTS.
- FOR APARTMENT UNITS, REFER TO A1.1 SERIES FOR DOOR TAGS AND WINDOW TAGS.

AVIGATION EASEMENT NUMBER

2017-046626

PLAN KEYNOTES:

- FLOOR ASSEMBLY LEVEL: 3
- 1" MIN. RATED PER UL
- 1" F. LTM CONCRETE O/J PLUMB DRAIN/RAIN Q/W DOOR
- TRUSSES PER STRUCT.
- PROVIDE (1) FIRE EXTINGUISHER (2A-10BC) PER TENANT SUITE & MINIMUM 1 PER 800 SQ. FT. SEE (A1.1)
- ALUMINUM STOREFRONT SLAB WITH DUAL GLAZING. REFER TO SHEET A1.2
- CONCRETE FLOOR SLAB, REFER TO STRUCTURAL DWGS.
- RECESSED PATHWAY LIGHTS. SEE ELECTRICAL DWGS.
- MECHANICAL SHUT PER 18/A/6. ALSO, REFER TO MECHANICAL DWGS.
- WATER FEATURE. SEE LANDSCAPE.
- CANOPY ABOVE, REFER TO SHEET (A1.2)
- SHIP LADDER, SEE (A1.3)
- BALCONY SCUPPER, SEE (A1.3)
- CHAD READER PEDESTAL PER SPECS
- QUINERALS
- WOOD SLAT SCREEN OVER WALL PER PLAN (A1.3)
- WOOD SLAT SCREEN @ DOORS (A1.3)
- LOW PLUMBER WALL. SEE LANDSCAPE DWGS FOR PLUMBING
- LED LIGHT FIXTURE PER ELEC DWGS
- ELECTRICAL MARK & PANELS
- HEAT PUMPS PER MECH TYP.
- 4" CONCRETE CLUMBS REFER TO STRUCTURAL DWGS FOR SPECS
- FOLD DOWN METAL AUTOMOBILE GATE (A1.3)
- PRECAST CONCRETE WALL CAP (A1.3)
- TENANT STORAGE ENCLOSURE FRAME
- FULL HEIGHT FENCE INK ENCLOSURE
- BRICK RACK (A1.3)
- DRINKING FOUNTAIN PER PLUMBING DWGS
- DRINKING FOUNTAIN PER PLUMBING DWGS
- 3"-24" CONCRETE STEEL PLANTER BOX PER LANDSCAPE
- PAINTED STEEL WIDE FLANGE. SEE STRUCT FOR MOUNTING
- PREPARE PER CHAL. SEE PLUMBING DWGS FOR GAS SUPPLY
- ROOF & OVERFLOW DRAIN LINES PER PLUMBING DWGS
- AED & CABINET MOUNTED @ 4" AFF TO CENTER
- 4" CONCRETE WALL PER-CONCRETE BELOW SCREEN
- COMPRESSED SLAB PER STRUCT
- BELOW SLAB RETENTION TANK & MANHOLES PER CHAL
- CHARGE INTERCEPTOR FOR PLUMBING
- FUTURE ELECTRICAL CHARGING STATION

RATED WALLS

ONE HOUR RATED WALL, (SEE WALL TYPES)
 [B] [D] [O]
 TWO HOUR RATED WALL, (SEE WALL TYPES)
 [G] [L] [K] [M]

GENERAL LEGEND

- FUTURE TENANT WALLS: LOCATION TWO
- ROOM NAME
- ROOM NUMBER
- SEE WALL TYPES AND PROTECTION OF STRUCTURAL ELEMENTS ON T4.0 & T4.1
- CONCRETE SHEAR WALL PER STRUCTURAL
- STEP IN SLAB-SEE STRUCTURAL
- PROPERTY LINE
- SENSORS, REFER TO MECHANICAL DRAWINGS
- DOOR NUMBER (REFER TO SHEETS A1.1)
- WINDOW NUMBER (REFER TO SHEETS A1.2)
- F.E. FIRE EXTINGUISHER, SURFACE MOUNTED
- AREA DRAIN, SEE PLUMBING DWGS

ARCHITECTS:
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 DENISE T. ROGERS
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REVISIONS:

PLAN CHECK SUBMITAL	07/07/2017
REVISIONAL	09/26/2017
REVISIONAL	12/18/2017
REVISIONAL	01/15/2018
UPDATED DRAWINGS	08/12/2018

PROJECT:

NIMITZ CROSSING APARTMENTS
 POINT LOMA SAN DIEGO, CA

DRAWN: KT, PK, DG

CHECKED: KT

DATE: 03-15-2018

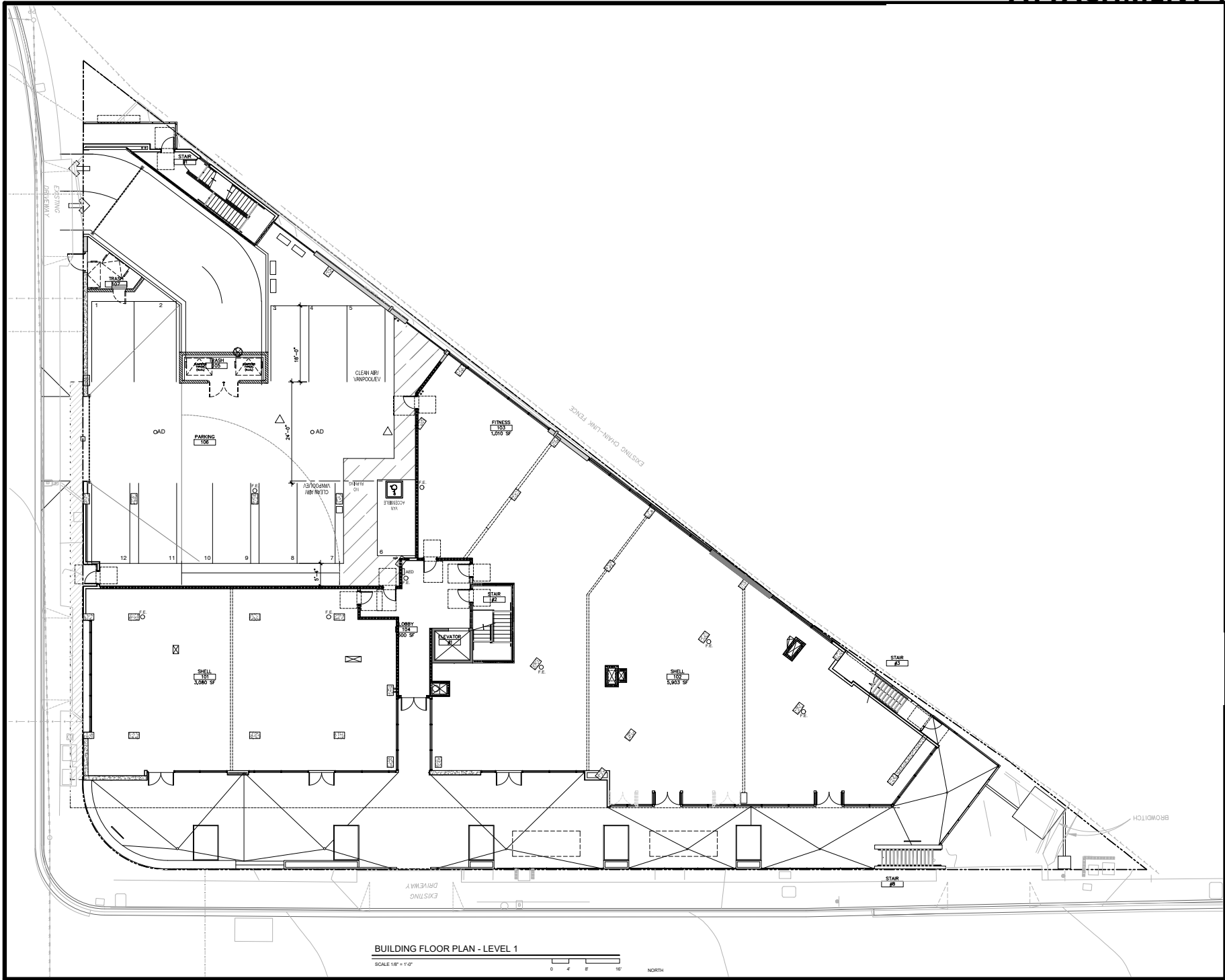
PROJECT NO.: 17-4203

SHEET TITLE:

BUILDING FLOOR PLAN**BASEMENT**

SHEET NO.:

A1.0



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ARCHITECTS + INTERIORS

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STATE OF CALIFORNIA

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REVISIONS:

PLAN CHECK SUBMITTAL

03/27/2017

RESUBMITTAL

09/28/2017

RESUBMITTAL

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RESUBMITTAL

03/15/2018

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NIMITZ CROSSING
APARTMENTS

POINT LOMA SAN DIEGO, CA

DRAWN:

KT, PK, DD

CHECKED:

KT

DATE:

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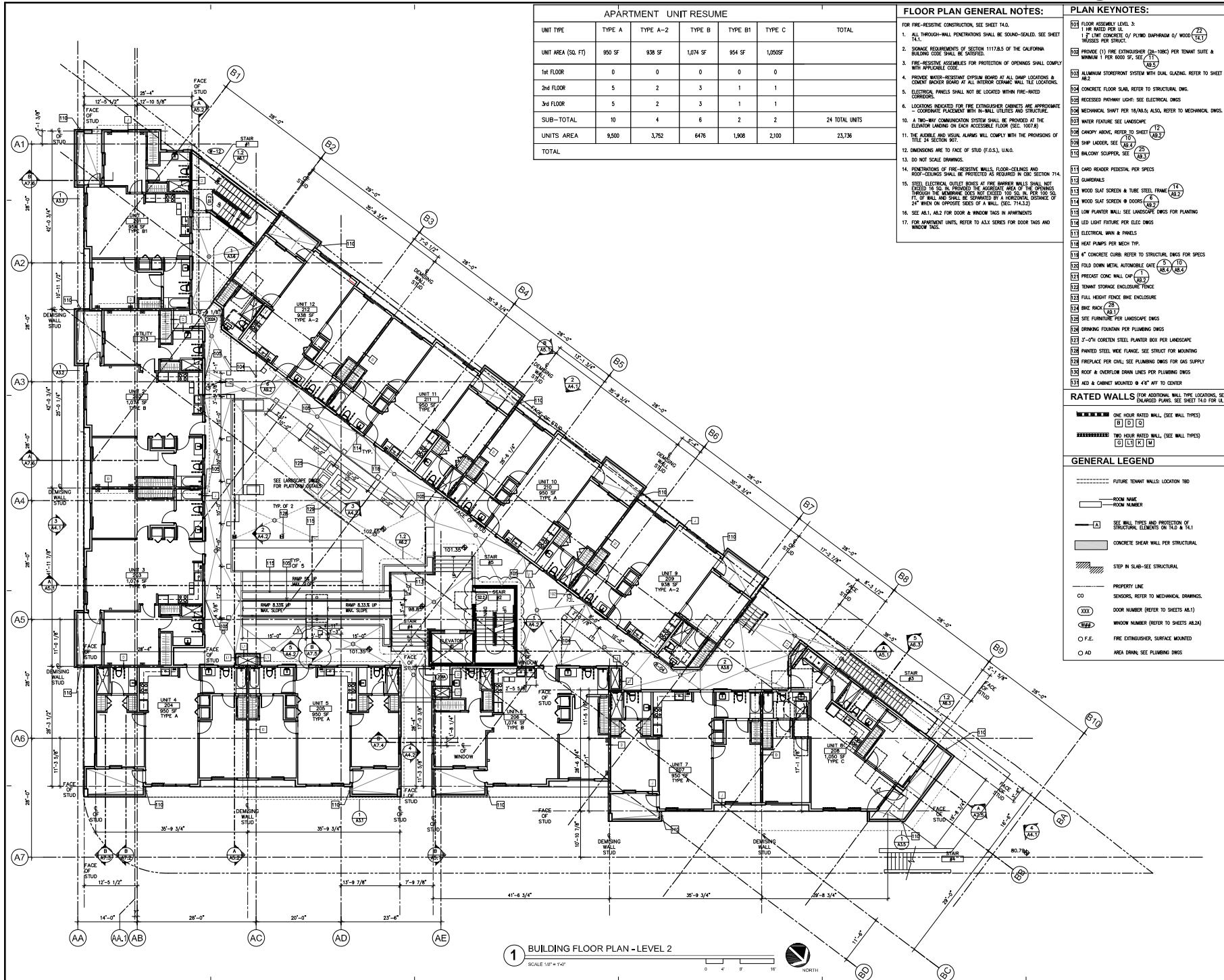
SHEET TITLE:

BUILDING
FLOOR PLAN
LEVEL 1

SHEET NO.:

A1.1

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C 12/28
C 1/202
C 1/2024
C 2/2029



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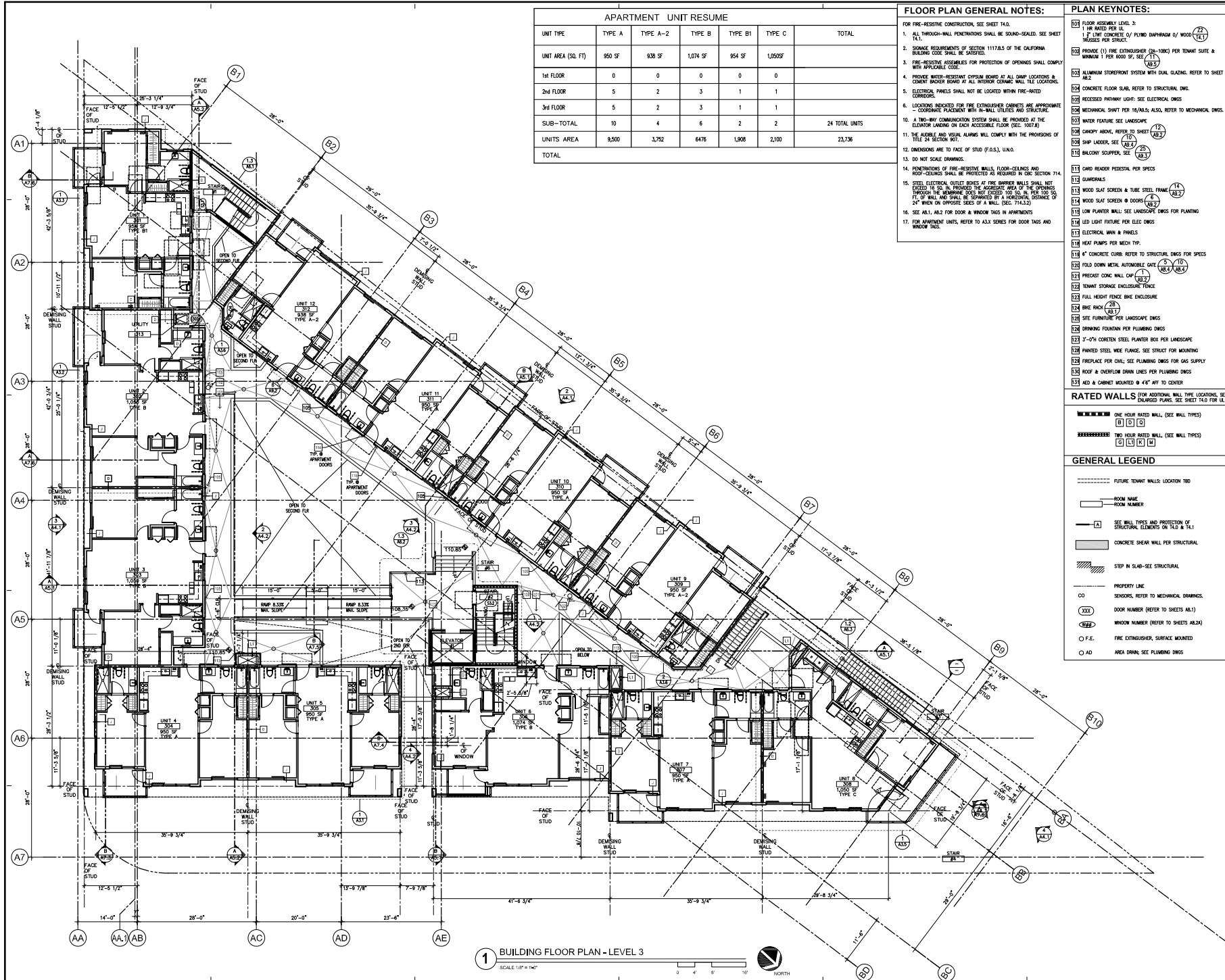
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PROJECT:
POINT PLAZA APARTMENTS
POINT LOMA SAN DIEGO, CA

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CHECKED: KT
DATE: 01-15-2015
PROJECT NO.: 17-4203
SHEET TITLE:
BUILDING FLOOR PLAN LEVEL 2

SHEET NO.:
A1.2



ARCHITECTS:
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SERGEY T. KOZLOV
SCOTT W. MCGILL



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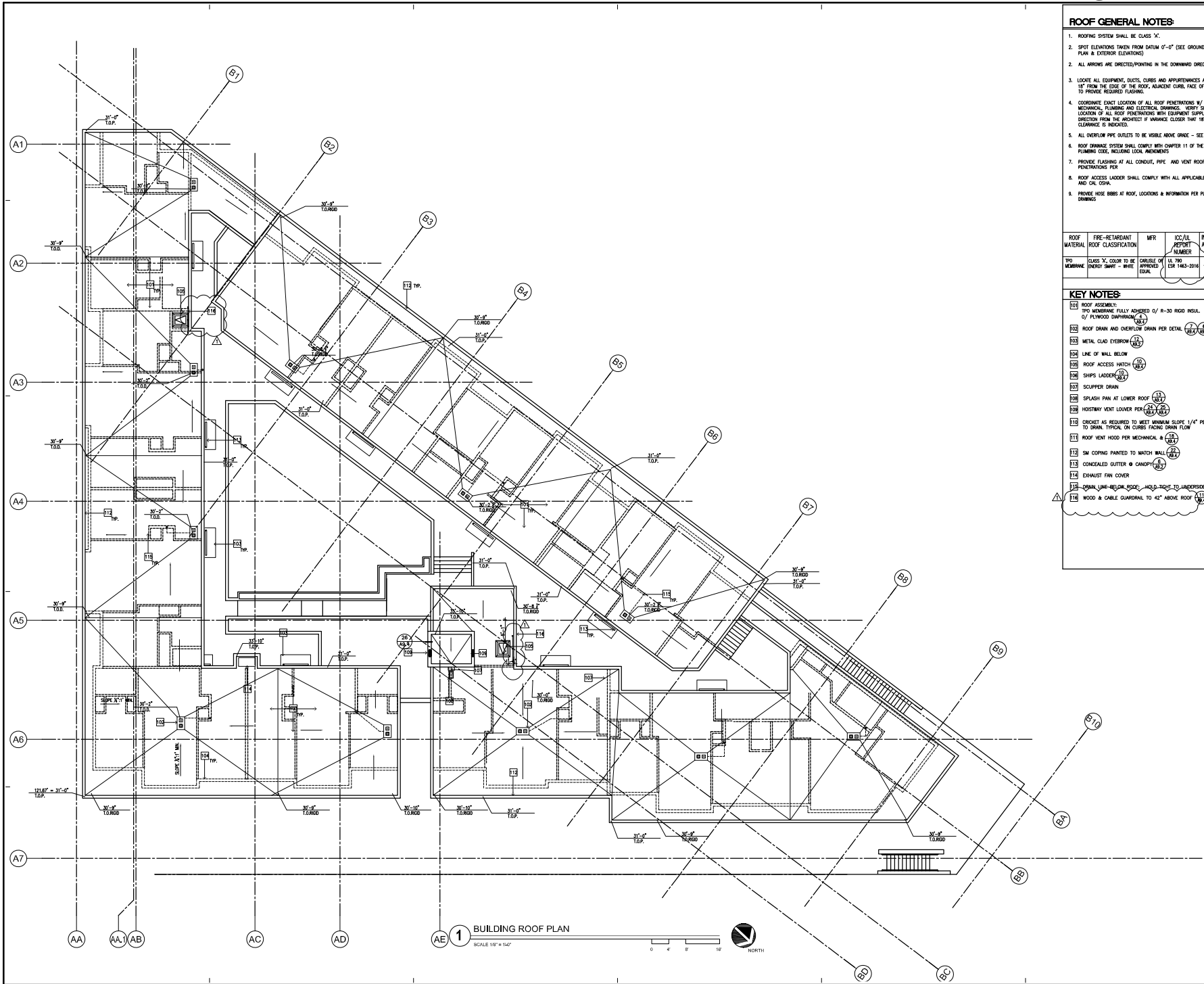
PROJECT:

**POINT PLAZA
APARTMENTS**
POINT LOMA SAN DIEGO, CA

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CHECKED: KT
DATE: 01-15-2015
PROJECT NO.: 17-4203
SHEET TITLE:
**BUILDING
FLOOR PLAN
LEVEL 3**

SHEET NO.:

A1.3



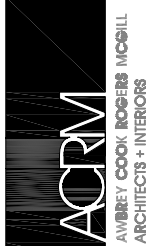
ROOF GENERAL NOTES:

1. ROOFING SYSTEM SHALL BE CLASS 'A'.
2. SPOT ELEVATIONS TAKEN FROM DATUM 0'-0" (SEE GROUND FLOOR PLAN & EXTERIOR ELEVATIONS)
3. ALL ARROWS ARE DIRECTED/POINTING IN THE DOWNWARD DIRECTION
4. LOCATE ALL EQUIPMENT, DUCTS, CURBS AND APPURTENANCES A MIN. OF 18" FROM THE EDGE OF THE ROOF, ADJACENT CURB, FACE OF PARAPET TO PROVIDE REQUIRED FLASHING.
5. COORDINATE EXACT LOCATION OF ALL ROOF PENETRATIONS W/ MECHANICAL, PLUMBING AND ELECTRICAL DRAWINGS. VERIFY SIZE AND LOCATION OF ALL ROOF PENETRATIONS WITH EQUIPMENT SUPPLIER. OBTAIN DIRECTION FROM THE ARCHITECT IF VARIANCE CLOSER THAN 18" CLEARANCE IS INDICATED.
6. ALL OVERFLOW PIPE OUTLETS TO BE VISIBLE ABOVE GRADE - SEE DETAIL.
7. ROOF DRAINAGE SYSTEM SHALL COMPLY WITH CHAPTER 11 OF THE 2013 PLUMBING CODE, INCLUDING LOCAL AMENDMENTS
8. PROVIDE FLASHING AT ALL CONDUIT, PIPE AND VENT ROOF PENETRATIONS PER DETAIL.
9. ROOF ACCESS LADDER SHALL COMPLY WITH ALL APPLICABLE CODES AND CAL OSHA.
10. PROVIDE ROSE BIBBS AT ROOF, LOCATIONS & INFORMATION PER PLUMBING DRAWING.

ROOF MATERIAL	FIRE-RETARDANT ROOF CLASSIFICATION	MFR	ICC/UL REPORT NUMBER	INSTALLED ASSEMBLY WEIGHT
TPO MEMBRANE	CLASS 'A', COLOR TO BE APPROVED EQUAL	US 790	ICC ESR-1463-2014	

KEY NOTES:

- 1001 ROOF ASSEMBLY: TPO MEMBRANE FULLY ADHERED O/ R-30 RIGID INSUL. O/ PLWOOD SHAPING (1001)
- 1002 ROOF DRAIN AND OVERFLOW DRAIN PER DETAIL (1002)
- 1003 METAL CLAD OVERFLOW (1003)
- 1004 LINE OF WALL BELOW (1004)
- 1005 ROOF ACCESS HATCH (1005)
- 1006 SHIPS LADDER (1006)
- 1007 SCUPPER DRAIN (1007)
- 1008 SPLASH PAN AT LOWER ROOF (1008)
- 1009 HORIZONTAL VENT LOUVER PER (1009)
- 1010 CRACKET AS REQUIRED TO MEET MINIMUM SLOPE 1/4" PER FT. TO DRAIN, TYPICAL ON CURBS FACING DRAIN FLOW (1010)
- 1011 ROOF VENT HOOD PER MECHANICAL (1011)
- 1012 SM COPING PAINTED TO MATCH WALL (1012)
- 1013 CONCEALED GUTTER @ CANOPY (1013)
- 1014 EXHAUST FAN COVER (1014)
- 1015 DRAIN LINE-BELOW SIDE - HOLD-TIGHT TO UNDERSIDE (1015)
- 1016 WOOD & CABLE GUARDRAIL TO 42" ABOVE ROOF (1016)



ARCHITECTS:
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GERHART RODRIGUES
SCOTT W. MCGILL



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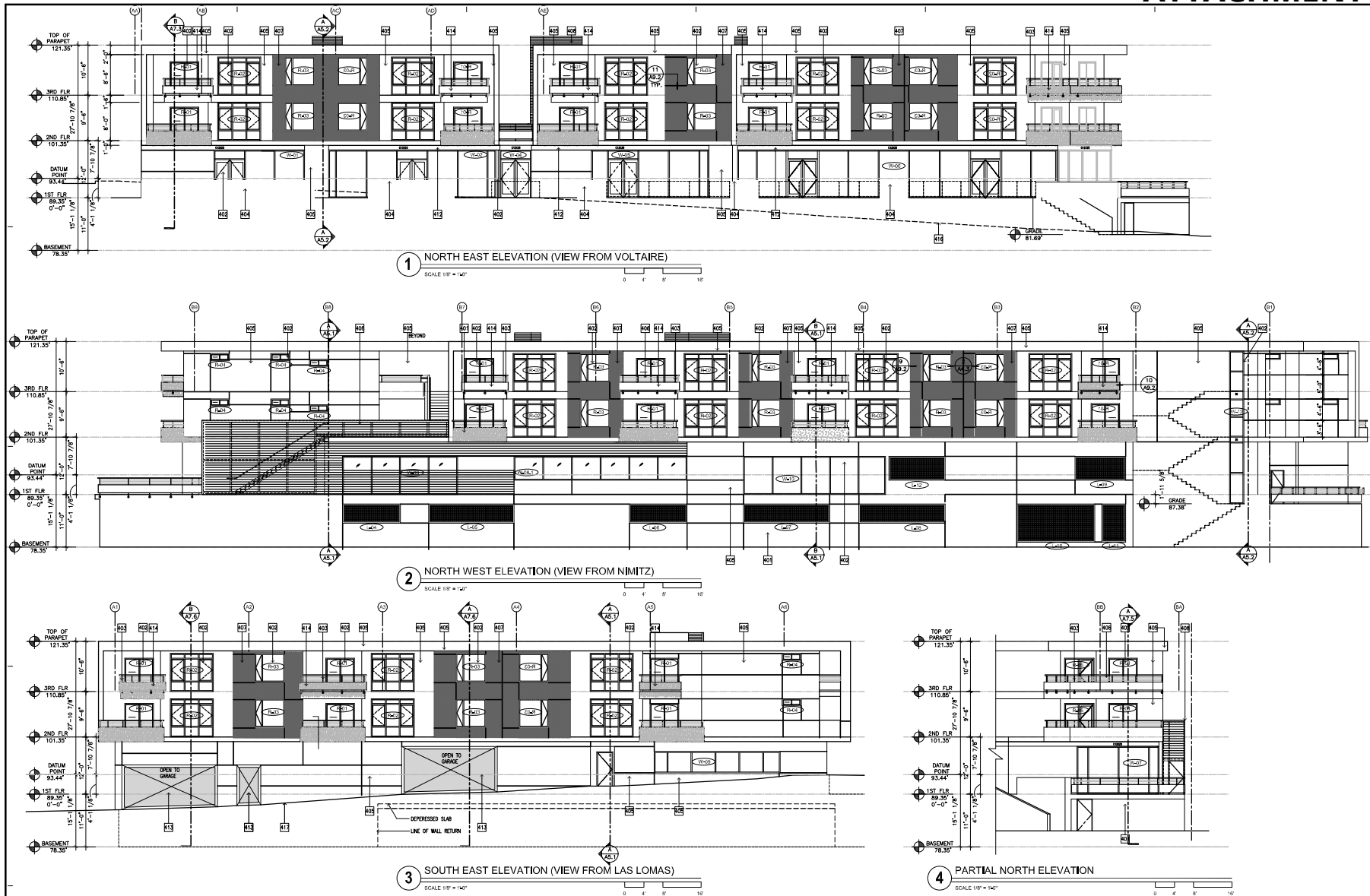
CONSULTANTS:

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PROJECT:
POINT PLAZA APARTMENTS
POINT LOMA SAN DIEGO, CA

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PROJECT NO.: 17-4203
SHEET TITLE:
BUILDING ROOF PLAN

SHEET NO.:
A1.4



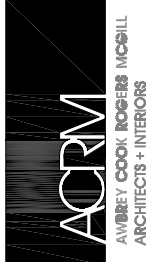
EXTERIOR ELEVATIONS KEYNOTES:

- AB.1 EXPOSED CONCRETE
- AB.2 ALUMINUM SUBROOF SYSTEM (SB 41 1.3, SEE WINDOW SCHEDULE ON SHEET AB.2)
- AB.3 PAINTED STEEL HANDRAIL PER STRUCT
- AB.4 CONCRETE PLANTER
- AB.5 EXTERIOR PLASTER SYSTEM (SB 24 00) O/ METAL LATH O/ BUILDING PAPER O/ PLWOOD O/ METAL STUDS
- AB.6 CABLE RAILING
- AB.7 COPPER CLAD PANELS (SB 42 10)
- AB.8 WOOD PLANK FINISH SYSTEM ACCORDA OR EQUAL: COLOR TBD
- AB.9 PLASTER CONTROL JOINT (AB.7)
- AB.10 3M CORING PAINTED TO MATCH PLASTER

- AB.11 PAINTED MET. DOOR OVERHANG (12 AB.2)
- AB.12 12" C-CHANNEL PAINTED MATCH STOREFRONT
- AB.13 PAINTED METAL GATE, FINISH: TBD
- AB.14 FIBER CEMENT PANELS (12 AB.2)
- AB.15 CABLE & WOOD CAP GUARDRAIL (11 AB.4)
- AB.16 EXISTING GRADE
- AB.17 NEW GRADE PER CIVIL

GENERAL NOTES - EXTERIOR ELEVATIONS

1. EXTERIOR SIGNAGE SHALL BE REVIEWED AND APPROVED UNDER A SEPARATE SIGN PERMIT.
2. DENOTES WINDOW TYPE. FOR ADDITIONAL INFORMATION, REFER TO WINDOW SCHEDULE ON SHEET AB.2.
3. DENOTES DOOR TYPE. FOR ADDITIONAL INFORMATION, REFER TO WINDOW SCHEDULE ON SHEET AB.2.
4. WOOD PLANK CLADDING: GLUED-IN 2" x 4" FLOOR WALL, 10.230 SF WOOD PLANK AREA: 978 SF = 9.42%



ARCHITECTS:
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C 17925
C 17984
C 21059



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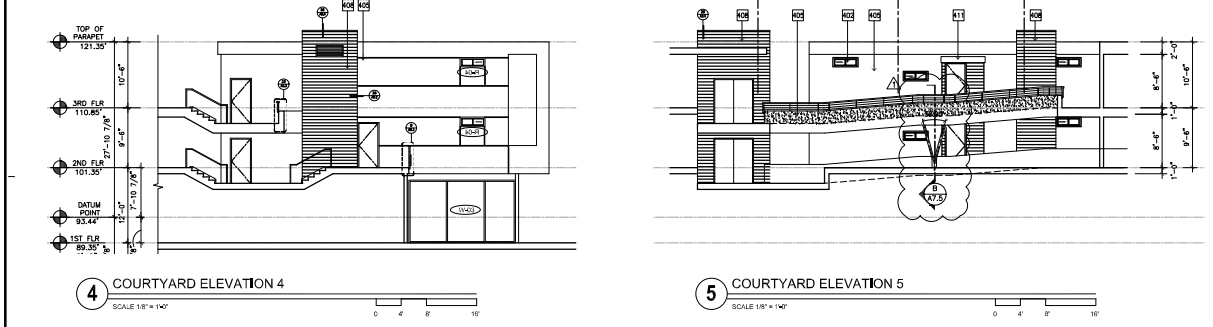
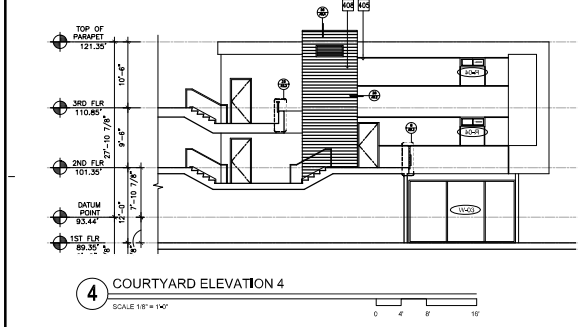
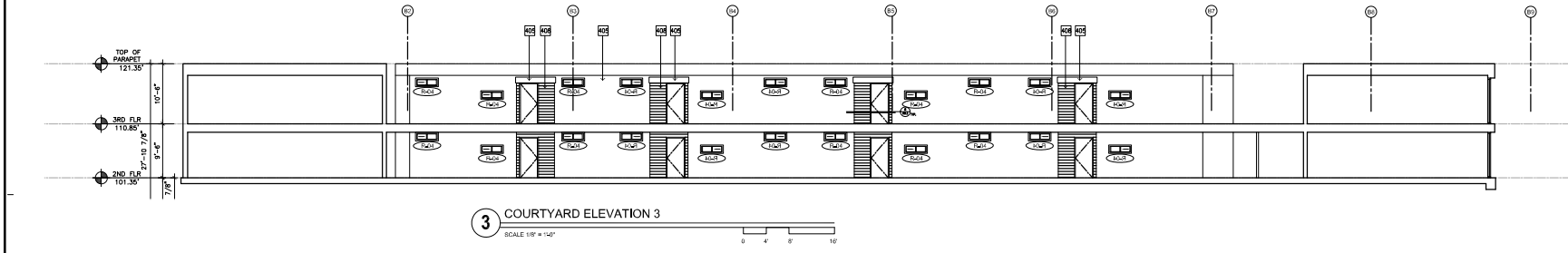
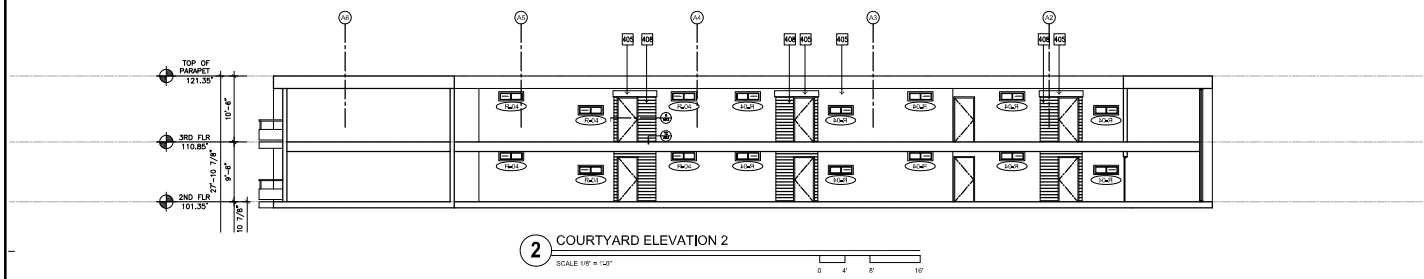
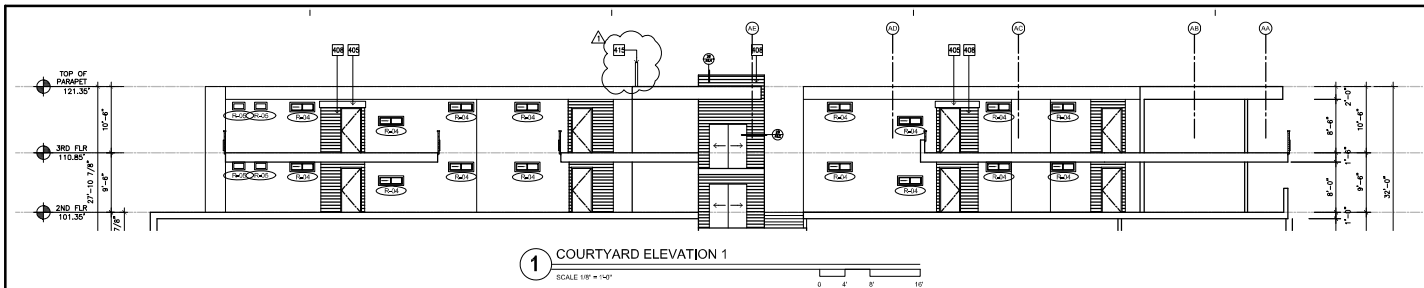
CONSULTANTS:

REVISIONS:
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PROJECT:
POINT PLAZA APARTMENTS
POINT LOMA SAN DIEGO, CA

DRAWN: KT, PK, DG
CHECKED: KT
DATE: 01-15-2015
PROJECT NO.: 17-4203
SHEET TITLE:
BUILDING ELEVATIONS

SHEET NO.:
A4.1



- EXTERIOR ELEVATIONS KEYNOTES:**
- 101 EXPOSED CONCRETE
 - 102 ALUMINUM STOREFRONT SYSTEM (08 41 13), SEE WINDOW SCHEDULE ON SHEET A8.2
 - 103 PAINTED STEEL HANDRAIL PER STRUCT
 - 104 CONCRETE PLANTER
 - 105 EXTERIOR PLASTER SYSTEM (09 24 00) O/ METAL LATH O/ BUILDING PAPER O/ PLYWOOD O/ METAL STUDS
 - 106 CABLE RAILING
 - 107 COPPER CLAD PANELS (07 42 10)
 - 108 WOOD PLANK FINISH SYSTEM ACCORDA OR EQUAL COLOR TBD
 - 109 PLASTER CONTROL JOINT (A8.2)
 - 110 SW COPING PAINTED TO MATCH PLASTER
 - 111 PAINTED WTL DOOR OVERHANG (A8.2)
 - 112 12" C-CORREL PAINTED MATCH STOREFRONT
 - 113 PAINTED METAL GATE: PATTERN TBD
 - 114 HIGH-CORREL PANELS (A8.2)
 - 115 CABLE & WOOD CAP GUARDRAIL (A8.4)

GENERAL NOTES - EXTERIOR ELEVATIONS

1. EXTERIOR SOURCE SHALL BE REVIEWED AND APPROVED UNDER A SEPARATE SIGN PERMIT.

101 DENOTES WINDOW TYPE. FOR ADDITIONAL INFORMATION, REFER TO WINDOW SCHEDULE ON SHEETS A8.2

102 DENOTES LUMBER TYPE. FOR ADDITIONAL INFORMATION, REFER TO WINDOW SCHEDULE ON SHEETS A8.2

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AWBREY COOK ROBERTS MCGILL ARCHITECTS
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CONSULTANTS:

REVISIONS:

PLAN CHECK SUBMITTAL 07/07/2017
RESUBMITTAL 09/26/2017

PROJECT:

POINT PLAZA APARTMENTS
POINT LOMA SAN DIEGO, CA

DRAWN: KT, PK, DG
CHECKED: KT
DATE: 01-15-2015
PROJECT NO.: 17-4203

SHEET TITLE:
BUILDING COURTYARD ELEVATIONS

SHEET NO.:
A4.2

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NIMITZ CROSSING TENANT
IMPROVEMENT B
3909 VOLTAIRE STREET, SAN DIEGO CA 92106

No.	Description	Date

Sheet Name
FIRST FLOOR
PLAN

161
Date 07/19/2021
Drawn by NR
Checked by NR
Sheet Number

A101

KEYNOTES	
NO.	DESCRIPTION
1	NEW CEILING MOUNTED, RECESSED PRESENTATION SCREEN.
2	NEW MANUAL INTERIOR ROLLER SHADES THROUGHOUT.
3	NEW FLORESTONE 30" x 66" ADA FIBERGLASS SHOWER.
4	NEW DISHWASHER.
5	NEW COUNTERTOP WITH UPPER AND LOWER CABINETRY.

FLOOR PLAN GENERAL NOTES

1. ALL WALLS TO BE 5/8" GWS W/ LEVEL 5 FINISH.
2. ALL INTERIOR PARTITIONS TO BE WALL TYPE (M010) 3-5/8" METAL STUDS, U-ON.
3. DIMENSIONS SHOWN ON PLANS ARE TO FACE OF EXTERIOR MASONRY, CONCRETE COLUMN OR GRID LINES AND FACE OF GWS UNLESS NOTED OTHERWISE OR DETAILED.
4. ALL ROOM AND AREA DIMENSIONS ARE CRITICAL AND SHOULD NOT CHANGE. ALL ROOM AND AREA DIMENSIONS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION. ANY DISCREPANCIES ARE TO BE REPORTED TO DESIGNER IMMEDIATELY.
5. ALL EXISTING WALL PENETRATIONS TO BE FIRE PROTECTED BY LANDLORD. ALL NEW WALL PENETRATIONS TO BE FIRE PROTECTED BY THE GENERAL CONTRACTOR. PENETRATIONS OF NON-RATED WALLS, PARTITIONS AND FLOORS OF NON-RATED COMBUSTIBLE CONSTRUCTION SHALL BE FIRE STOPPED WITH NON-COMBUSTIBLE MATERIALS. PENETRATION OF NON-RATED WALLS, PARTITIONS AND FLOORS OF COMBUSTIBLE CONSTRUCTION SHALL BE FIRE STOPPED. FIRE-STOPPING SHALL COMPLY WITH SPECIFICATIONS.
6. ALL JOINTS MUST BE FIRE TAPED, AS REQUIRED. EXPOSED WALLS WILL BE FINISHED WITH THREE (3) COATS OF JOINT COMPOUND AND SANDED SMOOTH, READY FOR PAINT.
7. GENERAL CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF ALL DISCIPLINES AND THE REQUIREMENTS NOTED ON ALL PLANS.
8. GENERAL CONTRACTOR IS TO RECEIVE APPROVAL FOR ALL FIELD CHANGES PRIOR TO IMPLEMENTATION FROM THE TENANT/OWNER.
9. REFER TO REFLECTED CEILING PLANS FOR ADDITIONAL INFORMATION.

FLOOR PLAN LEGEND

EXISTING WALL TO REMAIN

FULL HEIGHT WALL - REFER TO A500

(E) WINDOW FRAME

- EXTERIOR/INTERIOR DOOR
- DOOR PER DOOR SCHEDULE
- WINDOW PER WINDOW SCHEDULE
- WALL TYPE PER SHEET A500
- INDICATES NOT A PART, TYP.

FIRE RATING

1 HOUR FIRE RATED WALL

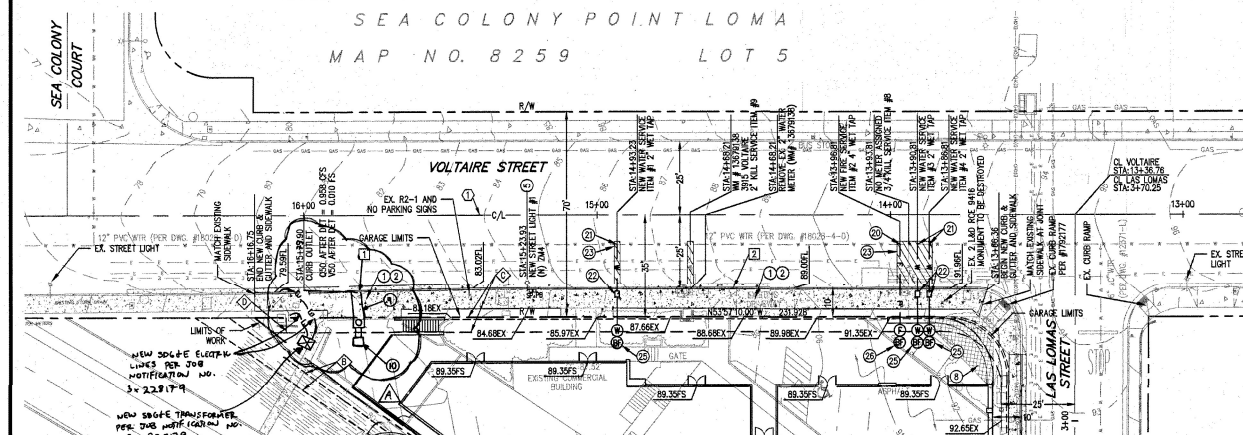
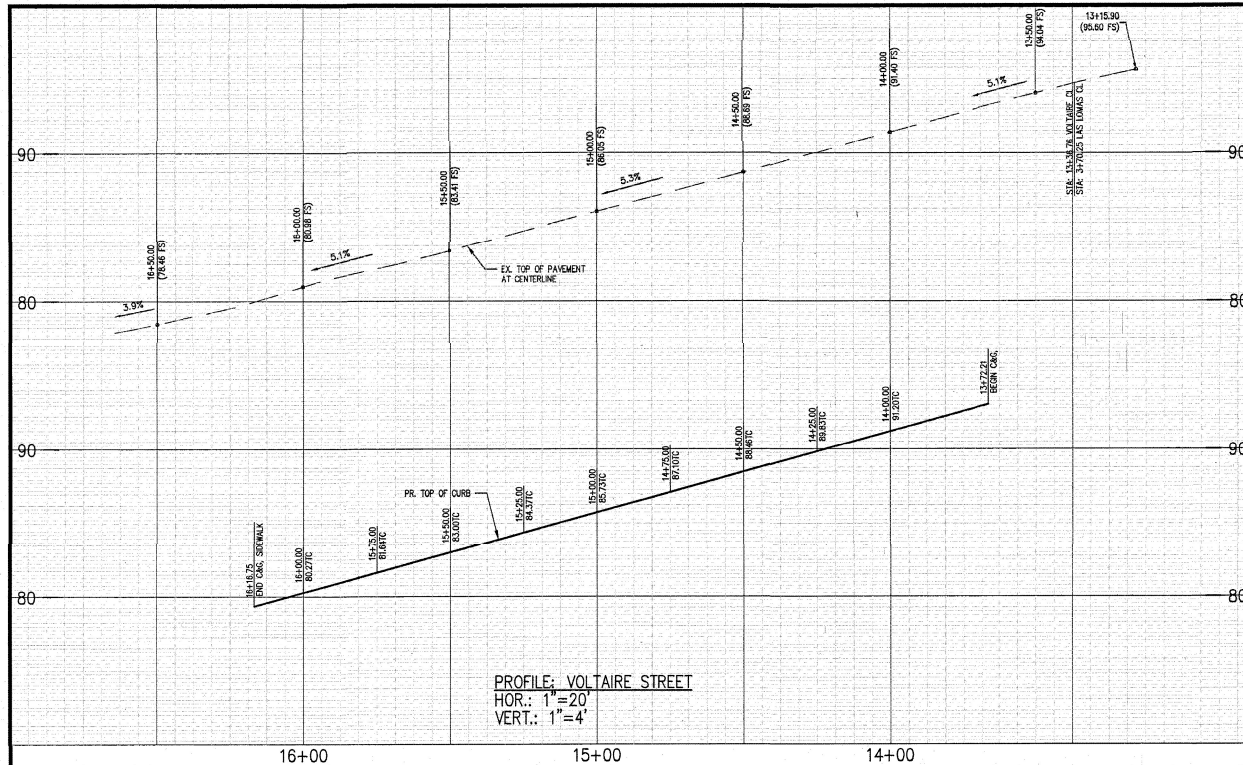
2 HOUR FIRE RATED WALL



1 FIRST FLOOR PLAN
Scale: 1" = 10'-0"

no changes- existing to remain" and "for information only

ATTACHMENT 11



Civil Landworks

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AGREEMENT DATA			
APPROVAL TYPE	DESCRIPTION	APPROVAL NO.	SEE SHEET NUMBER(S)
EMA	SHOWING AND TIE BACK	2020050	5-7, 8-12
EMA	UNDERGROUND GARAGE	2030008	5-7
EMA	PRIVATE CURB OUTLET	2030008	5-7

CURB DATA			
NO.	BEARING/Delta	RADIUS	LENGTH
(1)	N55°07'58.37"W	-	80.402'
(2)	N53°37'10.00"W	-	184.144'

CENTERLINE DATA			
NO.	BEARING/Delta	RADIUS	LENGTH
(1)	N53°37'10.00"W	-	244.53'

EASEMENTS:

- ◆ EARTH EXCAVATION OR EMBANKMENT, SLOPE OR SLOPES TO CITY OF SAN DIEGO RECORDED SEPTEMBER 19, 1957 PER BOOK 6752, PAGE 516
- ◆ EMBANKMENT SLOPE OR SLOPES TO CITY OF SAN DIEGO RECORDED SEPTEMBER 19, 1957 PER BOOK 6755, PAGE 324
- ◆ RESERVED FOR FUTURE STREET PER MAP NO. 4584, RECORDED JULY 11, 1960
- ◆ SDG&E TRANSMISSION AND DISTRIBUTION OF ELECTRICITY RECORDED MAY 5, 1976 AS DOCUMENT NO. 76-133013

CONSTRUCTION NOTES:

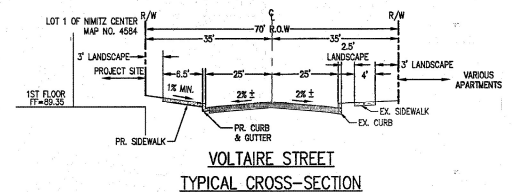
1. CLOSE EXISTING DRIVEWAY
2. CONSTRUCT CURB AND GUTTER AND SIDEWALK PER CITY OF SAN DIEGO STD. DWG. SDO-151 AND SDO-155
3. MAINTAIN EXISTING SIDEWALK SLOPING PATTERN AND PRESERVE ANY CONTRACTOR'S STAMP
4. CONSTRUCT CONCRETE DRIVEWAY PER CITY OF SAN DIEGO STD. DWG. SDO-159
5. CONSTRUCT MODULAR METAL PER DETAIL SHEET 3
6. CONSTRUCT STREET LIGHT PER CITY OF SAN DIEGO STD. DWG. SDO-101
7. REPLACE EXISTING CURB RAMP PER CITY OF SAN DIEGO STD. DWG. SDO-133 TYPE A
8. CONSTRUCT CONCRETE DRIVEWAY PER CITY OF SAN DIEGO STD. DWG. SDO-163
9. VISIBILITY TRIANGLES: NO OBSTACLES HIGHER THAN THIRTY SIX INCHES SHALL BE LOCATED IN THIS AREA
10. CONSTRUCT CURB OUTLET PER CITY OF SAN DIEGO STD. DWG. D-25
11. CONSTRUCT 3"X3" BROOKS BOX OR EQUIVALENT
12. INSTALL RED CURB, NO PARKING ZONE

UTILITY NOTES:

20. CONSTRUCT 4" FIRE SERVICE PER CITY OF SAN DIEGO STANDARDS
21. CONSTRUCT 2" WATER SERVICE PER CITY OF SAN DIEGO STANDARDS
22. CONSTRUCT 1.5" WATER METER PER CITY OF SAN DIEGO STANDARDS
23. TRENCH PER CITY OF SAN DIEGO STD. DWG. SDO-107
24. CONSTRUCT SEWER CLEANOUT PER CITY OF SAN DIEGO STD. DWG. SDO-103
25. CONSTRUCT BACKFLOW PREVENTER PER APOLLO RPLFA 1.5"
26. CONSTRUCT BACKFLOW PREVENTER PER APOLLO RPLFA 4A 4"

BUILDING PERMIT:

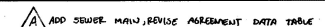
BUILDING PTS #665988



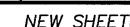
CAUTION!!
EXISTING UNDERGROUND UTILITIES AND FACILITIES SHOWN ON THESE PLANS HAVE BEEN OBTAINED FROM AVAILABLE RECORDS WHICH IN MOST CASES ARE SCHEMATIC PLANS. THESE PLANS MAY NOT REFLECT ALL EXISTING UTILITIES. EXACT LOCATION AND DEPTH OF EXISTING UTILITIES ARE UNKNOWN. SUBCONTRACTOR TO CONFIRM THE LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO START OF WORK, AND NOTIFY ENGINEER OF WORK OF ANY DISCREPANCIES.

PRIVATE CONTRACT			
IMPROVEMENT PLANS FOR:			
VOLTAIRE STREET			
LOT 1 NIMITZ CENTER MAP NO. 4584			
CITY OF SAN DIEGO, CALIFORNIA		I.D. NO.	
DEVELOPMENT SERVICES DEPARTMENT		PROJECT NO. 524782	
SHEET 5 OF 12 SHEETS		V.T.M.	
DESIGNER	DATE	APPROVED	DATE
ORIGINAL	CLW	DATE	10/18
AS-BUILT	CLW	DATE	8/26/18
CONTRACTOR		DATE STARTED	
INSPECTOR		DATE COMPLETED	
		40332-5-D	

AND TRANSFORMER, ADD ELECTRIC LINE, AND RELOCATE CURB OUTLET



~~ATTACHMENT 11~~



PLANTING NOTES:

REFER TO PLANTING SPECIFICATIONS AND DETAILS FOR SOIL PREPARATION, FERTILIZATION, MULCHING AND OTHER PLANTING INFORMATION.

NOTIFY OWNER'S AUTHORIZED REPRESENTATIVE 48 HOURS PRIOR TO COMMENCEMENT OF WORK TO COORDINATE PROJECT INSPECTION SCHEDULES.

VERIFY ALL EXISTING CONDITIONS, DIMENSIONS AND ELEVATIONS BEFORE PROCEEDING WITH THE WORK. NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY SHOULD FIELD CONDITIONS VARY FROM THOSE SHOWN ON PLAN.

REPORT DISCREPANCIES IN THE DRAWINGS OR BETWEEN THE DRAWINGS AND ACTUAL FIELD CONDITIONS TO THE LANDSCAPE ARCHITECT. CORRECTED DRAWINGS OR INSTRUCTION SHALL BE ISSUED PRIOR TO THE CONTINUATION OF THIS WORK. ASSUME FULL RESPONSIBILITY FOR ALL NECESSARY CORRECTIONS DUE TO FAILURE TO REPORT KNOWN DISCREPANCIES.

LOCATE ALL EXISTING UTILITIES WHETHER SHOWN HEREON OR NOT AND PROTECT THEM FROM DAMAGE. NOTIFY OWNER'S REPRESENTATIVE IMMEDIATELY AND ASSUME FULL RESPONSIBILITY FOR EXPENSE OF REPAIR OR REPLACEMENT IN CONJUNCTION WITH DAMAGED UTILITIES.

LOCATION OF N.I.C. CONSTRUCTION ELEMENTS SUCH AS LIGHTS, SIGNS, VENTS HYDRANTS, TRANSFORMERS, ETC. ARE APPROXIMATE. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY SHOULD THE LOCATION OF THESE ITEMS INTERFERE WITH THE PROPER EXECUTION OF WORK.

OBTAIN ALL SOIL FOR LANDSCAPE PLANTING AREAS OR BERMS FROM ON-SITE EXCAVATIONS. SHOULD IMPORT SOIL BE NECESSARY, SUBMIT IMPORT SOIL TESTING RESULTS FOR APPROVAL PRIOR TO IMPORTATION. SOIL SHALL BE SANDY LOAM CONTAINING NO TOXIC CHEMICALS OR ELEMENTS WHICH MAY INHIBIT OR RETARD NORMAL PLANT GROWTH.

AFTER ROUGH GRADES HAVE BEEN ESTABLISHED IN PLANTING AREAS, HAVE SOIL SAMPLES TAKEN AT THE LOCATIONS DESIGNATED. HAVE SAMPLES TESTED BY A CERTIFIED AGRONOMIC SOILS TESTING LAB. FOR SOIL FERTILITY, AGRICULTURAL SUITABILITY TEST AND SOIL PREPARATION RECOMMENDATIONS. TAKE TWO SAMPLES AT EACH LOCATION: (1) GROUND LEVEL TO 10" DEEP. (2) 24" TO 36" DEEP. EACH SAMPLE SHALL CONTAIN APPROXIMATELY 1 QUART OF SOIL TO BE LABELED PER LOCATION AND DEPTH. INSTALL SOIL PREPARATION AND BACK FILL MIX TO CONFORM TO THESE RECOMMENDATIONS ONLY UPON RECEIPT OF WRITTEN CHANGE ORDER FROM OWNER. SUBMIT SOIL REPORT TO LANDSCAPE ARCHITECT PRIOR TO PLANTING. IF LOCATIONS FOR SOILS TEST ARE NOT FOUND ON PLANS IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT THE LANDSCAPE ARCHITECT FOR SAID LOCATIONS PRIOR TO BEGINNING ANY WORK. FOR BID PURPOSES, PROVIDE SOIL PREPARATION AND BACKFILL BID BASED ON SOILS RECOMMENDATIONS REPORT PROVIDED BY OWNER.

KILL AND REMOVE ALL EXISTING WEEDS FROM SITE AREAS PER SPECIFICATIONS.

ASSURE POSITIVE DRAINAGE IN ALL PLANTING AREAS, 2% MINIMUM.

LOCATE AND TAG ALL PLANT MATERIAL. MATERIAL SHALL BE IN CONFORMANCE WITH PLANTING PLAN DESCRIPTIONS AND SPECIFICATIONS. ALL PLANT MATERIAL IS SUBJECT TO REVIEW AND APPROVAL PRIOR

TO INSTALLATION. PROVIDE PHOTOS OF REPRESENTATIVE EXAMPLES OF EACH TAGGED BLOCK TO LANDSCAPE ARCHITECT MINIMUM 21 DAYS BEFORE ANTICIPATED DELIVERY. PHOTOS SHALL INCLUDE A PERSON FOR SCALE PURPOSES. LANDSCAPE ARCHITECT MAY OPT TO REVIEW MATERIAL AT GROWING NURSERY. MATERIAL DELIVERED TO THE SITE MAY BE REJECTED BASED ON UNHEALTHFUL APPEARANCE OR NON CONFORMANCE WITH SPECIFICATIONS EVEN IF PREVIOUSLY REVIEWED BY THE LANDSCAPE ARCHITECT OR OWNER.

ALL TREES WITHIN A SPECIES SHALL HAVE MATCHING FORM.

FINAL LOCATION OF ALL PLANT MATERIALS SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE.

PLANTING QUANTITIES ARE GIVEN FOR CONVENIENCE ONLY. PLANT SYMBOLS AND SPECIFIED SPACING SHALL TAKE PRECEDENCE.

AT EDGES OF PLANTING AREAS, THE CENTER LINE OF THE LAST ROW OF SHRUBS AND/OR GROUND COVER SHALL BE LOCATED NO FARTHER FROM THE EDGE THAN ONE-HALF THE SPECIFIED ON-CENTER SPACING.

INSTALL GROUND COVER AND/OR SHRUB MASSES WITH TRIANGULAR SPACING UNLESS OTHERWISE INDICATED.

PROVIDE FERTILIZER TABLETS FOR EACH CONTAINER GROWN PLANT 1 GALLON AND LARGER PER SPECIFICATIONS.

FOR ALL TREES WITHIN 5'-0" OF PAVING, INSTALL ROOT BARRIER ALONG PAVING EDGE BY DEEP ROOT CORPORAION (800) 456-7600.

ALL CURVE TO CURVE AND CURVE TO TANGENT LINES SHALL BE NEAT, TRIM, SMOOTH AND UNIFORM.

REMOVE ALL NURSERY STAKES AND ESPALIER RACKS IMMEDIATELY AFTER INSTALLATION UPON PROVIDING SUPPORT PER PLAN.

LIST ON THE PLANT MATERIAL GUARANTEE ALL EXISTING TREES THAT HAVE HAD WORK PERFORMED WITHIN 6' OF TRUNK.

DURING THE LENGTH OF THE GUARANTEE PERIOD BE RESPONSIBLE FOR PROPER STAKING AND/OR GUYING OF TREES TO ENSURE STABILITY.

ROOT BARRIER NOTE:
NON-BIODEGRADABLE ROOT BARRIERS SHALL BE INSTALLED AROUND ALL NEW STREET TREES WITHIN 5' OF HARDSCAPE SURFACES.

MAINTENANCE RESPONSIBILITY:
MAINTENANCE: ALL REQUIRED LANDSCAPE AREAS SHALL BE MAINTAINED BY OWNER. LANDSCAPE AND IRRIGATION AREAS IN THE PUBLIC 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, DISEASED OR DEAD PLANT MATERIAL SHALL BE SATISFACTORILY TREATED OR REPLACED PER THE CONDITIONS OF THE PERMIT.

UTILITY SCREENING
ALL WATER, SEWER, AND GAS UTILITIES SHALL BE EFFECTIVELY SCREENED WITH PLANT MATERIAL AT THE TIME OF PLANT INSTALLATION.














PLANT MATERIAL NEAR SEWER LINES:
NO TREE OR SHRUB EXCEEDING 3' IN HEIGHT SHALL BE PLANTED WITHIN 10' OF ANY PUBLIC SEWER FACILITIES.

MULCHING NOTE:
ALL REQUIRED PLANTING AREAS SHALL BE COVERED WITH MULCH TO A MINIMUM DEPTH OF 3 INCHES, EXCLUDING SLOPES REQUIRING REVEGETATION AND AREAS PLANTED WITH GROUND COVER. ALL EXPOSED SOIL AREAS WITHOUT VEGETATION SHALL ALSO BE MULCHED TO THIS MINIMUM DEPTH.

PUBLIC RIGHT OF WAY:
ANY EXISTING CONCRETE STAMPS ON EXISTING R.O.W. CONCRETE SHALL BE PRESERVED IN PLACE.

GENERAL NOTE:
ALL LANDSCAPE AND IRRIGATION SHALL CONFORM TO THE STANDARDS OF THE CITY-WIDE LANDSCAPE REGULATIONS AND THE LANDSCAPE TECHNICAL MANUAL AND ALL OTHER LANDSCAPE RELATED CITY AND REGIONAL STANDARDS.

PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	CONT	CAL	MATURE H X S	FUNCTION	QTY
	ACACIA STENOPHYLLA SHOESTRING ACACIA	36 BOX		20' 30" X 10' - 20'	STREET TREE	4
	LYNDONBAINUS FLORIBUNDUS CATALINA IRONWOOD	24 BOX		30' - 50' X 30' - 50'	STREET TREE	10
SHRUBS	BOTANICAL / COMMON NAME	CONT	SPACING	MATURE H X S	FUNCTION	QTY
	AEONIUM ARBORESCENS 'ZWARTKOP' BLACK ROSE AEONIUM	24 BOX		3' X 2'		10
	FIGUS PUMILA CREEPING FIG	5 GAL		15' X 15'		7
	LOMANDRA HYSTRIX 'TROPIC BELLE' TROPIC BELLE MATT RUSH	5 GAL		3' X 3'		34
	MISCANTHUS SINENSIS 'ADAGIO' ADAGIO MANDEN GRASS	5 GAL		3' X 4'		52
	SENECIO CHASSISSIMUS VERTICAL LEAF SENECEO	15 GAL		2' X 3'		8
GROUND COVERS	BOTANICAL / COMMON NAME	CONT	SPACING	H X S	FUNCTION	QTY
	ACACIA REDOLENS 'DESERT CARPET' TM BANK CATCLAW	5 GAL	36" O.C.	2' X 12'		65
	ALOE VERA MEDICINAL ALOE	1 GAL	18" O.C.	2' X 3'		61
	BOUGAINVILLEA X 'ROSENKA' BOUGAINVILLEA	5 GAL	36" O.C.	2' X 3'		105
	CEANOTHUS GRISEUS 'HORIZONTALIS' 'YANKEE POINT' YANKEE POINT CALIFORNIA LILAC	5 GAL	4' O.C.	2' X 10'		36
	CRASSULA OVATA 'GOLLUM' CORAL JADE PLANT	5 GAL	24" O.C.	2' X 3'		37
	NEPETA X 'WALKER'S LOW' WALKER'S LOW CATMINT	1 GAL	24" O.C.	1' X 2'		80



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PRIVATE CONVEYANCE

PLANTING PLAN FOR

POINTE PLAZA MIXED USE

LOT 1 NIMITZ CENTER MAP NO. 4584

CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 21 OF 28 SHEETS		I.G. NO. PROJECT NO. 5247202
DESIGNER BY ORIGINAL	APPROVED DATE FILMED	V.T.M.
AS-BUILTS	DATE STARTED	1850-6257 NAD83 COORDINATES 210-1697 LAMBERT COORDINATES
CONTRACTOR	DATE COMPLETED	40332-21-D
INSPECTOR		

NEW SHEET