

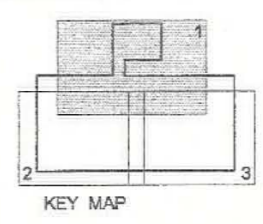
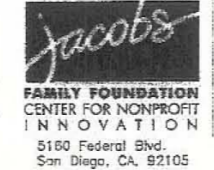
LANDSCAPE CONCEPT PLAN

MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA

FILE NAME: JPT-10-04-01 PLOT DATE: MAY 20, 1999 PLOT SCALE: 1"=30'-0"
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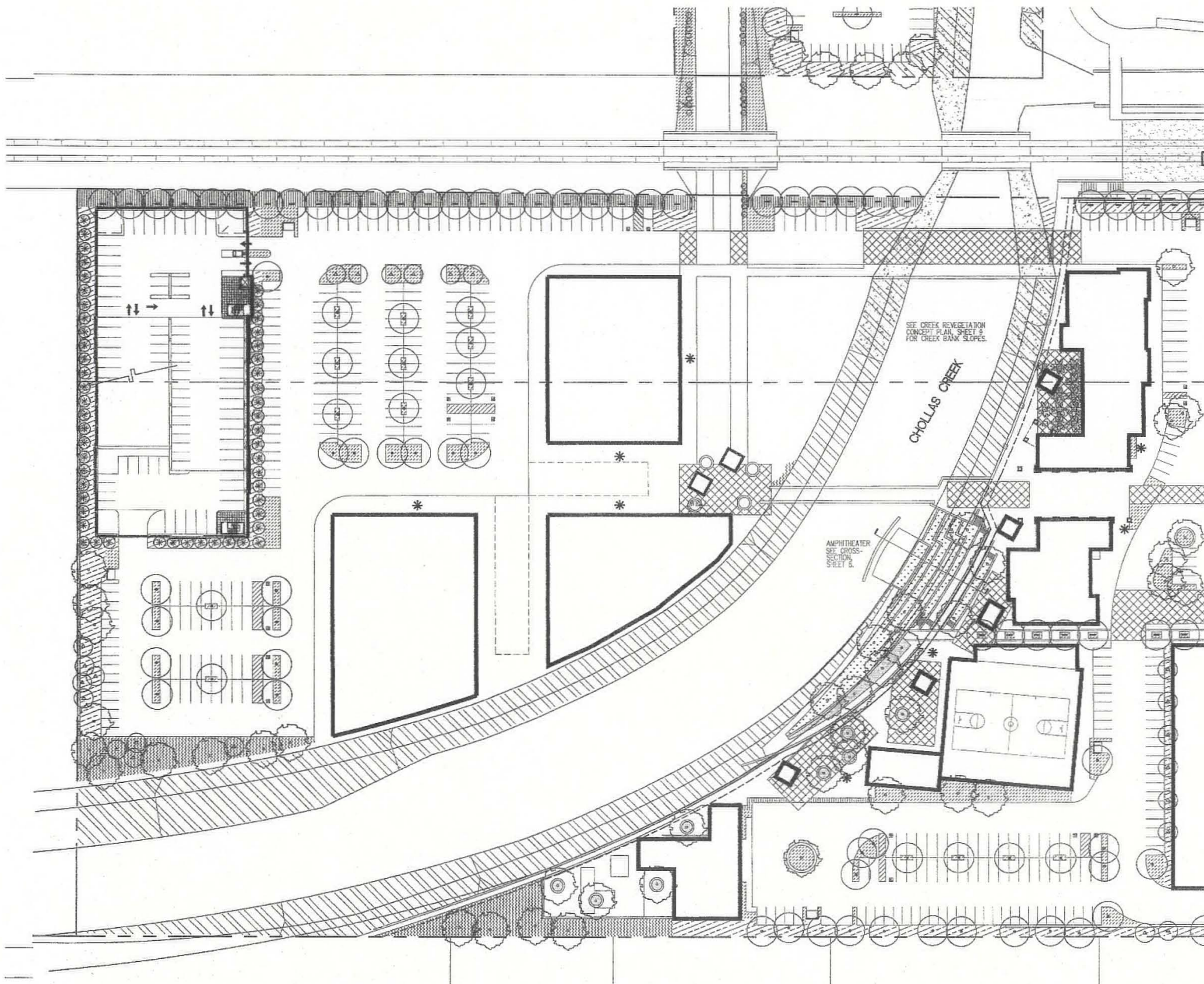
Project Address:
 4801 MARKET STREET and 310 EUCLID AVENUE
 SAN DIEGO, CA, 92114
 A.P.N. 948-020-24,12,13

Project Name:
 MARKET CREEK PLAZA
 SOUTH EAST SAN DIEGO, CA

Sheet Title:
 LANDSCAPE CONCEPT
 ENLARGEMENT

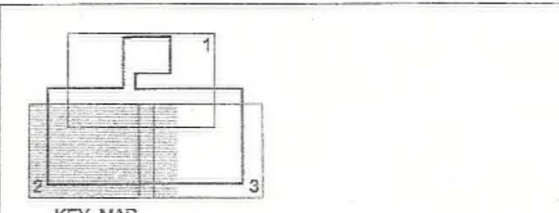
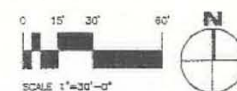
City Council 9-23-99
EXHIBIT "A"
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Revision 02:	_____
Revision 01:	MAY 21, 1999
Original Date:	FEB 6, 1999
Sheet	6 of 23
DEP#	_____



LANDSCAPE CONCEPT PLAN

MARKET CREEK PLAZA SAN DIEGO, CALIFORNIA



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Project Name: MARKET CREEK PLAZA
SOUTH EAST SAN DIEGO, CA

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Revision 01:	MAY 21, 1999
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City Council 1-28-99
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5/27/99, 7/7-99
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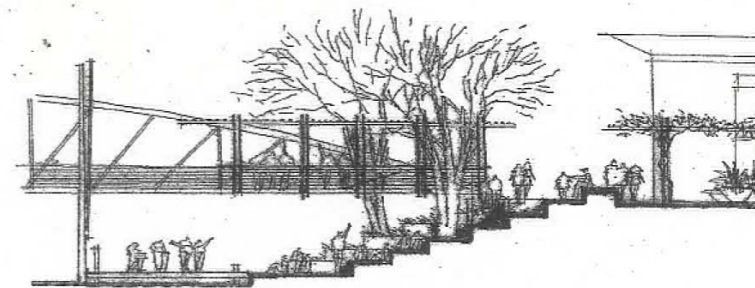
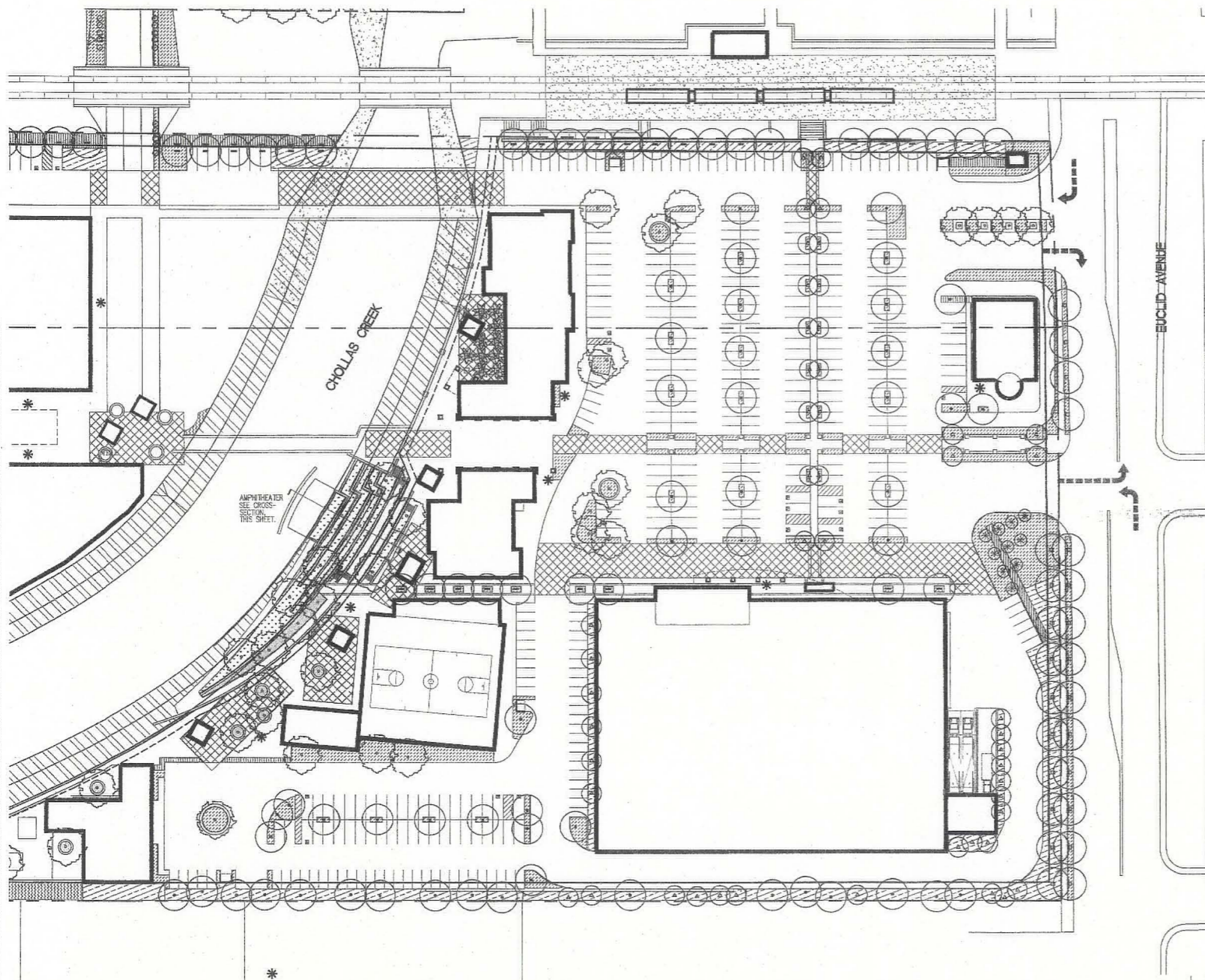
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FILE NAME: 877-10-1099 PLOT DATE: May 20, 1999 PLOT SCALE: (see title block)
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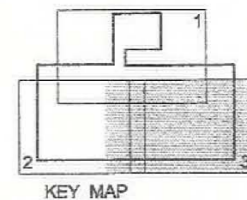




CROSS-SECTION AT AMPHITHEATER
NO SCALE

AMPHITHEATER DESCRIPTION

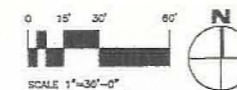
The proposed amphitheater is located on the east bank of Chollas Creek, taking full advantage of the topography. The amphitheater will seat approximately 400 people in the proposed terrace seating and around the plaza and pedestrian bridge. The amphitheater is designed to meld into the proposed enhanced Chollas Creek slopes, with the seating area stepping up the slope with a few scattered trees. The seating terraces will step up every two feet and be six feet in width, providing a large landscape seating area to encourage informal seating and space for families to sit. The amphitheater terraces will be covered by soft grass with the vertical slope being of acid material. The stage is of light material with the supports poles similar to a dock situation on water. The stage will sit at a designated elevation and when water flows it will rise with it. The stage will not touch the creek base but will have an air gap of approximately 18 inches in order to avoid a direct and permanent impact of the creek base. The screen will be mounted on an extension to the poles that support the stage. The screen is designed to be similar to a sail on a sailboat, of thick canvas that can be raised for movie showing, or other audio-visual presentations. The amphitheater will have night illumination from the stage poles and from the plazas above. The only proposed hardscape surfaces on the amphitheater are the handicapped ramp that accesses the stage and the stage itself.



KEY MAP

LANDSCAPE CONCEPT PLAN

MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA



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PLAT DATE: Feb. 3, 1999

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Project Address:	4981 MARKET STREET and 310 EUCLID AVENUE SAN DIEGO, CA, 92114 A.P.N. 548-210-24.12.13	Revision 13: _____
Project Name:	MARKET CREEK PLAZA SOUTH EAST SAN DIEGO, CA	Revision 12: _____
Sheet Title:	LANDSCAPE CONCEPT ENLARGEMENT	Revision 11: _____
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		Revision 02: _____
		Revision 01: MAY 21, 1999
		Original Date: FEB. 6, 1999
		Sheet 8 of 23
		DATE:

City Council 9-23-99
EXHIBIT "A"
#01/01/02 #01/01/06
#1-15-00

TREE LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	COVERAGE	SIZE
○	SALIX GOODINGII	WILLOW	80% COVER	1 GAL.
⊙	SAMBUCUS MEXICANA	BLUE ELDERBERRY	10% COVER	5 GAL.
⊕	POPULUS FREMONTII	FREMONT COTTONWOOD	10% COVER	15 GAL.
□	PLATANUS RACEMOSA	CALIFORNIA SYCAMORE	70% COVER	15 GAL.
*	QUERCUS AGRIFOLIA	COAST LIVE OAK	20% COVER	15 GAL.
●	PLATANUS RACEMOSA (PLANTED IN SOIL POCKETS OF RIP-RAP)	CALIFORNIA SYCAMORE	N/A	15 GAL.

NOTE: ALL SLOPES AND RIP-RAP SHALL BE HYDROSEED. TOP HALF OF SLOPE SHALL RECEIVE "UPPER SLOPES" MIX. LOWER HALF OF SLOPE SHALL RECEIVE "LOWER SLOPE" MIX. SEE HYDROSEED NOTES.

● RIP-RAP SYMBOL

HYDROSEED LEGEND — UPPER SLOPES

BOTANICAL NAME	COMMON NAME	LBS./ACRE
ARTEMISIA CALIFORNICA	CALIFORNIA SAGEBRUSH	1.5
BACCHARIS PILULARIS	COYOTE BRUSH	4.0
DIPLACUS PUNICEUS	COAST MONKEY FLOWER	1.5
ERIOGONUM FASCICULATUM	FLAT-TOPPED BUCKWHEAT	2.0
HAPPLGPAPPUS VENETUS	GOLDEN BUSH	2.0
LUPINUS SUCCULENTUS	LUPINE	2.0
TOTAL		13 LBS/ACRE

HYDROSEED LEGEND — LOWER SLOPES

BOTANICAL NAME	COMMON NAME	LBS./ACRE
ARTEMISIA DOUGLASSIANA	MUGWORT	2.0
ARTEMISA PALMERI	PALMER'S SAGEBRUSH	2.0
BACCHARIS SALICIFOLIA	MULEFAT	4.0
MUHLENBERGIA RIGENS	DEERGRASS	1.0
PLUCHEA PURPERASCENS	FLEABANE	1.5
TOTAL		10.5 LBS/ACRE

HYDROSEED OVER RIP-RAP, TYPICAL SEE HYDROSEED NOTES AND LEGEND

NATIVE RIPARIAN TREES LOCATED IN POCKETS WITHIN RIP-RAP — SHOWN WITH THIS SYMBOL (●) TYPICAL

HAND PLANTED TREES PER LEGEND HYDROSEED ALL SLOPES PER NOTES. SEE LEGEND.

HAND PLANTED TREES PER LEGEND HYDROSEED SLOPE PER NOTES

NOTE: SEE BIOLOGIST'S REVEGETATION PLAN REPORT FOR FURTHER INFORMATION.

SITE CLEANING AND PREPARATION

1. ALL TRASH, CONSTRUCTION DEBRIS AND GUNITE WASTE SHALL BE REMOVED FROM THE SITE.
2. ANY EXISTING DESIRABLE VEGETATION WITHIN PROJECT LIMITS SHALL BE AVOIDED AND LEFT UNDISTURBED. REMOVE EXOTIC SPECIES PER PROJECT MITIGATION REPORT, SUCH AS RINCINUS, TAMARIX, ARUNDO, CORTADARIA AND PENNISETUM.
3. CONTRACTOR SHALL PROTECT EXISTING VEGETATION OUTSIDE THE LIMITS OF GRADING AND SHALL BE RESPONSIBLE FOR REVEGETATION AND IRRIGATION, AT DIRECTION OF PROJECT BIOLOGIST, OF DISTURBED AREAS OUTSIDE OF DAYLIGHT LINES SHOWN ON GRADING PLANS.

HYDROSEED NOTES

4. FIBER MULCH SHALL BE DYED GREEN AND CONTAIN NO GERMINATION OR GROWTH INHIBITORS. IT SHALL BE A UNIFORMLY SUSPENDED HOMOGENEOUS SLURRY CONSISTING OF NECESSARY ADDITIVES, DYED GREEN, WHICH AFTER APPLICATION WILL ALLOW THE ABSORPTION OF MOISTURE AND PERCOLATION OF WATER TO THE UNDERLYING SOIL. MULCH SHALL BE APPLIED AT THE MINIMUM RATE SPECIFIED.
5. WETTING AGENT SHALL CONSIST OF NINETY-FIVE PERCENT ALKYL POLYETHYLENE GLYCOL ETHER OR EQUAL.
6. ALL SEED USED SHALL BE LABELED AND SHALL BE FURNISHED IN SEALED STANDARD CONTAINERS. SEED MUST BE CERTIFIED TO CONFORM TO THE FOLLOWING MINIMUM REQUIREMENTS: PURE LIVE SEED PERCENTAGE AS LISTED FOR EACH HYDROSEED MIX. QUANTITIES OF TOTAL LBS./ACRE ARE ONLY FOR THE CONVENIENCE OF THE CONTRACTOR.
7. PRIOR TO THE HYDROSEED APPLICATION THE CONTRACTOR SHALL: CALL FOR ON-SITE SEED/SLURRY SAMPLING FROM THE TANK BY PROJECT BIOLOGIST. OBTAIN FROM SEED SUPPLIER RECOMMENDATIONS FOR PRE-TREATMENT OF SEEDS DIFFICULT TO GERMINATE, AND SHALL PERFORM ACCORDING TO RECOMMENDATIONS.
8. EQUIPMENT USED FOR THE APPLICATION OF SLURRY SHALL HAVE A BUILT-IN AGITATION SYSTEM TO SUSPEND AND HOMOGENEOUSLY MIX THE SLURRY. THE EQUIPMENT MUST HAVE A PUMP CAPABLE OF APPLYING SLURRY UNIFORMLY.
9. ALL HYDROSEED AREAS SHALL BE TREATED AS FOLLOWS: THE SLOPE SURFACE TO BE HYDROSEED SHALL BE ROUGHENED OR RAKED PRIOR TO HYDROSEEDING. THE INTENT IS TO CREATE SMALL LEDGES, CRACKS AND CREVICES FOR SEEDS TO LODGE. RIP-RAP AREAS SHALL HAVE INTERLACED SOILS TO PROVIDE SUITABLE SUBSTRATE FOR HYDROSEED. PRIOR TO SEEDING, THE AREAS TO BE HYDROSEED SHALL BE THOROUGHLY MOISTENED.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RE-SEEDING (IF NECESSARY) IN ACCORDANCE WITH THE REVEGETATION PLAN BY PROJECT BIOLOGIST. RE-SEEDING SHALL BE PERFORMED AS REQUIRED TO ACHIEVE GERMINATION.

HANDPLANTING

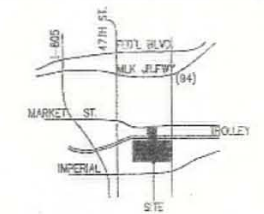
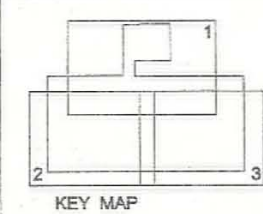
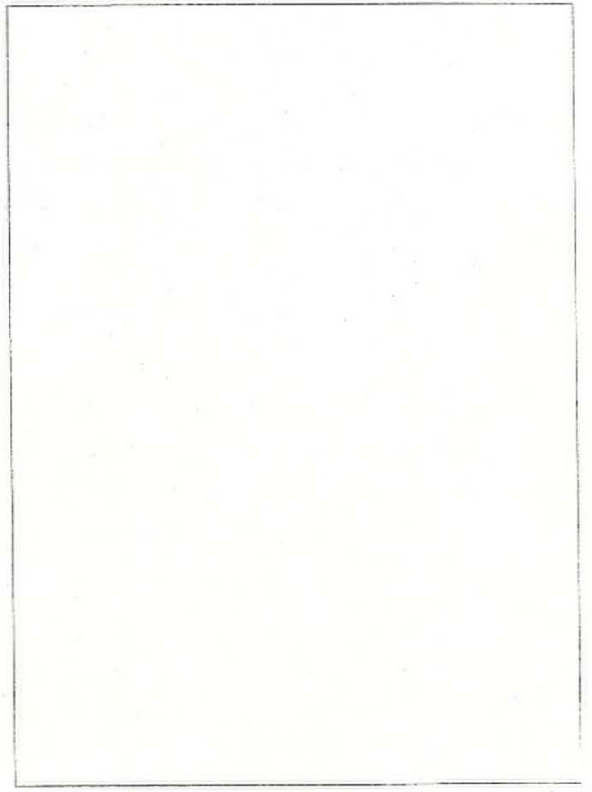
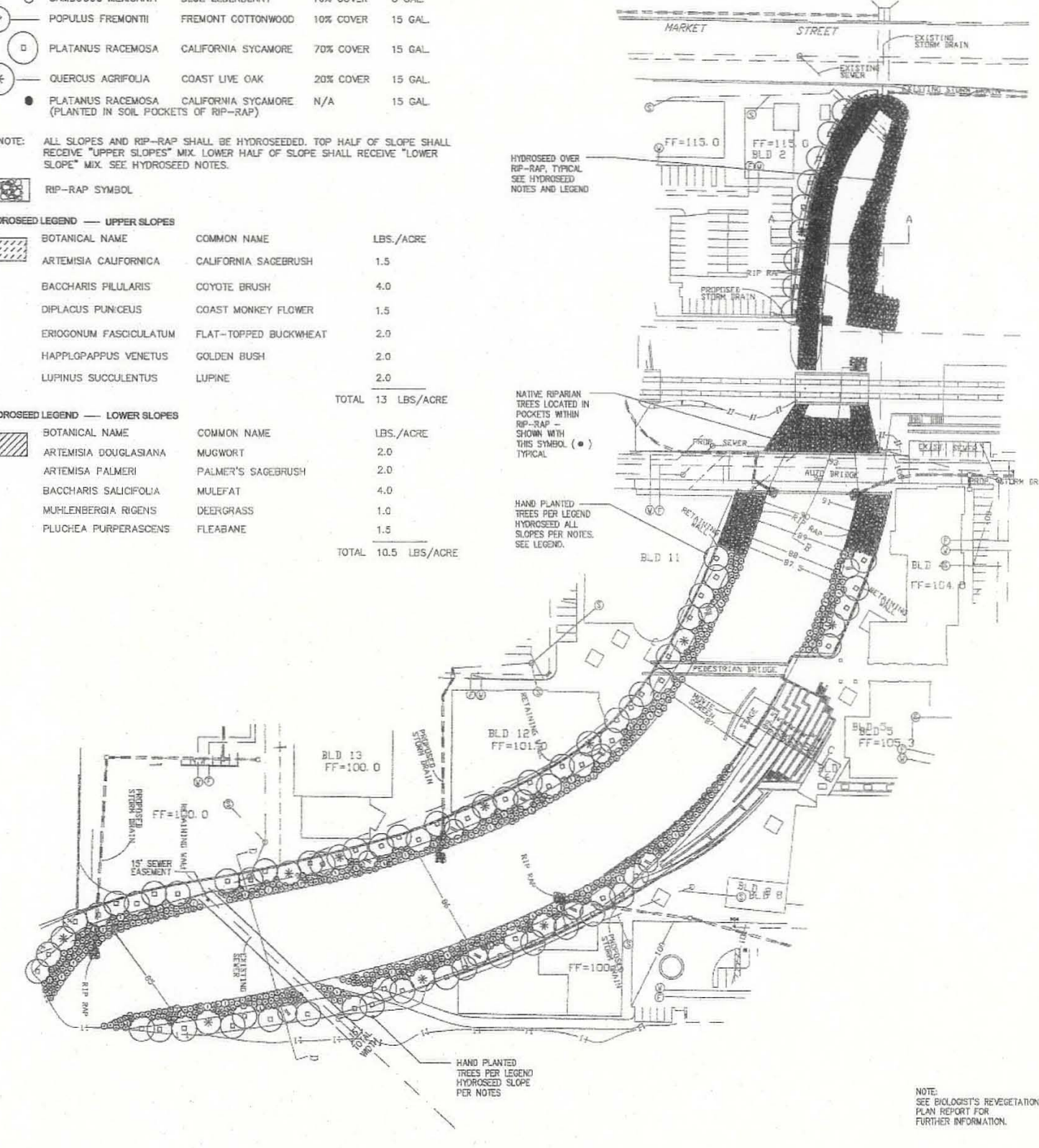
11. DIG PLANT HOLES TWICE AS DEEP AND WIDE AS PLANT CONTAINER.
12. FILL PLANTING HOLE WITH WATER AND ALLOW TO PERCOLATE INTO SUBSOIL.
13. ADD SOME NON AMENDED (NATIVE) BACKFILL SOIL TO HOLE AND PLACE PLANT SO THAT THE TOP OF ROOTBALL IS 1" HIGHER THAN THE SURROUNDING SOIL SURFACE.
14. FILL IN AROUND PLANT WITH NON AMENDED SOIL AND CREATE A BASIN AROUND PLANT WHICH IS EQUAL TO THE PLANT DIAMETER, WITH A 3" HIGH BERM.
15. FILL BASIN WITH WATER. ALLOW TO SOAK IN AND REPEAT.
16. SPREAD SHREDDED BARK MULCH IN BASIN, 2" DEEP AND FILL BASIN WITH WATER.
17. SECURELY PLACE WIRE (MAX. MESH SIZE OF 1") RINGS (OPEN AT TOP). APPROXIMATELY 1' - 2' HIGH, AROUND EACH PLANT TO PROVIDE PROTECTION FROM RABBITS. THESE WIRE RINGS MAY BE REMOVED AFTER ONE TO TWO YEARS DEPENDING ON GROWTH RATE.

GENERAL

18. PLANT MATERIALS SHALL BE SPOTTED APPROXIMATELY AS SHOWN ON THE DRAWINGS AND ARE TO BE APPROVED BY THE PROJECT BIOLOGIST BEFORE BEING REMOVED FROM CONTAINERS AND EXCAVATING SOIL FOR PLANTING.
19. ALL NURSERY TYING MATERIAL AND MARKING TAPES SHALL BE REMOVED AT THE TIME OF PLANTING. ALL PLANT MATERIAL SHALL BE DELIVERED TO THE SITE WITH THE FOLLOWING:
 - A. NURSERY TAG INDICATING GROWER NAME AND ADDRESS.
 - B. TAG INDICATING GENUS AND SPECIES OF PLANT.
20. THE MONITORING PERIOD WILL BEGIN ONLY UPON ACCEPTANCE OF THE COMPLETED PLANTED AREAS BY THE PROJECT BIOLOGIST.
21. CONTRACTOR SHALL BE RESPONSIBLE FOR PLANTING PLANT MATERIAL IN SIZES SPECIFIED. IF NECESSARY, CONTRACTOR SHALL MAKE ARRANGEMENTS TO CONTRACT GROW PLANT MATERIALS. NO MORE THAN 10% OF TOTAL HAND-PLANTED PLANT MATERIAL QUANTITIES SHALL BE SUBSTITUTED DURING THE COURSE OF THE PROJECT. ANY SUBSTITUTIONS SHALL BE APPROVED BY PROJECT BIOLOGIST.
22. CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES.
23. FOR TREES PLANTED IN RIP-RAP, OMIT ROCK AS REQUIRED TO PROVIDE 36" DIA. (+/-) AREA OF SOIL FOR TREE, PER FIELD DIRECTION OF BIOLOGIST OR LAND ARCHITECT.

IRRIGATION SYSTEM

ALL REVEGETATION AREAS SHALL BE IRRIGATED WITH SPRINKLERS CONTROLLED BY REMOTE CONTROL VALVES AND AN AUTOMATIC IRRIGATION COMPUTER CONTROLLER. IRRIGATION SYSTEM SHALL BE COMPOSED OF ROTOR-TYPE SPRINKLERS ON 12" POP-UP'S, WITH BELOW-GRADE LATERAL PVC PIPE. SPRINKLERS SHALL BE LOCATED AT THE TOP OF SLOPE, WITH LOW-ANGLE SPRINKLER NOZZLES FOR OPTIMUM WATER DISTRIBUTION WITH A MINIMUM OF FOGGING OR "OVER-SPRAY".



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A.P.N. 649-055-04, 12, 13

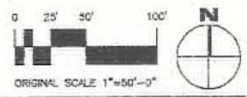
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SOUTH EAST SAN DIEGO, CA

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CREEK REVEGETATION CONCEPT PLAN

**MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA**



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Plant List

Symbol	Description & Botanical Name	Common name
	East / West Corridor Trees 100% 24" box or larger <i>Bauhinia blokeana</i> <i>Chorisia speciosa</i> <i>Jacaranda mimosifolia</i> <i>Spathodea campanulata</i>	Hong Kong orchid tree Floss silk tree Jacaranda African tulip tree
	Courtyard Trees 50% 24" box, 50% 36" box or larger, and 20' brown trunk height for Phoenix palms <i>Chorisia speciosa</i> <i>Cupressus sempervirens</i> <i>Phoenix dactylifera</i> <i>Platanus racemosa</i> <i>Quercus agrifolia</i> <i>Archontophoenix cunninghamiana</i>	Floss silk tree Italian cypress Date palm California sycamore Coast live oak King palm
	Streetscape Trees 30" box or larger <i>Platanus racemosa</i> <i>Tristania conferta</i>	California sycamore Brisbane box
	Parking Trees 100% 36" box or larger <i>Cupressus arborescens</i> <i>Tristania conferta</i> <i>Ulmus parvifolia</i>	Carrot wood Brisbane box Chinese elm
	Vertical Farm Trees 50% 36" box, 50% 24" box or larger <i>Bambusa oldhamii</i> (parking structure screen) <i>Bambusa tuloides</i> <i>Cupressus sempervirens</i> <i>Tristania conferta</i>	Ouhaini timber bamboo Burling pole bamboo Italian cypress Brisbane box
	Native Trees 100% 36" box or larger <i>Platanus racemosa</i> <i>Populus fremontii</i> <i>Quercus agrifolia</i>	California sycamore Fremont poplar Coastal live oak

Note: See design guidelines for plant types that are within areas of further development.

Plant List

Symbol	Description & Botanical Name	Common name
	Courtyard Understory Plantings Accent Plantings - 50% 5 gallon, 50% 1 gallon, 24"-48" on <i>Acorium arborescens</i> 'Zwartkop' <i>Agave parsonsii</i> <i>Aloe striata</i> <i>Anigraecanthus flavidus</i> <i>Bougainvillea cultivars</i> <i>Conna</i> - dwarf cultivars <i>Euphorbia trigone</i> <i>Plumeria rubra</i> 'White' <i>Sedum rubrotinctum</i> <i>Streptocarpus</i> <i>Tectaria chomocidys</i>	center average No common name Dwarf agave Coral Aloe Kangaroo paw Bougainvillea - shrub form and vine Dwarf conna Good luck plant White-flowering plumeria Pork-and-bacon Bird-of-paradise Germanoer
	Shrub and Groundcover Mix #1 Low plantings and taller screen shrubs - 50% 1 gallon and 50% 5 gallon, 36"-48" on center <i>Carissa</i> 'Boxwood Beauty' <i>Elaeagnus pungens</i> <i>Rosmarinus 'tuscan blue'</i> <i>Oreocarya 'noel'</i> <i>Leptospermum s. 'Helene Strybing'</i> <i>Plectanthes serpyllifolia</i> <i>Rhamnus californica</i> 'Eve Case'	Boxwood beauty Natal plum (dwarf) Silverberry Tuscan blue rosemary Noel grevillea Hybrid New Zealand tea tree No common name Eve Case coffeeberry (dwarf)
	Shrub and Groundcover Mix #2 Low Plantings - 50% 5 gallon, 50% 1 gallon, 42" on center average <i>Carissa</i> 'Boxwood Beauty' <i>Cotoneaster microphyllus</i> <i>Erigeron karwinskianus</i> <i>Gaura lindheimeri</i> <i>Ilex vomitoria</i> 'Nana' <i>Leptospermum s. 'Colman Glory'</i> <i>Plectanthes serpyllifolia</i> <i>Pittosporum crassifolium</i> 'Nana'	Boxwood beauty Natal plum (dwarf) Rockspray cotoneaster Santa Barbara daisy Gaura Dwarf yapon holly Hybrid dwarf New Zealand tea tree No common name Dwarf xero
	Native Plantings on Creek Banks See sheet 8 for creek restoration plantings. Restoration plantings have been determined through consultation with Project Biologist.	
	Shrub and Groundcover Mix #3 Low Transitional Plantings Adjacent to Creek, Irrigated - 50% 5 gallon, 50% 1 gallon, 42" o.c. average <i>Cotoneaster microphyllus</i> <i>Encelia californica</i> <i>Erigeron karwinskianus</i> <i>Erigeron fasciculatum</i> 'Dena point' <i>Gaura lindheimeri</i> <i>Muhlenbergia rigens</i> <i>Plectanthes serpyllifolia</i> <i>Rhamnus crocea</i> <i>Ribes speciosum</i>	Rockspray cotoneaster San Diego sunflower Santa Barbara daisy Dwarf hybrid flat-top buckwheat Gaura Desertgrass No common name Spiny redberry Fuchsia flowered gooseberry
	Parking Screen Planting (Mature heights of 30' minimum) <i>Carissa Tuttle</i> <i>Rosmarinus 'tuscan blue'</i> <i>Oreocarya 'Noel'</i> <i>Abelia grandiflora</i> 'Sherwood' <i>Escallonia 'Newport Dwarf'</i>	Tuttle's natal plum Tuscan blue rosemary Red grevillea Sherwood glossy abelia Newport escallonia
	Lawn Hybrid Tall Fescue blend - seed <i>Festuca Marathon 3</i> (or equal)	Dwarf-type tall fescue

LANDSCAPE CONCEPT:
The current Southeast San Diego Community plan and the Euclid PLACES Revitalization Plan were reviewed and this Conceptual Landscape Plan is sensitive to existing street trees at the MTDB Transit uses or Market, as well as the Malcolm X Library.

GENERAL NOTES:
1. All planting and irrigation to comply with the City of San Diego's Landscape Technical Manual (L.T.M.), Printed 10/89, Citywide Landscape Regulations (LR), and all other applicable city and regional standards for landscape installation and maintenance.
2. All areas not identified as paving, hardscape or building shall be planted and irrigated.

IRRIGATION NOTES:
1. All planted areas shall be served by a fully automatic irrigation system which will include moisture and rain sensing devices, and a backflow prevention unit to meet applicable health and safety codes and the City of San Diego's Landscape Technical Manual (L.T.M.), Printed 10/89.
2. The irrigation system will be a combination of conventional spray and drip circuits which will utilize low precipitation rate nozzles and low flow drip emitters.
3. The irrigation controller shall be located in a secure, weather resistant, vandal resistant, lockable enclosure or located within a structure.
4. Each circuit will be designed to balance the application of water, and to minimize run-off, over spray, and low head drainage.
5. Each circuit will be zoned according to sun / shade exposures, plant material water requirements, and slope gradients.

6. All trees 24" box size or larger to be individually irrigated with 2 bubbler heads. All trees 24" box size and smaller to be individually irrigated with 1 bubbler head. All shrub areas to be irrigated with pop-up spray heads. All lawn areas to be irrigated with pop-up rotor heads.
7. Below is a description of each planting zone with the location identified on the Conceptual Landscape Plan:

NATIVE CREEK SLOPE PLANTING will include a combination of permanent and temporary drip, spray heads and individual bubblers for very low precipitation rates. The drip system will be temporary and utilized long enough to establish healthy, vigorous native, drought tolerant shrubs and groundcovers (a minimum of two years). Large groundcover and shrub planting areas will be irrigated via spray and large trees will be irrigated by individual bubblers.

GROUNDCOVER MIXTURES (1-3) will include a combination of permanent spray heads and low flow drip emitters.

COURTYARD GARDENS will be maintained with permanent spray heads and low flow drip emitters in a more herbaceous, succulent manner with the lowest frequency of water of all the areas except creek slopes.

TRANSITIONAL PLANTINGS ADJACENT TO CREEK SLOPES will be maintained with permanent spray heads, bubblers and low flow drip emitters for the groundcover and shrub plants. Large trees will be irrigated by individual bubblers.

RECREATIONAL TURF will be irrigated by large rotary spray heads with low precipitation rates.

BRUSH MANAGEMENT NOTES:
No brush management is required per the L.T.M.

MAINTENANCE PROGRAM:
Description and activity / frequency
Palm and Courtyard Trees
These trees will be pruned in order to maintain a uniform habit and to allow for strong, primary branches to develop. Palms shall be pruned of any leaves which are at future risk of falling. If used, cypress trees will receive the minimum amount of maintenance to retain upright, columnar growth. Prune once per year during first 3 years, once per year thereafter.

Evergreen Shade Trees
Trees which fall into this category will be maintained in a naturalized, outspreading character and therefore will require little pruning or shaping to obtain outwardly scaffolding branches without low-hanging growth. After a number of years trees of this group may need selective thinning of dead wood and removal of lowest branches to maintain clearance of six to seven feet, in addition to the height of the understory material (assumed at 30'). Prune yearly for branching structure and remove dead and/or excessive wood every 3-5 years.

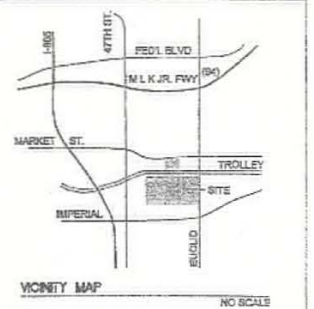
Deciduous trees
Trees which fall into this group that are planted as 24" box or smaller will be pruned to attain optimal branching strength and character. The regular, long term clearing of dead and excessive growth as described above for Evergreen Trees will also be implemented. Prune yearly for branching structure, remove dead and/or excessive wood every 3-5 years.

Vertical Trees
These trees (and timber type bamboos) have special requirements due to their natural habit of columnar or upright, festigiate growth. Bamboo will not require special training, except to remove any side branches that interfere with pedestrians or cars. Where used as screening, vertical trees shall remain full and dense, without undergoing unnecessary "thinning".

Shrub and Groundcover Mixtures / Courtyard Plantings
Shrubs and groundcovers will be maintained to achieve optimal flowering and natural character. Remove all dead growth and flower heads as necessary. Keep excessive growth off structures and trees. Prune two to four times a year, at most.

Native Slope Planting
Plants in this area will be maintained in a manner that will achieve a natural growth pattern as required for mitigation measures, to be outlined in Project biologist's Vegetation plan, while minimizing potential fire hazards by regularly removing dead wood.

Recreational Turf
Turf will be maintained as sod to 2" height and maintained as evergreen and drought tolerant. Mow and regularly.



LANDSCAPE CONCEPT PLAN

MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA

ARCHITECTURE PLANNING
402 Eighth Avenue
Suite A
San Diego, CA 92101
Tel 619 234-3769
Fax 619 234-2828

ANDREW SPURLOCK MARTIN POIRIER
Landscape Architects
317 North Avenue
San Diego, CA 92101
Tel 619 234-3769
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Prepared By: ANDREW SPURLOCK MARTIN POIRIER, LANDSCAPE ARCHITECTS, 917 NORTH AVENUE, SAN DIEGO, CA 92101, TEL. 619-234-3769, FAX 619-234-2828

Project Address: 4301 MARKET STREET and 310 EUCLID AVENUE, SAN DIEGO, CA, 92114, A.P.N. 542-220-24, 12, 13

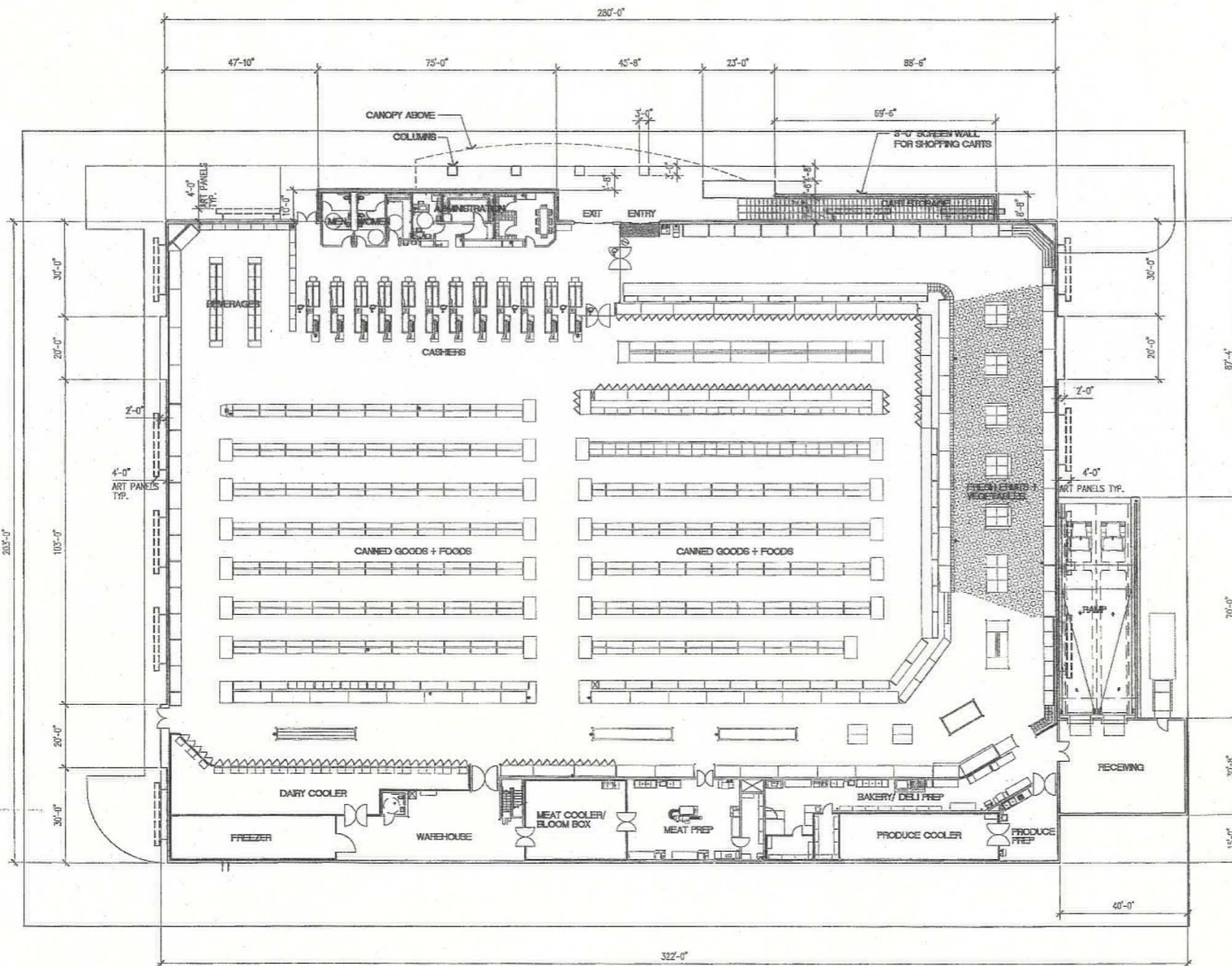
Project Name: MARKET CREEK PLAZA, SOUTH EAST SAN DIEGO, CA

Sheet Title: LANDSCAPE CONCEPT PLAN, LEGENDS AND NOTES

City Council 9-29-99
EXHIBIT "A"
100101, 100102, 100103, 100104, 100105

Revision 14: _____
Revision 13: _____
Revision 12: _____
Revision 11: _____
Revision 10: _____
Revision 09: _____
Revision 08: _____
Revision 07: _____
Revision 06: _____
Revision 05: _____
Revision 04: _____
Revision 03: _____
Revision 02: _____
Revision 01: MAY 21, 1999
Original Date: FEB. 3, 1999
Sheet 10 of 23
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FLOOR PLAN

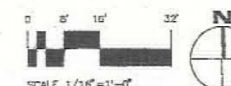
GROSS AREA: 57,590 S.F.

NOTES:

- 1) FLOOR PLAN PROVIDED IS CONCEPTUAL AND MAY VARY WHEN SUBMITTED FOR CONSTRUCTION PERMITS
- 2) SEE ELEVATIONS FOR OFF SETTING PLANES REQUIREMENT PROPOSAL

MARKET - FLOOR PLAN

MARKET CREEK PLAZA SAN DIEGO, CALIFORNIA



February 5, 1999

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4861 MARKET STREET and 310 EUCLID AVENUE
SAN DIEGO, CA 92114
A.P.N. 546-220-24, 12, 13

Project Name:
MARKET CREEK PLAZA
SOUTH EAST SAN DIEGO, CA

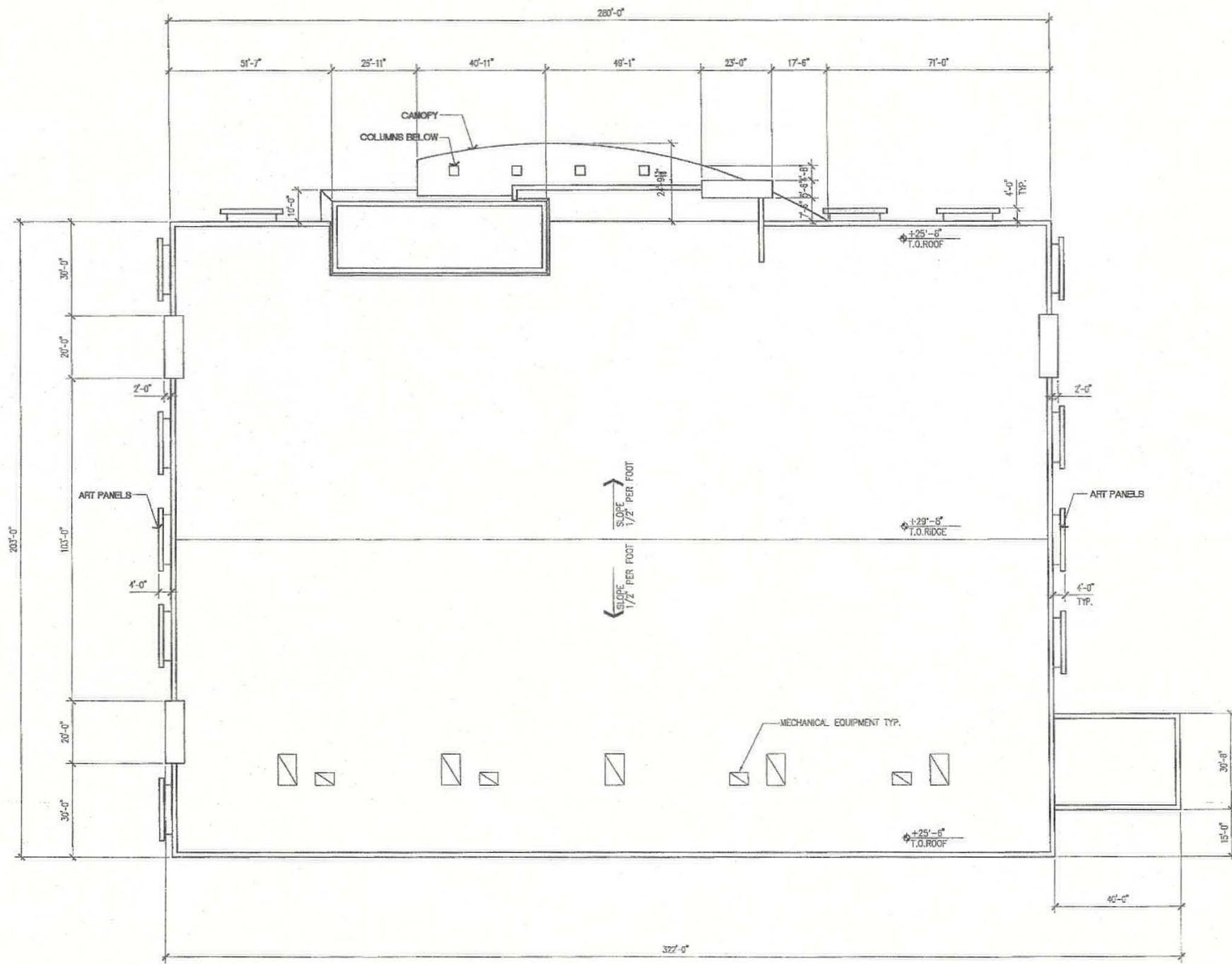
Sheet Title:
MARKET - FLOOR PLAN



5150 Federal Blvd.
San Diego, CA, 92105

City Council 9-28-99
EXHIBIT "A"
10/10/99 99-0166
[Signature]

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Original Date:	February 5, 1999
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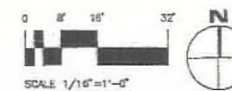
ROOF PLAN

NOTE:

- 1) ALL MECHANICAL EQUIPMENT MOUNTED ON ROOF SHALL BE SCREENED TO PEDESTRIAN VIEW.
- 2) SEE ELEVATIONS FOR ROOF HEIGHTS.
- 3) ROOF PLAN PROVIDED IS CONCEPTUAL AND MAY VARY WHEN SUBMITTED FOR CONSTRUCTION PERMITS.

MARKET - ROOF PLAN

MARKET CREEK PLAZA SAN DIEGO, CALIFORNIA



February 5, 1999



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SAN DIEGO, CA 92114
A.P.N. 548-220-24, 12, 13

Project Name:
MARKET CREEK PLAZA
SOUTH EAST SAN DIEGO, CA

Sheet Title:
MARKET - ROOF PLAN

City Council 4-28-99
EXHIBIT "A"
3/20/99 / 4/20/99 / 8/15/99
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Revision 12	_____
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Original Date	February 5, 1999
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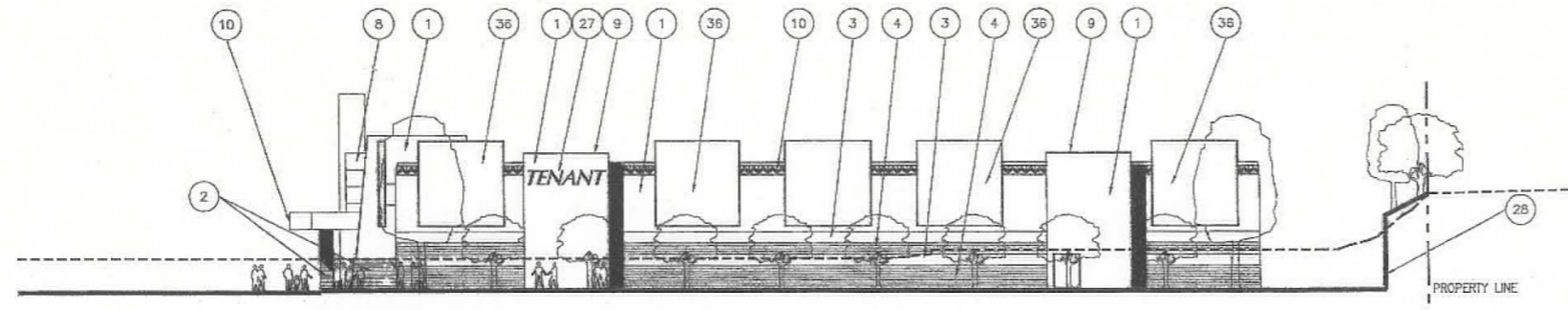
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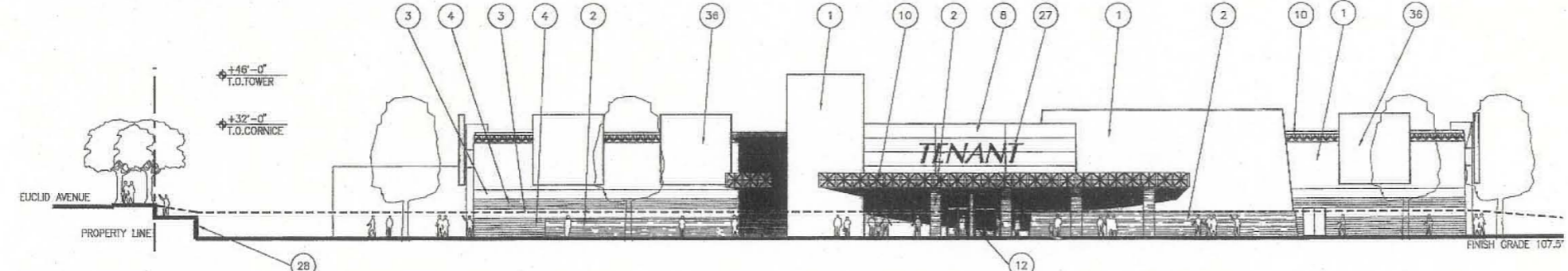
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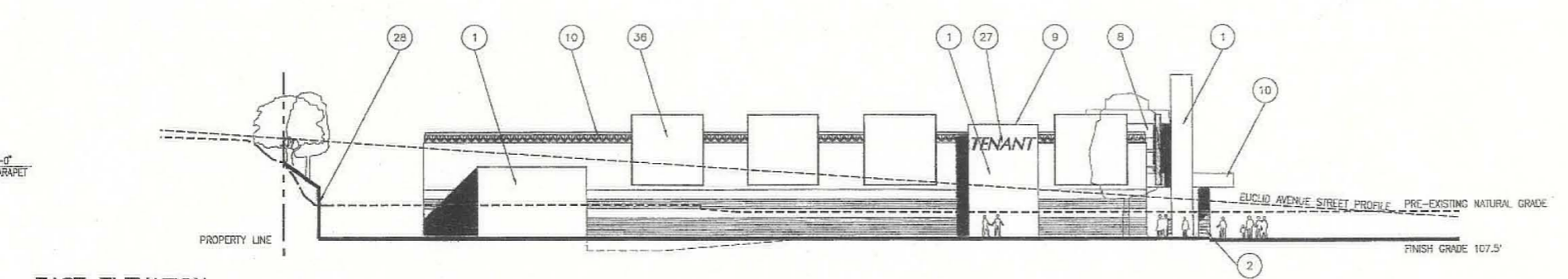
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6. PAINTED E.L.F.S (ROUGH)
7. PAINTED CONCRETE
8. METAL PANEL SIDING
9. PREFINISHED METAL COPING
10. FOAM DECORATIVE FRIEZE W/PAINTED E.L.F.S.
11. METAL CORNICE
12. ALUMINUM STOREFRONT W/CLEAR GLASS
13. BRONZE ALUMINUM STOREFRONT W/ TINTED GLASS
14. SLATE VENEER
15. SANDSTONE VENEER
16. ACCENT TILE (PATTERNED)
17. PRECAST CONCRETE CAP
18. ALUMINUM CANOPY
19. ALUMINUM CANOPY W/WOOD JOISTS
20. CANVAS AWNING W/METAL SUPPORTS
21. PAINTED METAL TRELLIS W/WOOD JOISTS
22. PAINTED METAL FRAME
23. PAINTED METAL GUARDRAIL
24. TENT STRUCTURE
25. BLADE SIGNAGE (CANVAS/METAL)
26. METAL LIGHT (SCONCE)
27. TENANT SIGNAGE (SEE SIGN PROGRAM)
28. RETAINING WALL
29. PEDESTRIAN BRIDGE
30. VEHICULAR / PEDESTRIAN BRIDGE
31. AMPHITHEATER
32. PROJECTION ROOM KIOSK
33. OUTDOOR MOVIE SCREEN
34. METAL ROOF
35. CHOLLAS CREEK PEDESTRIAN CORRIDOR
36. ART PANELS



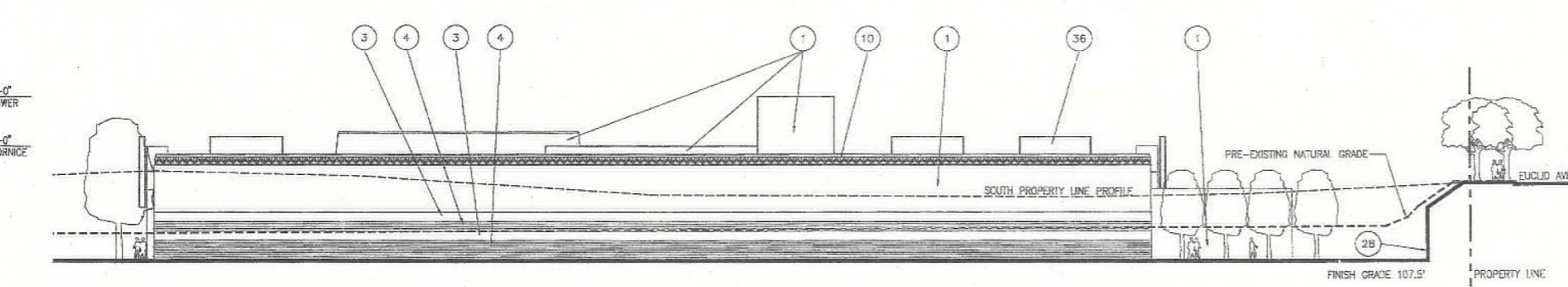
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ELEVATION FROM MULTIPURPOSE BUILDING



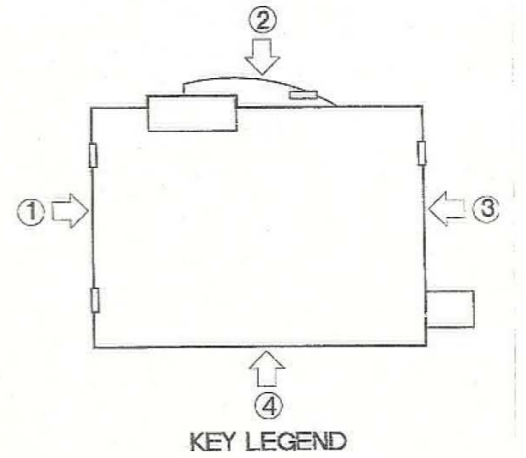
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PARKING LOT ELEVATION



3 EAST ELEVATION
EUCLID AVENUE ELEVATION



4 SOUTH ELEVATION
BACK ELEVATION

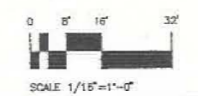


KEY LEGEND

NOTE:
ELEVATIONS PROVIDED ARE CONCEPTUAL AND MAY VARY WHEN SUBMITTED FOR CONSTRUCTION PERMITS. SEE DESIGN GUIDELINES FOR ADDITIONAL REFERENCE.

MARKET ELEVATIONS

**MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA**



February 5, 1999

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Project Address:
4981 MARKET STREET and 310 EUCLID AVENUE
SAN DIEGO, CA 92114
A.P.N. 548-029-02, 12, 13

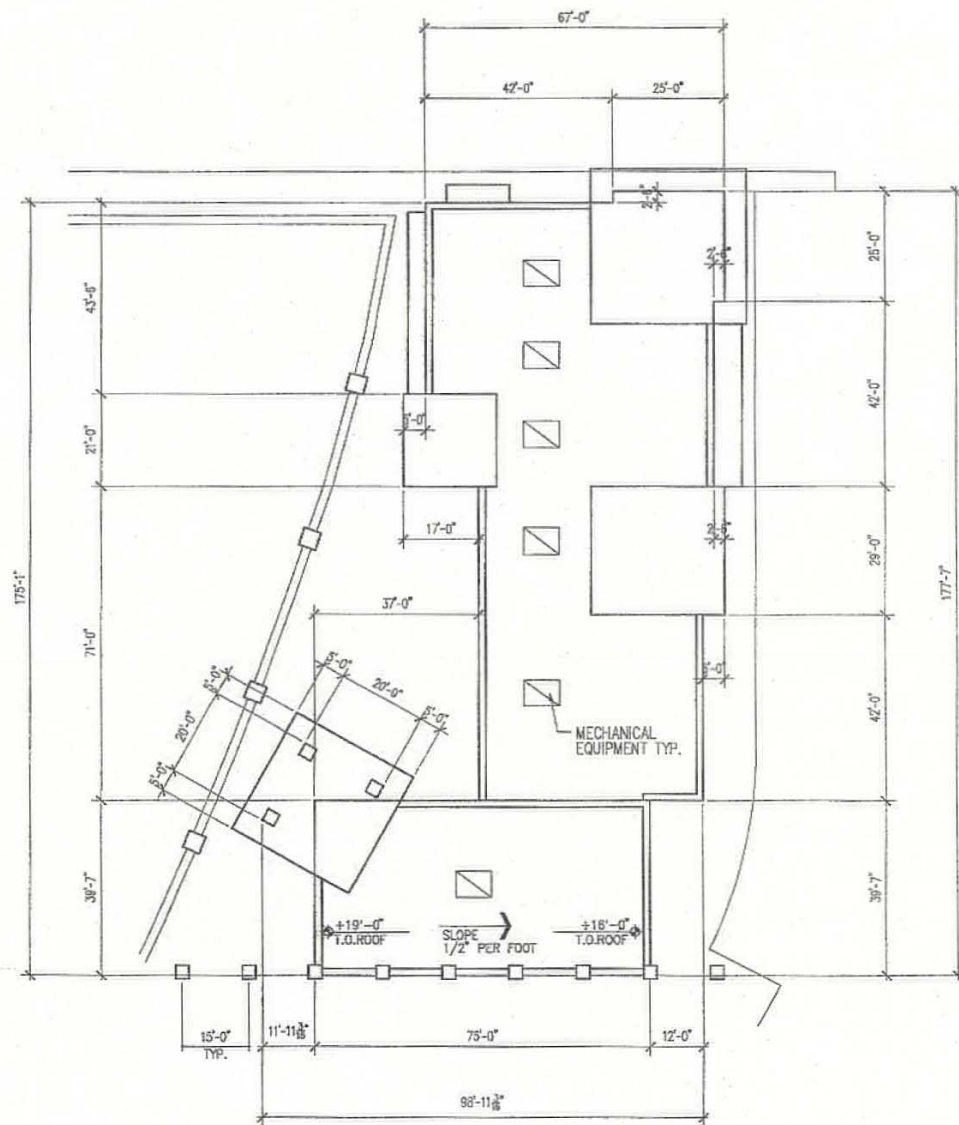
Project Name:
MARKET CREEK PLAZA
SOUTH EAST SAN DIEGO, CA

Sheet Title:
MARKET - ELEVATIONS

Revision 14:	_____
Revision 13:	_____
Revision 12:	_____
Revision 11:	_____
Revision 10:	_____
Revision 09:	_____
Revision 08:	_____
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Revision 05:	_____
Revision 04:	_____
Revision 03:	_____
Revision 02:	_____
Revision 01:	May 21, 1998
Original Date:	February 5, 1999
Sheet	13 of 23
DEPS:	_____

City Council 9-28-99
EXHIBIT "A"
55019/REV 99-0106
John F. Felt

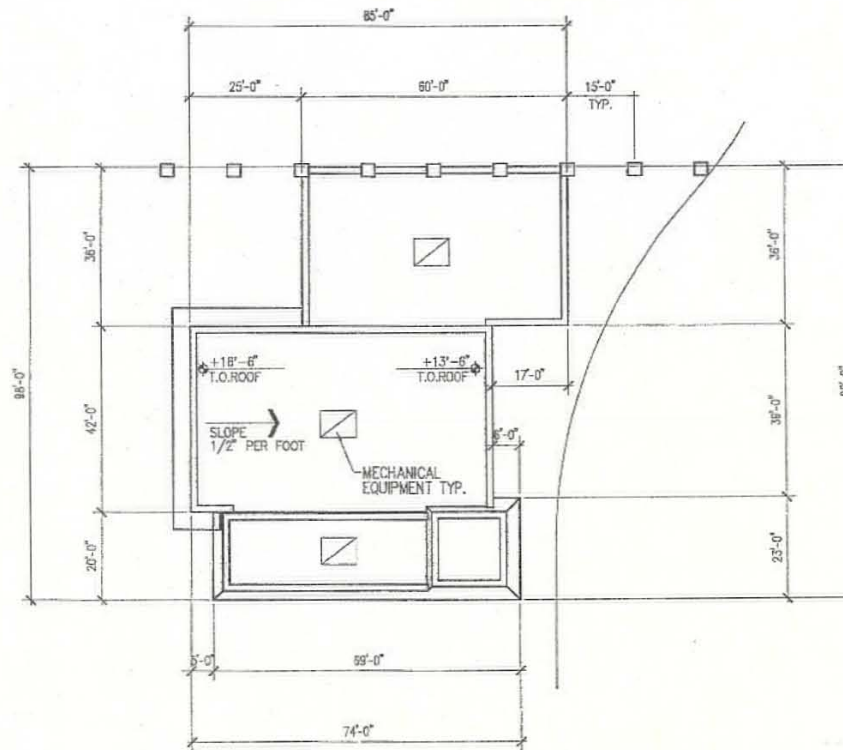
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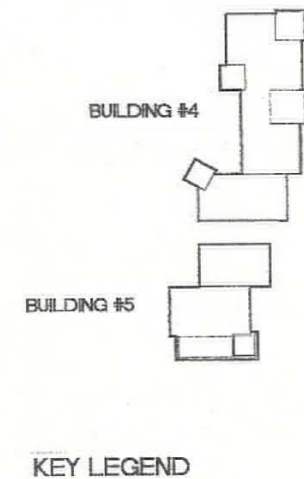
A RETAIL BUILDING #4 - ROOF PLAN

NOTE:

- 1) ALL MECHANICAL EQUIPMENT MOUNTED ON ROOF SHALL BE SCREENED TO PEDESTRIAN VIEW.
- 2) SEE ELEVATIONS FOR ROOF HEIGHTS.
- 3) ROOF PLAN PROVIDED IS CONCEPTUAL AND MAY VARY WHEN SUBMITTED FOR CONSTRUCTION PERMITS.



B RETAIL BUILDING #5 - ROOF PLAN



RETAIL BUILDINGS #4, #5 - ROOF PLANS



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Tel 619 594-0169
Fax 619 594-6596

**MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA**

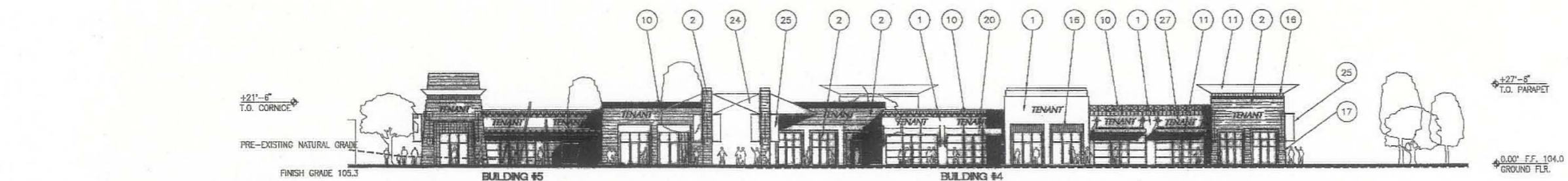
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San Diego, CA, 92105
PH: (619) 577-2121

Prepared By:	FEHLMAN LEWIS, ARCHITECTURE & PLANNING 452 EIGHTH AVENUE, SUITE 'A' SAN DIEGO, CA 92101 TEL 619-234-0709 FAX 619-234-0106	Revision 14:	_____
Project Address:	4991 MARKET STREET and 310 EUCLID AVENUE SAN DIEGO, CA, 92114 A.P.N. 948-020-04, 12, 13	Revision 13:	_____
Project Name:	MARKET CREEK PLAZA SOUTH EAST SAN DIEGO, CA	Revision 12:	_____
Sheet Title:	RETAIL BUILDINGS #4, #5 ROOF PLANS	Revision 11:	_____
		Revision 10:	_____
		Revision 09:	_____
		Revision 08:	_____
		Revision 07:	_____
		Revision 06:	_____
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		Revision 04:	_____
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		Revision 01:	May 21, 1999
		Original Date:	February 5, 1999
		Sheet	14 of 23
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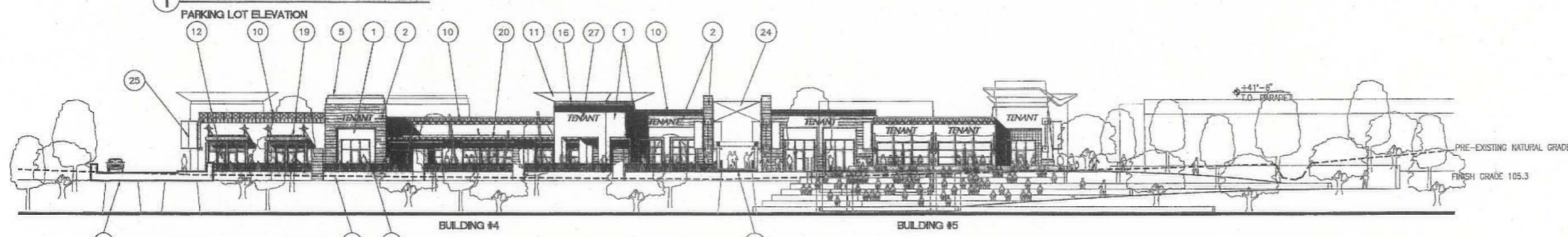
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4/20/99 11:00
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MATERIAL LEGEND

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3. C.M.U. PRECISION BLOCK
4. C.M.U. SPLIT FACE
5. PAINTED E.L.F.S (SMOOTH)
6. PAINTED E.L.F.S (ROUGH)
7. PAINTED CONCRETE
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36. ART PANELS

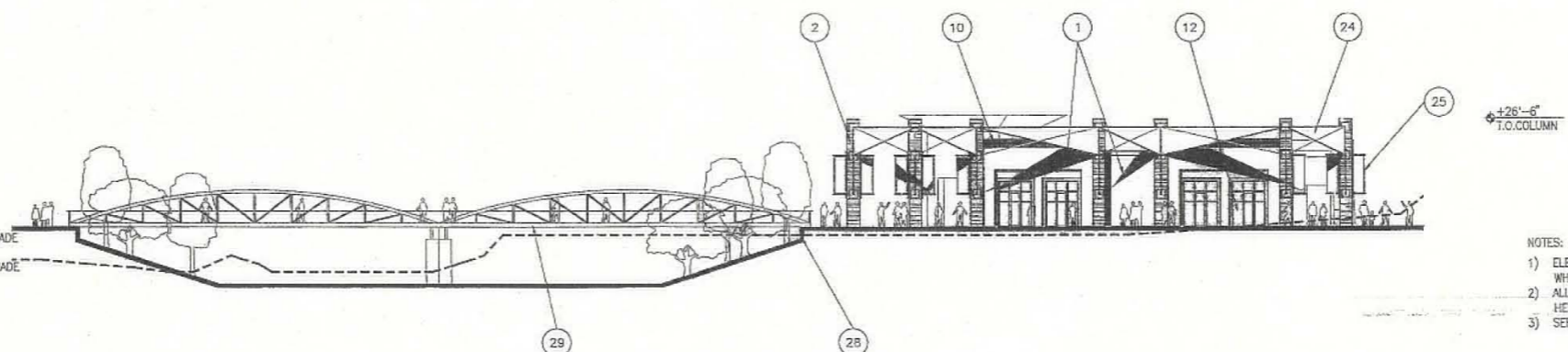


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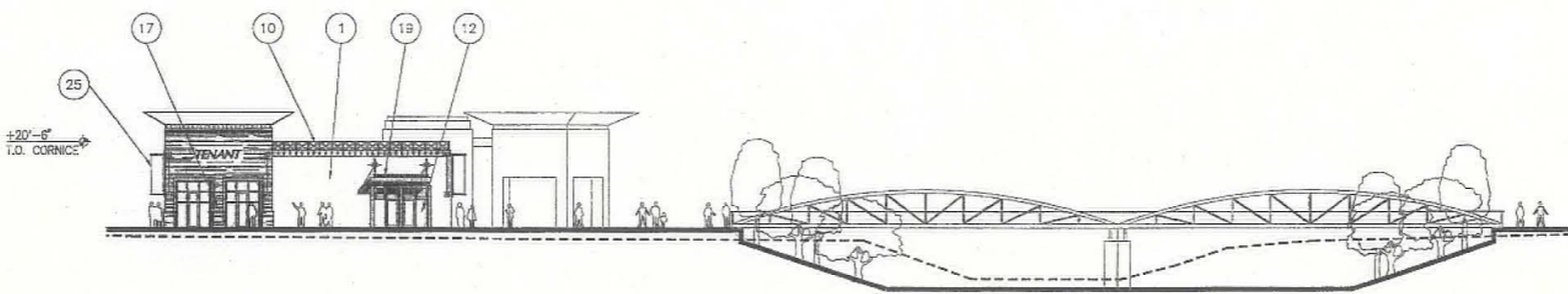
2 WEST ELEVATION

ELEVATION FROM CREEK-AMPHITHEATER



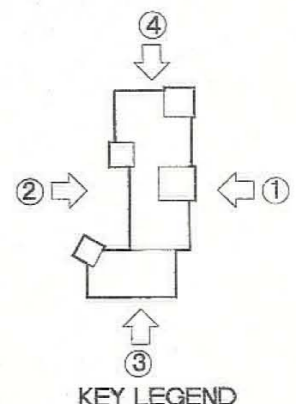
3 SOUTH ELEVATION

CENTRAL CORRIDOR ELEVATION



4 NORTH ELEVATION

M.T.D.B. ELEVATION

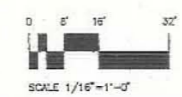


KEY LEGEND

- NOTES:
- 1) ELEVATIONS PROVIDED ARE CONCEPTUAL AND MAY VARY WHEN SUBMITTED FOR CONSTRUCTION PERMITS.
 - 2) ALL BUILDINGS ENVELOPE HEIGHT SHOULD REFER TO BUILDING HEIGHT TABLE IN THE DESIGN GUIDELINES.
 - 3) SEE DESIGN GUIDELINES FOR ADDITIONAL REFERENCE AND INFORMATION.

RETAIL BUILDING #4 - ELEVATIONS

**MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA**



SCALE 1/16"=1'-0"

February 5, 1999



5180 Federal Blvd.
San Diego, CA, 92105

Prepared By:	FEHLMAN LABARRE ARCHITECTURE & PLANNING 452 BIGHAM AVENUE, SUITE 'A' SAN DIEGO, CA 92104 TEL. 619-234-0759 FAX 619-234-8138	Revision 14:	_____
Project Address:	4881 MARKET STREET and 310 EUCLID AVENUE SAN DIEGO, CA, 92114 A.P.N. 548-020-24,12,13	Revision 13:	_____
Project Name:	MARKET CREEK PLAZA SOUTH EAST SAN DIEGO, CA	Revision 12:	_____
Sheet Title:	RETAIL BUILDING #4 BUILDING ELEVATIONS	Revision 11:	_____
		Revision 10:	_____
		Revision 09:	_____
		Revision 08:	_____
		Revision 07:	_____
		Revision 06:	_____
		Revision 05:	_____
		Revision 04:	_____
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		Original Date:	February 5, 1999
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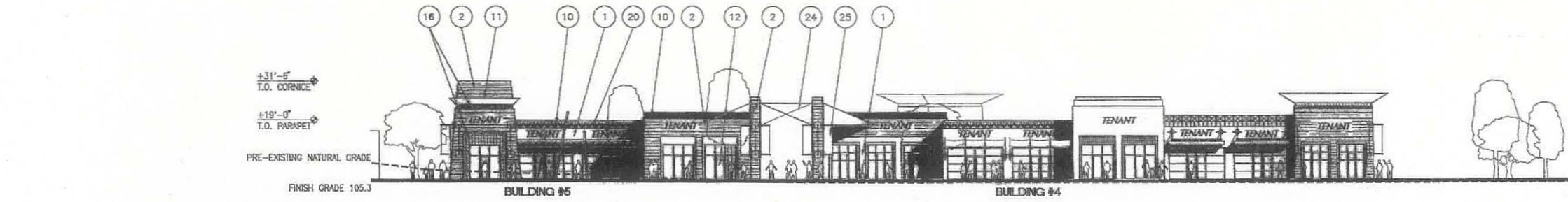
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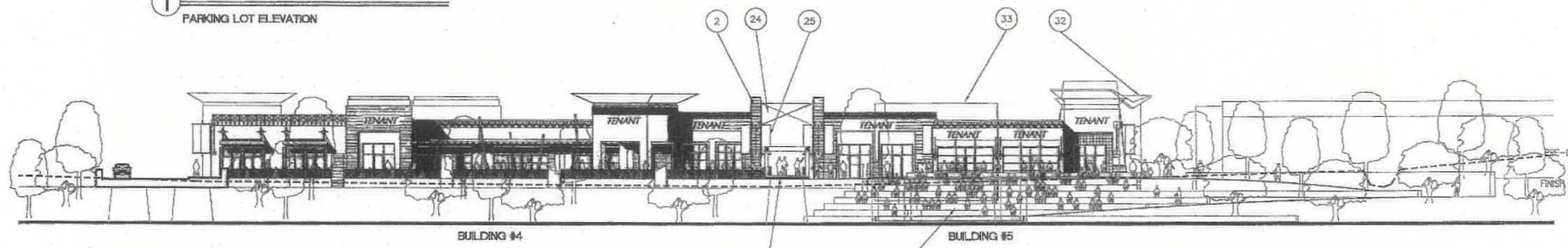
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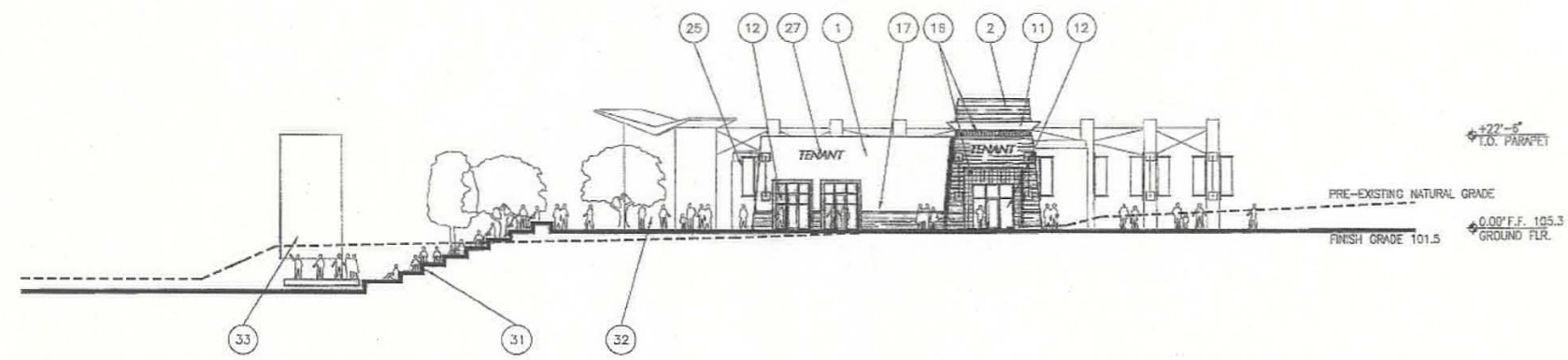
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3. C.M.U. PRECISION BLOCK
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23. PAINTED METAL GUARDRAIL
24. TENT STRUCTURE
25. BLADE SIGNAGE (CANVAS/METAL)
26. METAL LIGHT (SCOOCE)
27. TENANT SIGNAGE (SEE SIGN PROGRAM)
28. RETAINING WALL
29. PEDESTRIAN BRIDGE
30. VEHICULAR / PEDESTRIAN BRIDGE
31. AMPHITHEATER
32. PROJECTION ROOM KIOSK
33. OUTDOOR MOVIE SCREEN
34. METAL ROOF
35. CHOLLAS CREEK PEDESTRIAN CORRIDOR
36. ART PANELS



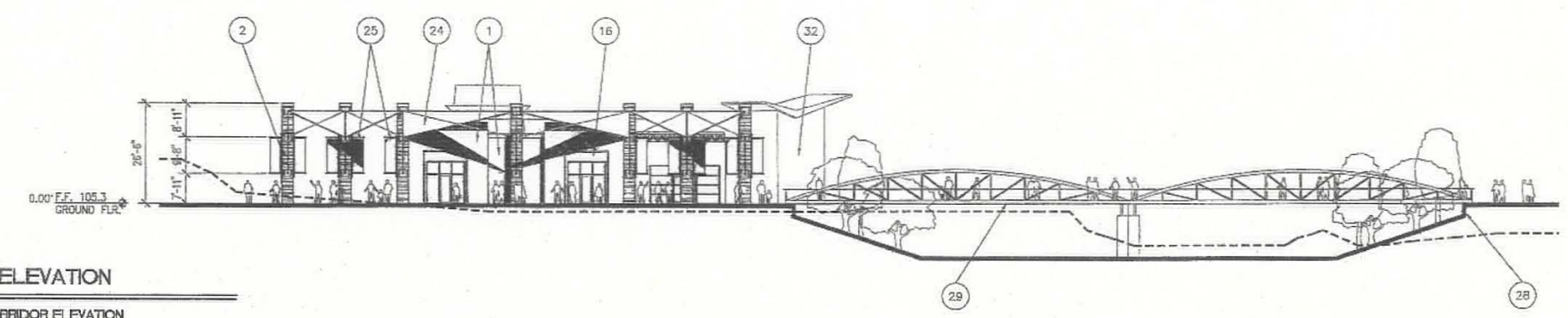
1 EAST ELEVATION
PARKING LOT ELEVATION



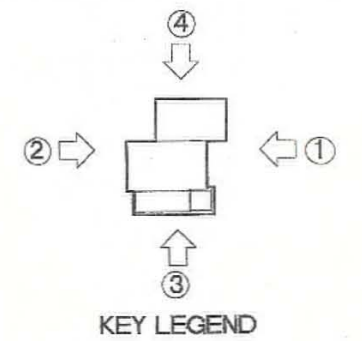
2 WEST ELEVATION
ELEVATION FROM CREEK-AMPHITHEATER



3 SOUTH ELEVATION
AMPHITHEATER CORRIDOR ELEVATION



4 NORTH ELEVATION
CENTRAL CORRIDOR ELEVATION

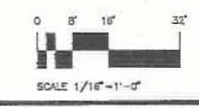


KEY LEGEND

- NOTES:
- 1) ELEVATIONS PROVIDED ARE CONCEPTUAL AND MAY VARY WHEN SUBMITTED FOR CONSTRUCTION PERMITS.
 - 2) ALL BUILDINGS ENVELOPE HEIGHT SHOULD REFER TO BUILDING HEIGHT TABLE IN THE DESIGN GUIDELINES.
 - 3) SEE DESIGN GUIDELINES FOR ADDITIONAL REFERENCE AND INFORMATION.

RETAIL BUILDING #5 - ELEVATIONS

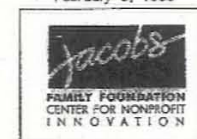
MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA



February 5, 1999

**FEHLMAN
LABARRE**
ARCHITECTURE
PLANNING
452 Eighth Avenue
Suite A
San Diego, CA 92101
Tel 619 234-0789
Fax 619 234-0788

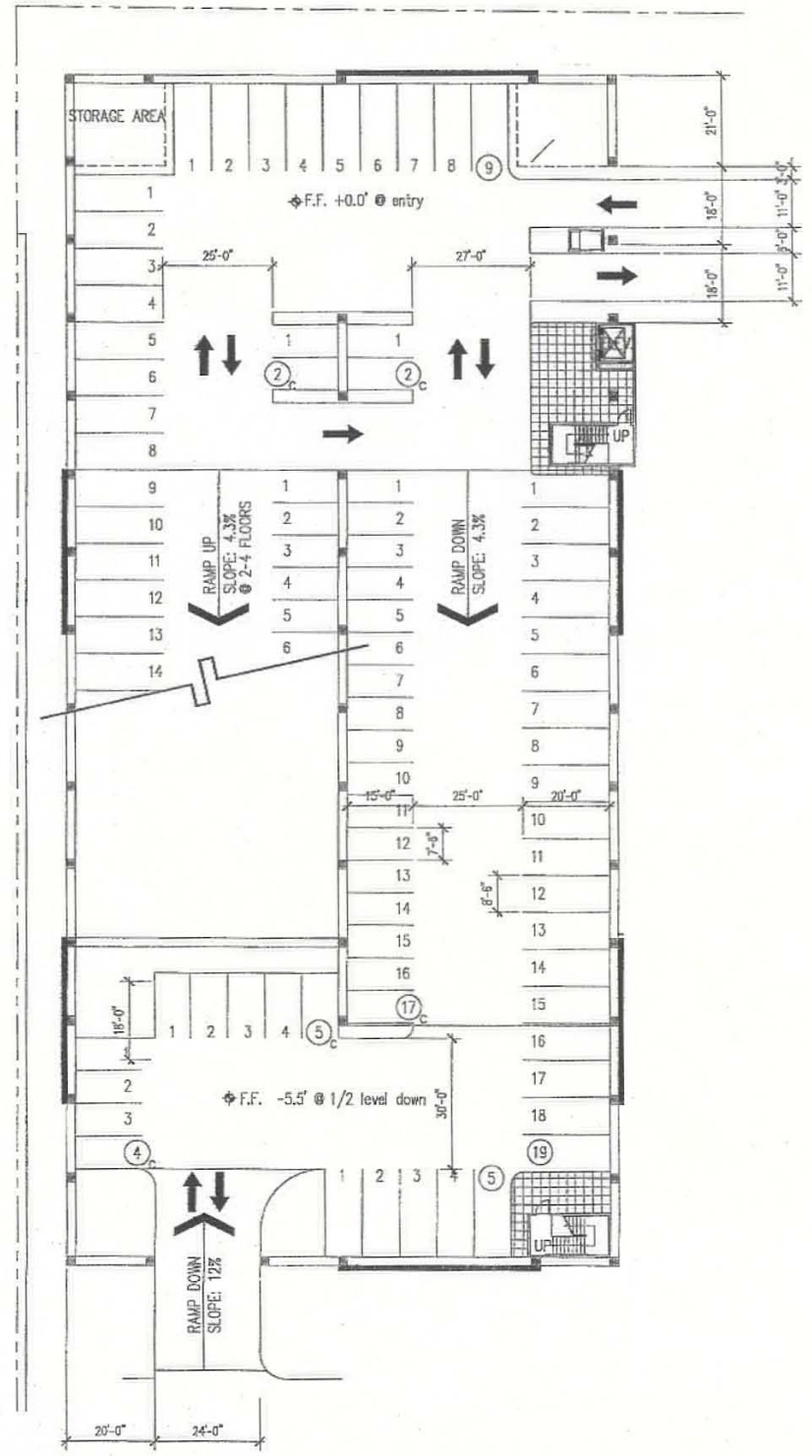
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San Diego, CA, 92105
PH: (619) 527-8161
CY: (619) 577-6183

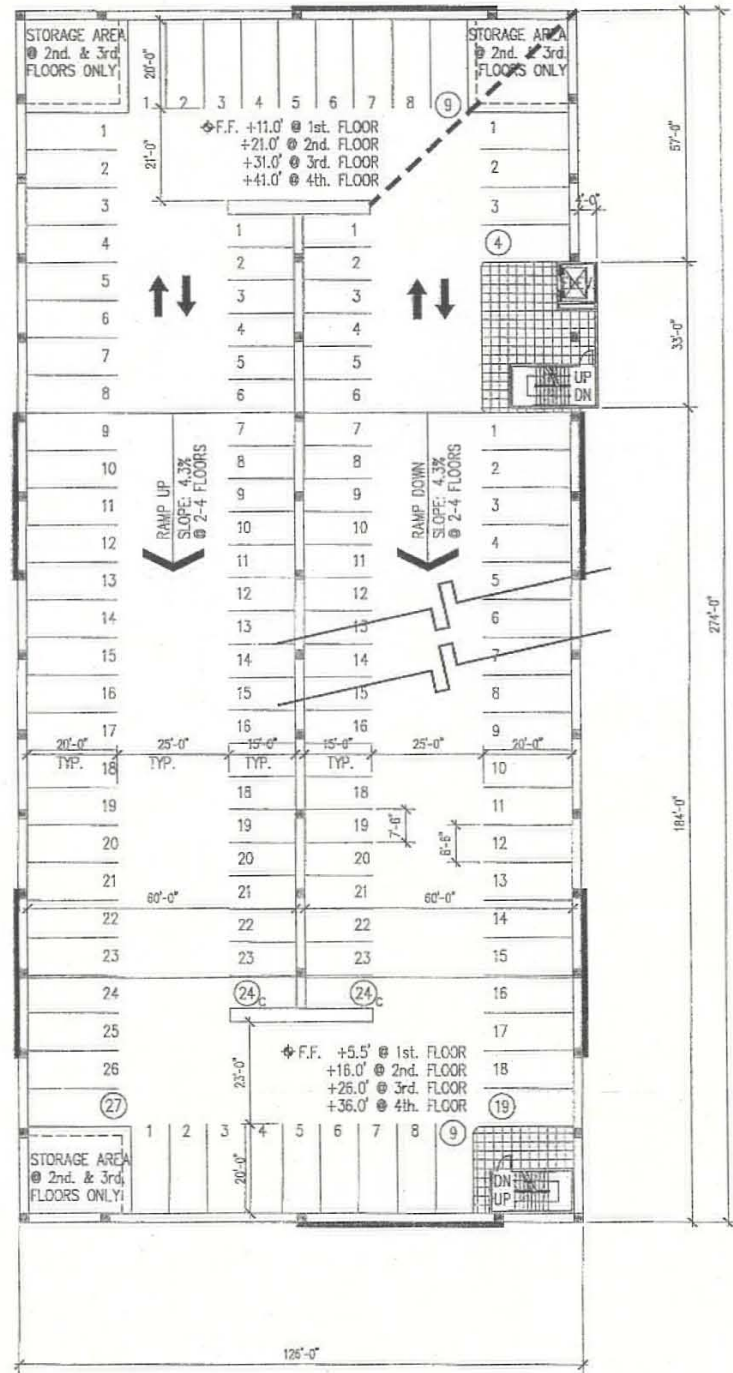
Prepared By:	FEHLMAN LABARRE ARCHITECTURE & PLANNING 452 EIGHTH AVENUE, SUITE A SAN DIEGO, CA 92101 TEL 619-234-0789 FAX 619-234-0788	Revision 14:	_____
Project Address:	461 MARKET STREET and 310 EUCLID AVENUE SAN DIEGO, CA 92114 A.P.N. 548-026-01, 12, 13	Revision 13:	_____
Project Name:	MARKET CREEK PLAZA SOUTH EAST SAN DIEGO, CA	Revision 12:	_____
Sheet Title:	RETAIL BUILDING #5 BUILDING ELEVATIONS	Revision 11:	_____
		Revision 10:	_____
		Revision 09:	_____
		Revision 08:	_____
		Revision 07:	_____
		Revision 06:	_____
		Revision 05:	_____
		Revision 04:	_____
		Revision 03:	_____
		Revision 02:	_____
		Revision 01:	_____
		Original Date:	February 5, 1999
		Sheet	16 of 23
		DATE:	_____

City Council 9-23-99
EXHIBIT "A"
12/10/1999, 11-01-00
[Signature]



1/2 LEVEL DOWN
50 PARKING SPACES

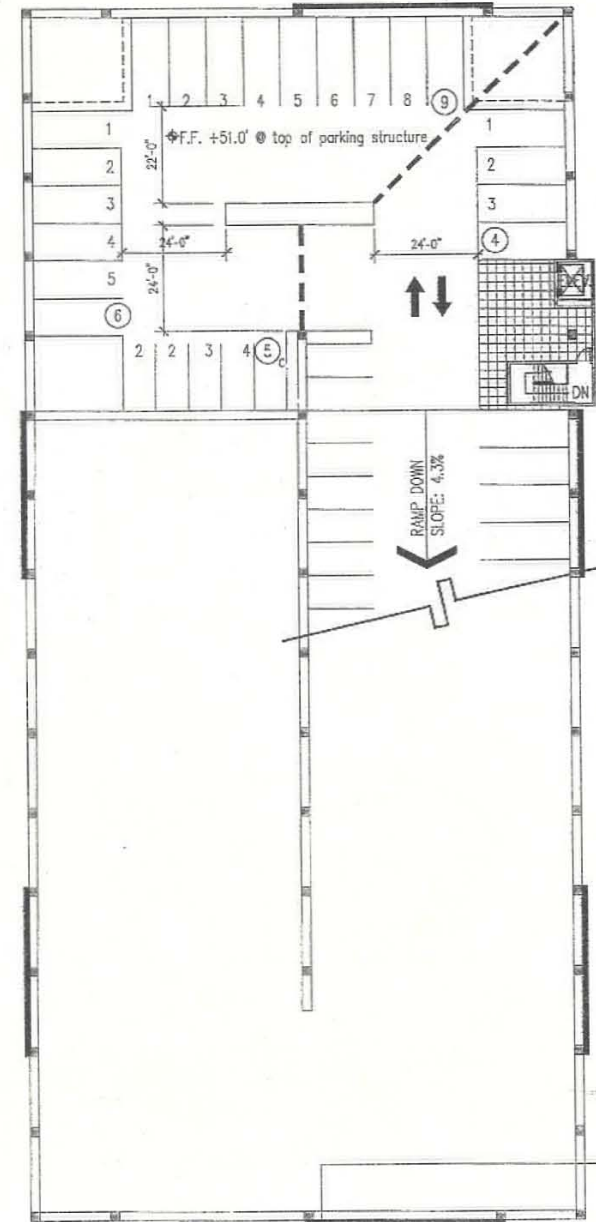
- NOTE:**
1. PARKING SPACE DIMENSIONS PER CURRENT CITY'S MINIMUM PARKING STANDARDS. (STANDARD: 8.5x20', COMPACT: 7.5x15')
 2. FLOOR PLANS PROVIDED ARE CONCEPTUAL AND MAY VARY WHEN SUBMITTED FOR CONSTRUCTION PERMITS.



1st-4th FLOOR LEVELS

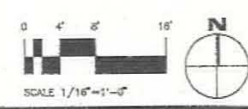
1ST. FLOOR=	110 SPACES
2ND FLOOR=	116 SPACES
3RD. FLOOR=	116 SPACES
4TH FLOOR=	116 SPACES
TOTAL=	458 SPACES

(528 PARKING SPACES)
PARKING STRUCTURE - FLOOR PLANS



TOP OF PARKING STRUCTURE

20 PARKING SPACES



February 5, 1999



5160 Federal Blvd.
San Diego, CA, 92105
Ph: (619) 527-6161

Prepared By:
FEHLMAN LABARRE, ARCHITECTURE & PLANNING
452 EIGHTH AVENUE, SUITE W
SAN DIEGO, CA 92101
TEL: 619-234-0789 FAX: 619-234-8136

Project Address:
4861 MARKET STREET and 310 EUCLID AVENUE
SAN DIEGO, CA 92114
A.P.N. 540-029-04, 12, 13

Project Name:
MARKET CREEK PLAZA
SOUTH EAST SAN DIEGO, CA

Sheet Title:
PARKING STRUCTURE - FLOOR PLANS

City Council 9-28-99
EXHIBIT "A"
5/10/01 11:00 AM - 11:00 AM
[Signature]

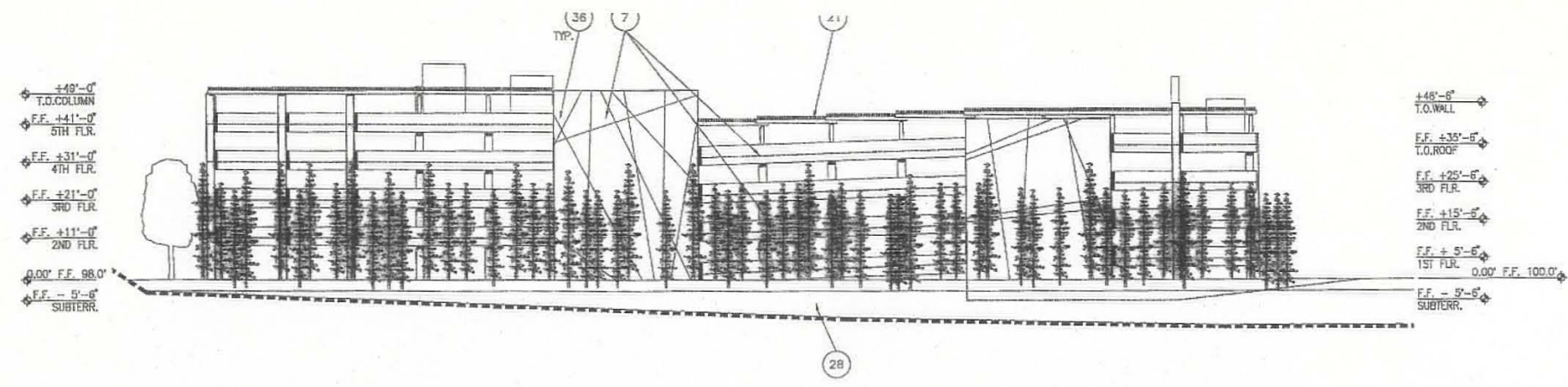
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Revision 04:	
Revision 03:	
Revision 02:	
Revision 01:	May 21, 1999
Original Date:	February 5, 1999
Sheet	17 of 23
DCP#	

FILE NAME: pdm1a/february 5, 1999 PLOT SCALE: 1/16"=1'-0" ALL BEARS, ESSERS, PLANS, AND SPECIFICATIONS AND OTHER PROJECT DOCUMENTS, INCLUDING ALL DOCUMENTS OF ELECTRONIC MEDIA ARE THE PROPERTY OF FEHLMAN LABARRE AND MAY NOT BE REPRODUCED OR USED WITHOUT THE WRITTEN PERMISSION OF FEHLMAN LABARRE.

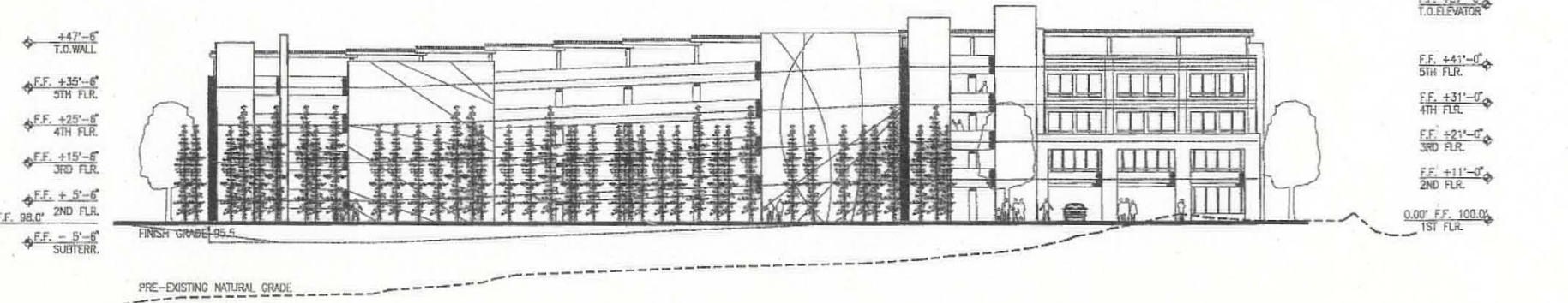
FEHLMAN LABARRE
ARCHITECTURE PLANNING
492 Eighth Avenue
Suite A
San Diego, CA 92101
Tel: 619-234-0789
Fax: 619-234-8136

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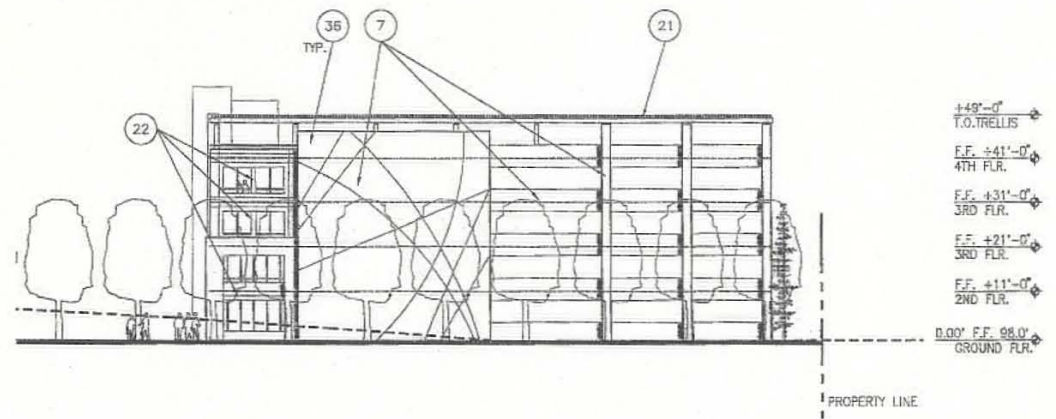
1 WEST ELEVATION
MOBILE HOME PARK ELEVATION



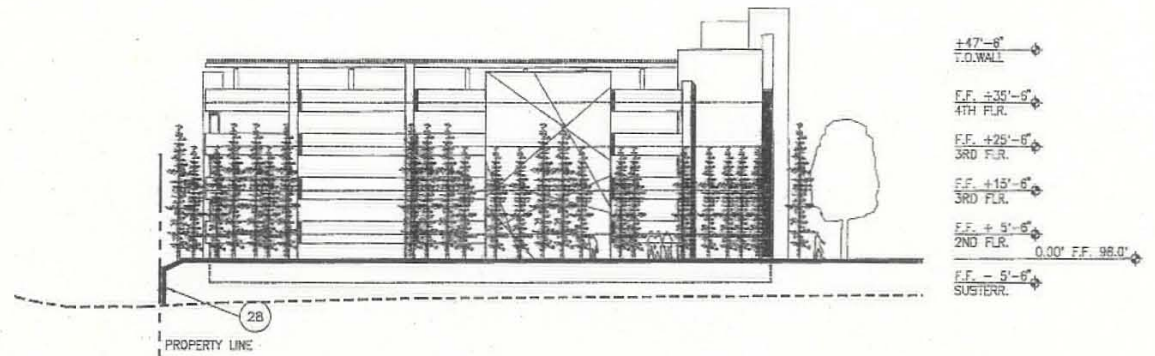
2 EAST ELEVATION
OFFICE BUILDING 14 ELEVATION



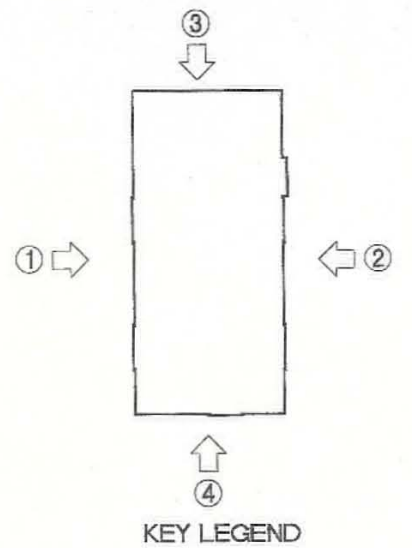
3 NORTH ELEVATION
M.T.D.B. ELEVATION



4 SOUTH ELEVATION
HIGH TECH HIGH SCHOOL ELEVATION



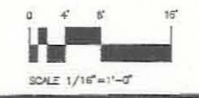
1. PAINTED STUCCO
2. SIMULATED STONE VENEER
3. C.M.U. PRECISION BLOCK
4. C.M.U. SPLIT FACE
5. PAINTED E.I.F.S (SMOOTH)
6. PAINTED E.I.F.S (ROUGH)
7. PAINTED CONCRETE
8. METAL PANEL SIDING
9. PREFINISHED METAL COPING
10. FOAM DECORATIVE FRIEZE W/PAINTED E.I.F.S.
11. METAL CORNICE
12. ALUMINUM STOREFRONT W/CLEAR GLASS
13. BRONZE ALUMINUM STOREFRONT W/ TINTED GLASS
14. SLATE VENEER
15. SANDSTONE VENEER
16. ACCENT TILE (PATTERNED)
17. PRECAST CONCRETE CAP
18. ALUMINUM CANOPY
19. ALUMINUM CANOPY W/WOOD JOISTS
20. CANVAS AWNING W/METAL SUPPORTS
21. PAINTED METAL TRELIS W/WOOD JOISTS
22. PAINTED METAL FRAME
23. PAINTED METAL GUARDRAIL
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34. METAL ROOF
35. CHOLLAS CREEK PEDESTRIAN CORRIDOR
36. ART PANELS



PARKING STRUCTURE - ELEVATIONS

MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA

NOTE:
ELEVATIONS PROVIDED ARE CONCEPTUAL AND MAY VARY
WHEN SUBMITTED FOR CONSTRUCTION PERMITS.



February 5, 1999



5160 Federal Blvd.
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FX: (619) 527-5162

Prepared By: FELDMAN LIBARRE, ARCHITECTURE & PLANNING 452 EIGHTH AVENUE, SUITE W SAN DIEGO, CA 92101 TEL: 619-234-0788 FAX: 619-234-8138	Revision 14: _____
Project Address: 4561 MARKET STREET and 310 EUCLID AVENUE SAN DIEGO, CA, 92114 A.P.N. 548-020-24,12,13	Revision 13: _____
Project Name: MARKET CREEK PLAZA SOUTH EAST SAN DIEGO, CA	Revision 12: _____
Sheet Title: PARKING STRUCTURE - ELEVATIONS	Revision 11: _____
	Revision 10: _____
	Revision 09: _____
	Revision 08: _____
	Revision 07: _____
	Revision 06: _____
	Revision 05: _____
	Revision 04: _____
	Revision 03: _____
	Revision 02: _____
	Revision 01: _____
	Original Date: February 5, 1999
	Sheet 18 of 23
	DATE: _____

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452 Eighth Avenue
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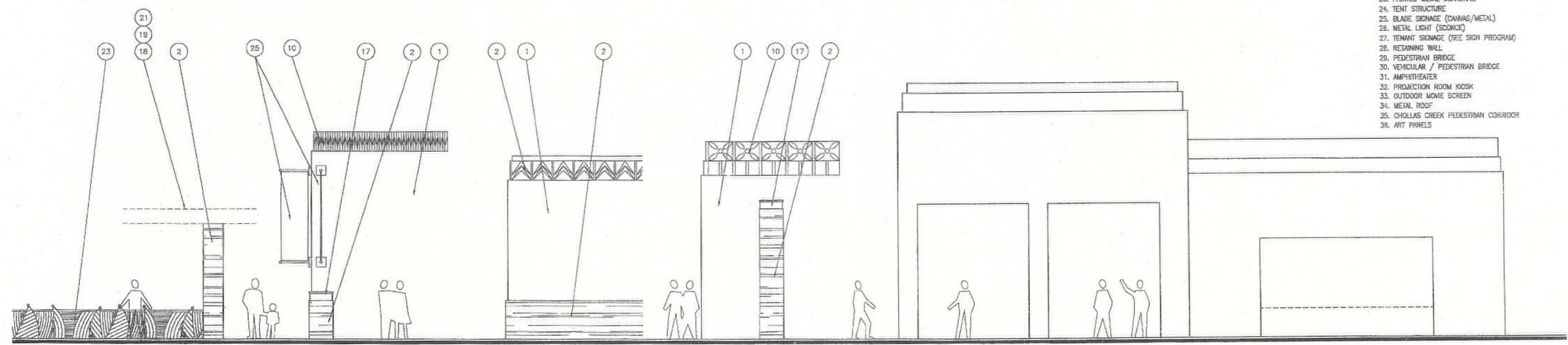
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The following description and architectural kit of parts are for the implementation of the future buildings on Market Creek Plaza. It is the intent of the architectural design guidelines section to implement criteria specific to Southeast San Diego's diverse multi-cultural heritage, while encouraging creative, unique and distinct buildings, spaces, and structures. The architectural design guidelines are designed to assure the development of buildings with the widest scope possible for architectural creativity. All proposed structures, spaces and buildings should expressively enhance the environment, while enriching the distinct and vibrant community of Southeast San Diego.

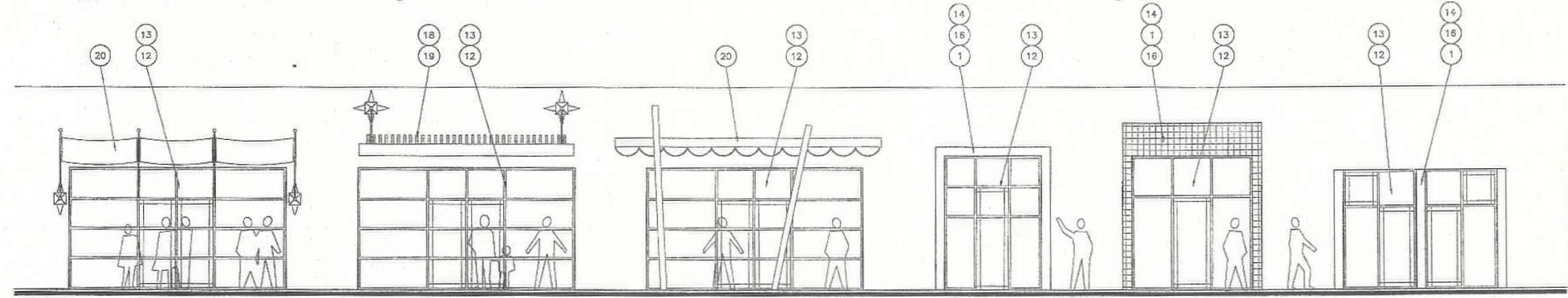
The following architectural kit of parts is to be used in part, in whole or combinations to reflect the ambiance and character of the center. The proposed new buildings may incorporate some or all of the architectural elements as deemed appropriate by the future tenant. The proposed buildings should make use of staggered setbacks, varied building heights, widths, shapes, orientations, color and materials.

NOTE:
see design guidelines for additional reference and information about architecture and landscape.

1. PAINTED STUCCO
2. SIMULATED STONE VENEER
3. C.M.U. PRECISION BLOCK
4. C.M.U. SPLIT FACE
5. PAINTED E.I.F.S (SMOOTH)
6. PAINTED E.I.F.S (ROUGH)
7. PAINTED CONCRETE
8. METAL PANEL SIDING
9. PREFINISHED METAL COPING
10. FOAM DECORATIVE FRIEZE W/PAINTED E.I.F.S.
11. METAL CORNICE
12. ALUMINUM STOREFRONT W/CLEAR GLASS
13. BRONZE ALUMINUM STOREFRONT W/ TINTED GLASS
14. SLATE VENEER
15. SANDSTONE VENEER
16. ACCENT TILE (PATTERNED)
17. PRECAST CONCRETE CAP
18. ALUMINUM CANOPY
19. ALUMINUM CANOPY W/WOOD JOISTS
20. CANVAS AWNING W/METAL SUPPORTS
21. PAINTED METAL TRELIS W/WOOD JOISTS
22. PAINTED METAL FRAME
23. PAINTED METAL GUARDRAIL
24. TENT STRUCTURE
25. BLADE SIGNAGE (CANVAS/METAL)
26. METAL LIGHT (SCONCE)
27. TENANT SIGNAGE (SEE SIGN PROGRAM)
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32. PROJECTION ROOM KIOSK
33. OUTDOOR MOVIE SCREEN
34. METAL ROOF
35. CHOLLAS CREEK PEDESTRIAN CORRIDOR
36. ART PANELS



1 FENCE + COLONNADE 2 WALL TREATMENTS + FINISHES 3 BUILDING MASSING + ARTICULATION

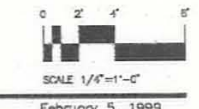


1 WINDOW STOREFRONTS + CANOPIES

ARCHITECTURAL DESIGN GUIDELINES (retail-community)

452 Eighth Avenue
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San Diego, CA 92101
Tel: 619 234-0789
Fax: 619 234-8535

MARKET CREEK PLAZA
SAN DIEGO, CALIFORNIA



February 5, 1999



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San Diego, CA, 92105
PH: (619) 527-6161

Prepared By:
FERLMAN LAGARE, ARCHITECTURE & PLANNING
452 EIGHTH AVENUE, SUITE 'A'
SAN DIEGO, CA 92101
TEL: 619-234-0789 FAX: 619-234-8136

Project Address:
4381 MARKET STREET and 216 EUCLID AVENUE
SAN DIEGO, CA 92114
A.P.N. 548-020-04, 12, 13

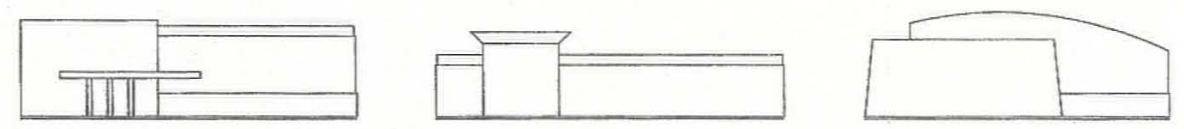
Project Name:
MARKET CREEK PLAZA
SOUTH EAST SAN DIEGO, CA

Street Title:
ARCHITECTURAL
DESIGN GUIDELINES
OFFICE-COMMUNITY BUILDINGS

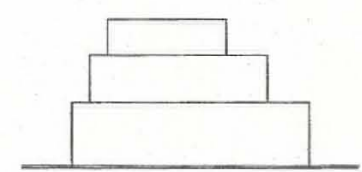
City Council # 85-99
EXHIBIT "A"
55000 / 1/29 99-0156
A. J. Ferlan

Revision 14:	_____
Revision 13:	_____
Revision 12:	_____
Revision 11:	_____
Revision 10:	_____
Revision 09:	_____
Revision 08:	_____
Revision 07:	_____
Revision 06:	_____
Revision 05:	_____
Revision 04:	_____
Revision 03:	_____
Revision 02:	_____
Revision 01:	Mar 21, 1999
Original Date:	February 5, 1999
Sheet:	19.1 of 23
DEFS:	_____

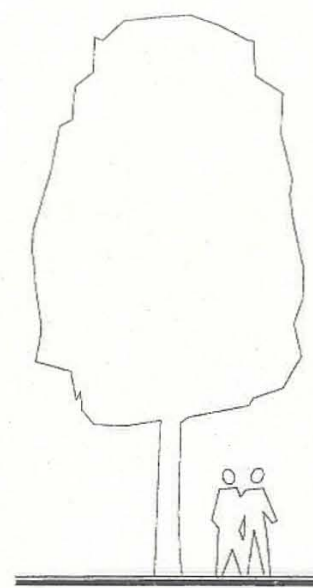
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1 COMMUNITY BUILDINGS ELEVATION PROFILE EXAMPLES



2 OFFICE ELEVATION PROFILE EXAMPLES



2 TYPICAL OFFICE ELEVATION

PURPOSE/TITLE

The following description and architectural kit of parts are for the implementation of the future buildings on Market Creek Plaza. It is the intent of the architectural design guidelines section to implement criteria specific to Southeast San Diego's diverse multi-cultural heritage...

ALLEGATIONS

The following architectural kit of parts is to be used in part, in whole or combinations to reflect the ambience and character of the center. The proposed new buildings may incorporate some or all of the architectural elements as deemed appropriate by the future tenant.

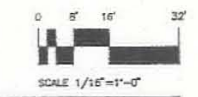
NOTE: see design guidelines for additional references and information about architecture and landscape.

MATERIAL LEGEND

- 1. PAINTED STUCCO
2. SIMULATED STONE VENEER
3. C.M.U. PRECISION BLOCK
4. C.M.U. SPLIT FACE
5. PAINTED E.L.F.S. (SMOOTH)
6. PAINTED E.L.F.S. (ROUGH)
7. PAINTED CONCRETE
8. METAL PANEL SIDING
9. PREFINISHED METAL DOWING
10. FOAM DECORATIVE FRIEZE W/PAINTED E.L.F.S.
11. METAL CORNICE
12. ALUMINUM STOREFRONT W/CLEAR GLASS
13. BRONZE ALUMINUM STOREFRONT W/ TINTED GLASS
14. SLATE VENEER
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16. ACCENT TILE (PATTERNED)
17. PRECAST CONCRETE CAP
18. ALUMINUM CANOPY
19. ALUMINUM CANOPY W/WOOD JOISTS
20. CANVAS AWNING W/METAL SUPPORTS
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35. CHOLLAS CREEK PEDESTRIAN CORRIDOR
36. ART PANELS

FILE NAME: rmlm/rdm/dep-04a.rvt DATE: February 5, 1999 PLOT SCALE: 1/16"=1'-0" ALL TEXT, DIMENSIONS, DIMENSIONS, INCLUDING ALL DIMENSIONS OF ELEMENTS SHOWN ARE THE PROPERTY OF FEHLMAN LABARRE AND MAY NOT BE REPRODUCED OR USED WITHOUT THE WRITTEN PERMISSION OF FEHLMAN LABARRE.

ARCHITECTURAL DESIGN GUIDELINES (office-community)



SCALE 1/16"=1'-0" February 5, 1999

FEHLMAN LABARRE ARCHITECTURE PLANNING 432 Eighth Avenue Suite A San Diego, CA 92101 Tel 619 234-9783 Fax 619 234-9335

MARKET CREEK PLAZA SAN DIEGO, CALIFORNIA

JACOBS FAMILY FOUNDATION CENTER FOR NONPROFIT INNOVATION 5180 Federal Blvd. San Diego, CA, 92105 PH: (619) 527-6161

Table with columns for Prepared By, Project Address, Sheet Title, and Revision history (Revision 14 down to Revision 01).

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EXHIBIT 'A'

PLANNING COMMISSION. – RESO NO.
VESTING TENTATIVE MAP NO. 396659
MARKET CREEK PLAZA VESTING TENTATIVE MAP-PROJECT NO. 117302
DRAFT

WHEREAS, WEST SIDE CREEK LLC AND MARKET CREEK PARTNERS, LLC Applicant/Subdivider, and RICK ENGINEERING COMPANY, Engineer, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 396659, for the subdivision of 3 lots into 8 lots including 1 open space lot. The project site is located at 324 Euclid Avenue, on the west side of Euclid Avenue at the intersection of Market Street, in the CT-2 zone of the Southeastern San Diego San Diego Planned District of the Encanto Neighborhoods Community Planning area; and

WHEREAS, the Map proposes the subdivision of a 20.49-acre site into eight lots; and

WHEREAS, a Mitigated Negative Declaration was prepared for the map; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 396659 and pursuant to Section 125.0440 (tentative map), of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 396656:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b) with the exception of deviations to the lot standards for lot width and lot depth as allowed under Planned Development Permit No. 582176.
3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).
6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).
7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
9. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Vesting Tentative Map No. 396659, is hereby granted to RICK ENGINEERING COMPANY, Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire January 22, 2012.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the Tentative Map expiration date, a Final Map to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder.
4. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition

5. The Final Map shall conform to the provisions of Planned Development Permit No. 582176 and Site Development Permit No. 619562.
6. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

ENGINEERING

7. All proposed private sewer facilities that serve more than one lot shall be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide.
8. The developer shall provide evidence, satisfactory to the Metropolitan Wastewater Department Director, indicating that each lot will have its own sewer lateral or provide CC&Rs for the operation and maintenance of on-site private sewer facilities that serve more than lot.
9. All proposed public sewer facilities are to be designed and constructed in accordance with established criteria in the most current City of San Diego sewer design guide.
10. All proposed private sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

WATER

11. All proposed private sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.
12. If the Subdivider makes any request for new water facilities (including services or fire hydrants), then the Subdivider shall design and construct such 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.
13. The Subdivider shall provide a letter to the Development Project Manager agreeing to prepare CC&Rs for the operation and maintenance of all private water facilities that serve or traverse more than a single unit or lot.
14. The Subdivider 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. Water facilities, as shown on the approved tentative map may require modification to comply with standards.
15. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

TRANSPORTATION

16. All lots created by the VTM must provide adequate parking to support both existing development on or adjacent to any existing or created lot, and clearly satisfy any/all Shared Parking Agreement(s), satisfactory to the City Engineer.
17. All minimum parking requirements shall be provided per the existing VTM or current Land Development Code, satisfactory to the City Engineer.
18. Prior to the Final Map, a signed and recorded Mutual Access Agreement between all affected lots shall be provided, satisfactory to the City Engineer.
19. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

20. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
21. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
22. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

INFORMATION:

- The approval of this Vesting Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations,

standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Map, may protest the imposition within 90 days of the approval of this Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.
- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON JANUARY 22, 2009.

By

SANDRA TEASLEY
Development Project Manager
Development Services Department

Job Order No. 42-7162

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

**WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-7162

**PLANNED DEVELOPMENT PERMIT NO. 582176/SITE DEVELOPMENT PERMIT
NO. 619562
(AMENDING RESOURCE PROTECTION ORDINANCE/SOUTHEASTERN SAN DIEGO
PLANNED DISTRICT PERMIT NO. 99-0156)
MARKET CREEK PLAZA PROJECT NO. – 117302
PLANNING COMMISSION
[MMRP]**

This Planned Development Permit No. 582176/Site Development Permit No. 619562 (Amendment to Resource Protection Ordinance/Southeastern San Diego Planned District Permit No. 99-0156) is granted by the Planning Commission of the City of San Diego to WEST SIDE CREEK LLC AND MARKET CREEK PARTNERS, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 103.1700, 126.0604 and 126.0605. The 20.49-acre site is located at 324 Euclid Avenue, at the intersection of Euclid Avenue and Market Street, in the CT-2 Zone of the Southeastern San Diego Planned District in the Encanto Neighborhoods Community Plan. The project site is legally described as Lot 1 of Brooks Subdivision Map No. 6506 and Parcels 1 and 2 of Parcel Map No. 18812;

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to create 7 buildable lots and 1 open space lot from 3 existing lots with deviations to the lot standards, pursuant to Vesting Tentative Map No. 396659 for a site entitled with Resource Protection Ordinance/Southeastern San Planned District Permit No. 99-0156 which permitted a mixed use project consisting of a neighborhood shopping center totaling approximately 95,171 square feet, with a super market, retail shops, an office building complex of approximately 224,511, recreation center/multi-purpose room, youth mall plaza, and a 400-seat amphitheater. The development is described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated January 22, 2009, on file in the Development Services Department and described as follows:

ATTACHMENT 7

The project shall include:

- a. Deviations to the CT-2 zone lot standards (pursuant to Vesting Tentative Map No. 396659) to resubdivide the property and allow reduced width and street frontages as indicated in the table below:

Proposed Lot #	Proposed Street Frontage	Proposed Lot Width	Lot Standard Requirement
Lot 1	0'-0"	No Deviation	100'-0"
Lot 2	0'-0"	No Deviation	100'-0"
Lot 3	0'-0"	No Deviation	100'-0"
Lot 4	0'-0"	No Deviation	100'-0"
Lot 5	0'-0"	No Deviation	100'-0"
Lot 6	0' -0"	63'-0"	100'-0" Width
Lot 7	No Deviation	No Deviation	No changes proposed (Existing Lot 1 of Map No. 6506 in compliance with lot standards)
Lot A	0'-0"	No Deviation	100'-0"

- b. Existing and proposed developments as permitted under RPO/SESD Permit No. 99-0156 and subsequent Substantial Conformance Reviews:

- i. **Retail Building Areas:** Pad 1 totalling 4,702 sq. ft. **(proposed)**
 Pad 2 totalling 3,715 sq. ft. **(proposed)**
 Pad 3 totalling 3,504 sq. ft. **(existing)**
 Shops 4 totalling 11,047 sq. ft. **(existing)**
 Shops 5 totalling 6,413 sq. ft. **(existing)**
 Kiosks (7) totalling 1,372 sq. ft. **(proposed)**
 Market totalling 57,590 sq. ft. **(existing)**
 Youth Mall totalling 1,800 sq.ft. **(proposed)**
 Child Care Center totalling 5,028 sq ft. **(proposed)**
- ii. **Office Building Area:** Jacobs Headquarters 100,000 sq. ft. **(proposed)**
 Office Conference Center 80,000 sq.ft. **(existing)**
 Office 44,411 sq.ft. **(proposed);**
- iii. **Community Building Area:** Multipurpose/Recreation Center at 12,406 sq.ft. **(proposed);**
- iv. **Amphitheater, vehicular/pedestrian bridge, and underpass beneath the trolley rail (existing);**
- v. **Vehicular/pedestrian bridge, and underpass beneath the trolley rail.**

ATTACHMENT 7

- c. Architectural and Sign Design Guidelines entitled *Market Creek Plaza Architectural Design Guidelines* and *Market Creek Plaza Sign Design Guidelines* dated September 28, 1999 as adopted by the City Council;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities;
- f. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

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

ATTACHMENT 7

including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. 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.

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

9. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.

10. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.

ATTACHMENT 7

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

12. 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.).

13. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

14. 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.

15. 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.

16. 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.

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

PLANNING/DESIGN REQUIREMENTS:

18. 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.

19. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

20. Hours of operation for the amphitheater are as follows: Monday – Friday 9:00 a.m. to 3:00 p.m. and after 6:30 p.m. daily on Saturday, Sunday and Holidays. The school children may use the amphitheater during the Monday – Friday 9:00 a.m. to 3:00 p.m. period. All performances at the amphitheater shall end no later than twelve midnight, seven days a week. No performances shall be allowed between twelve midnight and 9:00 a.m.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

21. 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

22. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Mitigated Negative Declaration No. 42-7162, shall be noted on the construction

plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

23. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 42-7162, satisfactory to the Development Services Department and the City Engineer. Prior to issuance of the first preconstruction meeting, 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 of Transportation/Parking.

24. 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.

ENGINEERING REQUIREMENTS:

25. This Planned Development Permit/Site Development Permit shall comply with all of the provisions of Vesting Tentative Map No. 396659 and the applicable conditions of Resource Protection Permit/Southeastern San Diego Development Permit No. 99-0156.

TRANSPORTATION:

26. No fewer than 1,231 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

27. The Owner/Permittee is proposing structures within the flood way. These structures are not allowed unless authorized by FEMA per flood plain conditions.

INFORMATION ONLY:

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

APPROVED by the Planning Commission of the City of San Diego on January 22, 2009, resolution number-----.

ATTACHMENT 7

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

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Sandra Teasley
TITLE: 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.

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

ATTACHMENT 8

PLANNING COMMISSION
RESOLUTION NO.

PLANNED DEVELOPMENT PERMIT NO. 582176/SITE DEVELOPMENT PERMIT NO. 619562
(AMENDING RESOURCE PROTECTION ORDINANCE/SOUTHEASTERN SAN DIEGO
PLANNED DISTRICT PERMIT NO. 99-0156)
MARKET CREEK PLAZA PROJECT NO. - 117302

WHEREAS, WEST SIDE CREEK, LLC AND MARKET CREEK PARTNERS, LLC, Owner/Permittee, filed an application with the City of San Diego for a Vesting Tentative Map, Planned Development Permit (amendment to Resource Protection Ordinance/Southeastern San Diego Planned District Permit No. 99-0156) to create 7 buildable lots and 1 open space lot from 3 existing lots. The project includes deviations to the lot standards (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 582176 and 619562), on portions of a 20.49-acre site;

WHEREAS, the project site is located at 324 Euclid Avenue and zoned CT-2 of the Southeastern San Diego Planned District within the Encanto Neighborhoods Community Plan and within the Central Imperial Redevelopment Project Area of the Central Imperial Redevelopment Plan;

WHEREAS, the project site is legally described as Lot 1 of Brooks Subdivision Map No. 6506 and Parcels 1 and 2 of Parcel Map No. 18812;

WHEREAS, on January 22, 2009, the Planning Commission of the City of San Diego considered Planned Development Permit No. 582176 and Site Development Permit No. 619562 and pursuant to the Land Development Code of the City of San Diego;

NOW, THEREFORE,

BE IT RESOLVED by the PLANNING COMMISSION of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated January 22, 2009:

FINDINGS:

PLANNED DEVELOPMENT PERMIT FINDINGS Section 126.0604:

1. **THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.**

The proposed Planned Development Permit and Site Development Permit to implement requested deviations to the Vesting Tentative Map No. 396659 would not adversely impact the currently adopted Southeastern San Diego Community Plan since it would facilitate marketability of those parcels proposed for future development. The project site is located within the Euclid at Market Pilot Village which is envisioned as a mixed use, transit-oriented, multi-phased project. The proposal would accommodate transit-oriented development adjacent to the trolley station which would be consistent with this vision.

2. **THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY WELFARE.**

The proposed project is a Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide 3 existing lots into 7 buildable lots and 1 open space lot. No new development is proposed with this application. The property is currently improved with the Market Creek Plaza, proposed as a mixed use development, entitled under Resource Protection Ordinance Permit/Southeastern San Diego Planned District Permit (RPO/SESD) No. 99-0156. Phase 1 of the project has been constructed consisting of a market, retail and commercial uses, and flood channel improvements to the Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of the development as approved and permitted. Future development anticipated at this site as allowed under the RPO/SESD Permit include a multi-purpose building, parking structures and retail uses. No new development is proposed with this project. The PDP is required for proposed deviations to the lot standards.

A Mitigated Negative Declaration was prepared for RPO/SED Permit No. 99-0156. All mitigation measures have been fully satisfied including the installation of two traffic signals and flood channel improvements. The proposed VTM required the preparation of a Mitigated Negative Declaration for potential impacts to transportation/parking: Six of the lots will not have street frontage as allowed under the Planned Development Permit, however, shared access and parking agreements will be required prior to completion of the Final Map. Implementation of these mitigation measures will reduce any impacts to transportation/parking to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. Therefore, the proposed project will not be detrimental to the public health, safety and welfare.

3. **THE PROPOSED DEVELOPMENT WILL COMPLY WITH REGULATIONS OF THE LAND DEVELOPMENT CODE.**

The proposed project is a Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide 3 existing lots into 7 buildable lots and 1 open space lot. No new development is proposed with this application. Market Creek Plaza is designed as a mixed-use development with commercial, office, retail and community uses, and flood control improvements to Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of the development as approved and permitted. The proposed project does not include any changes to the uses or entitlements approved for the site.

The applicable zoning for the project is the CT-2 zone of the Southeastern San Diego Planned District. The CT-2 zone allows for a wide variety of community shopping and business uses and services. The development is consistent with the Land Development Code. The project design will conform to the purpose and intent of the development regulations, with minor deviations to

the minimum lot dimension regulations for lot depth and street frontage as allowed through the Planned Development Permit process. Future developments must comply with the SESPDO development standards for commercial development, which address building heights; lot coverage; floor area ratios; signage; walls; outdoor storage areas; off-street parking; off street loading facilities; screening residential areas from commercial activities; site landscaping; and special regulations to address the hours of operation, lighting, offsetting planes and building facade variation. Therefore, the project is consistent with the applicable regulations of the Land Development Code.

4. **THE PROPOSED DEVELOPMENT, WHEN CONSIDERED AS A WHOLE, WILL BE BENEFICIAL TO THE COMMUNITY.**

The proposed project is a Vesting Tentative Map (VTM) for the subdivision of two lots into eight lots to create seven buildable lots and one open space lot from the existing Market Creek Plaza site at 324 Euclid Avenue. Market Creek Plaza is designed as a mixed-use development with commercial, office, retail and community uses, and flood control improvements to South Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of this mixed-use development as approved and permitted.

The proposed subdivision will allow the project to proceed to build-out and would facilitate revitalization and improvement of the economic environment of the community by providing a development that would increase opportunities for employment, increase the property tax base and in turn, provide additional funding sources to complete other infill development activities throughout the community, thereby providing a benefit to community as a whole.

The proposed project does not include any changes to the uses or entitlements approved for the site. Because no changes to the approved uses and densities are proposed, the findings of the original permit outlined below are relevant.

A. Market Creek Plaza is a mixed-use project designed to provide a major neighborhood shopping center, an office building complex, and multiple community amenities, thereby implementing the goals of the SESDCP and CIRP III to provide a community commercial center in this location that offers a variety of goods and services and would promote revitalization of the community;

B. The project implements the SESDCP Urban Design Element recommendation that development should be oriented to use South Las Chollas Creek as park-like frontage. The proposed uses; placement, design and orientation of buildings, design and integration of open spaces in the project; creation of park-like features, including an urban plaza, a vehicular/pedestrian bridge, a 400 seat outdoor amphitheater and site landscaping contribute specific project features that use South Las Chollas Creek as a positive park-like feature of the project;

C. With the creation of a usable urban park-like setting in a highly urbanized area that is deficient in open space, the project would also implement the SESDCP Open Space Element objective to increase opportunities for the public enjoyment of open space areas, including

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limited access to South Las Chollas Creek. It would also develop a multi-use open space linkage designated in the SESDCP implementing a part of the City-wide open space system;

D. The Market Creek Plaza project would Implement flood control improvements that protect flood prone areas against loss of life, property damage and disruption of traffic or utility service;

E. The project would provide improved channel designed with a natural cobble bottom and natural slopes, all of which are hydro-seeded with native species to retain the natural appearance of drainage areas to greatest extent feasible;

F. The project would provide Implement habitat conservation goals by locating development outside of designated Multiple Habitat Planning Area areas.

Therefore, the Market Creek Plaza yields a significant value and provides needed services to the community and the City.

5. **ANY PROPOSED DEVIATIONS PURSUANT TO SECTION 126.0602(B)(1) ARE APPROPRIATE FOR THIS LOCATION AND WILL RESULT IN A MORE DESIRABLE PROJECT THAN WOULD BE ACHIEVED IF DESIGNED IN STRICT CONFORMANCE WITH THE DEVELOPMENT REGULATIONS OF THE APPLICABLE ZONE.**

The proposed project is a Vesting Tentative Map (VTM) for the subdivision of 3 lots into 8 lots to create 7 buildable lots and 1 open space lot from the existing Market Creek Plaza site at 324 Euclid Avenue. Market Creek Plaza is designed as a mixed-use development with commercial, office, retail and community uses, and flood control improvements to Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of the development as approved and permitted. The proposed project does not include any changes to the uses or entitlements approved for the site. Minor deviations have been incorporated into the VTM to the lot standards of the CT-2 zone.

The proposed project requires deviations to the lot dimension regulations for lot depth and street frontage. There is no change proposed in the previously approved building's physical orientation to Euclid Avenue. 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 CT-2 zone of the Southeastern San Diego Planned District as described below:

1. Reduction in Lot Depth (Proposed Lot 6).

The project proposes creation of a lot (Lot 6) with a depth of 63 feet where 100 feet is required. The proposed Lot 6 is the site of the existing amphitheater and outdoor movie screen as provided in the previously approved SEDP/RPO (No. 99-0156). This permit allowed the existing community amphitheater, which is not a typical commercial use. The lot depth is appropriate for the existing use. Furthermore, all parking for Lot 6 will be provided by shared parking agreement with Lots 1, 2 and 3 in the project Covenants, Codes and Restrictions (CC&R's).

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2. Reduction in Street Frontage for Lots 1,2,3,5, 6, and A (Lot A - Open Space) to 0'-0" feet where 100'-0" is required.

The project was approved with a private driveway providing access from Euclid Avenue to the interior of the project site. Existing access is provided from Market Creek Plaza to Market Street by a private roadway that crosses under the trolley tracks. Proposed access easements in the project CC&R's provide vehicular and pedestrian egress and ingress to all lots in perpetuity. The new parcels and the previously approved but unbuilt development do not have direct access to a public street presently or under the existing entitlements and must rely on the same easements for access with or without adoption of the VTM as proposed.

The Planned Development Permit Ordinance states the following:

The purpose of the Planned Development Permit is to provide flexibility in the application of development regulations for projects where strict application of the base zone regulations would restrict design options and result in a less desirable project. The intent of the regulations is to accommodate to the greatest extent possible, an equitable balance of development types, intensities, styles, site constraints, project amenities, public improvements, community and City benefits. Deviations shall be permitted only if it is shown that similar situations exists within the surrounding neighborhood, or, that the deviations to the regulations are beneficial to the neighborhood because of unique circumstances pertaining to the subject property.

Staff's analysis is that the proposed deviations will be beneficial to the neighborhood because of the unique circumstances pertaining to the subject property. The deviations will facilitate future development of parcels that have previously approved entitlements. The site is within a City Council approved Pilot Village redevelopment area. The original permit approved for the project anticipated a mixed use development. The property has been partially developed with various uses including commercial, retail and community serving uses. Build-out of the proposed project will implement a development that will provide a wide range of commercial facilities and community oriented developments that will serve the surrounding community. The proposed subdivision does not include any changes to these entitlements and no new development is proposed with this application. The existing vehicular circulation and parking layout will remain unchanged however, revised shared access and parking easements are required for Lots 1, 2, 3, 5, 6 and A (lots with no street frontage) to provide continued safe and efficient access from public rights-of-ways. The flood channel bisects the property further constraining the site. Therefore, the deviations are appropriate for this location due to the unique circumstances of the property and due to the existing and future anticipated community and City benefits.

SITE DEVELOPMENT PERMIT FINDINGS Section 126.0504:

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The proposed Planned Development Permit and Site Development Permit to implement requested deviations to the Vesting Tentative Map No. 396659 would not adversely impact the currently adopted Southeastern San Diego Community Plan since it would facilitate marketability of those parcels proposed for future development. The project site is located within the Euclid at Market

Pilot Village which is envisioned as a mixed use, transit-oriented, multi-phased project. The proposal would accommodate transit-oriented development adjacent to the trolley station which would be consistent with this vision.

2. **THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO PUBLIC HEALTH, SAFETY WELFARE.**

The proposed project is a Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide 3 existing lots into 7 buildable lots and 1 open space lot. No new development is proposed with this application. The property is currently improved with the Market Creek Plaza, proposed as a mixed use development, entitled under Resource Protection Ordinance Permit/Southeastern San Diego Planned District Permit (RPO/SESD) No. 99-0156. Phase 1 of the project has been constructed consisting of a market, retail and commercial uses, and flood channel improvements to the Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of the development as approved and permitted. Future development anticipated at this site as allowed under the RPO/SESD Permit include a multi-purpose building, parking structures and retail uses. No new development is proposed with this project. The PDP is required for proposed deviations to the lot standards.

A Mitigated Negative Declaration was prepared for RPO/SED Permit No. 99-0156. All mitigation measures have been implemented including the installation of two traffic signals and flood channel improvements. The proposed VTM required the preparation of a Mitigated Negative Declaration for potential impacts to transportation/parking: Six of the lots will not have street frontage as allowed under the Planned Development Permit, however, shared access and parking agreements will be required prior to completion of the Final Map. Implementation of these mitigation measures will reduce any impacts to transportation/parking to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. Therefore, the proposed project will not be detrimental to the public health, safety and welfare.

3. **THE PROPOSED DEVELOPMENT WILL COMPLY WITH REGULATIONS OF THE LAND DEVELOPMENT CODE.**

The proposed project is a Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide 3 existing lots into 7 buildable lots and 1 open space lot. No new development is proposed with this application. Market Creek Plaza is designed as a mixed-use development with commercial, office, retail and community uses, and flood control improvements to Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of the development as approved and permitted. The proposed project does not include any changes to the uses or entitlements approved for the site.

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The applicable zoning for the project is the CT-2 zone of the Southeastern San Diego Planned District. The CT-2 zone allows for a wide variety of community shopping and business uses and services. The development is consistent with the Land Development Code. The project design will conform to the purpose and intent of the development regulations, with minor deviations to the minimum lot dimension regulations for lot depth and street frontage as allowed through the Planned Development Permit process. Future developments must comply with the SESPDO development standards for commercial development, which address building heights; lot coverage; floor area ratios; signage; walls; outdoor storage areas; off-street parking; off street loading facilities; screening residential areas from commercial activities; site landscaping; and special regulations to address the hours of operation, lighting, offsetting planes and building facade variation. Therefore, the project is consistent with the applicable regulations of the Land Development Code.

SOUTHEASTERN SAN DIEGO PLANNED DISTRICT PERMIT FINDINGS Section 107.1300:

- 1. THE PROPOSED USE AND PROJECT DESIGN MEET THE PURPOSE AND INTENT OF THE SOUTHEASTERN SAN DIEGO PLANNED DISTRICT ORDINANCE, COMPLY WITH THE RECOMMENDATIONS OF THE SOUTHEASTERN SAN DIEGO COMMUNITY PLAN, AND WILL NOT ADVERSELY AFFECT THE GENERAL PLAN OR OTHER APPLICABLE PLANS ADOPTED BY THE CITY COUNCIL.**

The proposed Planned Development Permit and Site Development Permit to implement requested deviations to the Vesting Tentative Map No. 396659 would not adversely impact the currently adopted Southeastern San Diego Community Plan since it would facilitate marketability of those parcels proposed for future development. The project site is located within the Euclid at Market Pilot Village which is envisioned as a mixed use, transit-oriented, multi-phased project. The proposal would accommodate transit-oriented development adjacent to the trolley station which would be consistent with this vision.

- 2. THE PROPOSED DEVELOPMENT SHALL BE COMPATIBLE WITH EXISTING AND PLANNED LAND USE ON ADJOINING PROPERTIES AND SHALL NOT CONSTITUTE A DISRUPTIVE ELEMENT TO THE NEIGHBORHOOD AND COMMUNITY. IN ADDITION, ARCHITECTURAL HARMONY WITH THE SURROUNDING NEIGHBORHOOD AND COMMUNITY SHALL BE ACHIEVED AS FAR AS PRACTICABLE.**

The project is a Planned Development Permit and Site Development Permit for deviations to the lot standards for a Vesting Tentative Map for the existing Market Creek Plaza center. The surrounding land uses adjacent to the Market Creek Plaza property are a mix of commercial and multi-family uses to the south and east and a mix of commercial, industrial, and residential uses to the north and west. The subdivision would create a total of eight lots, seven buildable lots and one open space lot. Market Creek Plaza is designed as a mixed-use development with commercial, office, retail and community uses, and flood control improvements to Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of the development as approved and permitted. The proposed project does not include any changes to the uses or entitlements approved for the site. The property is entitled under Resource Protection Ordinance

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Permit/Southeastern San Diego Planned District Permit No. 99-0156 which included design guidelines titled Market Creek Design Guidelines. Future development must be consistent with the previously approved permit and the design guidelines.

3. **THE PROPOSED USE, BECAUSE OF CONDITIONS THAT HAVE BEEN APPLIED TO IT, WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE AREA, AND WILL NOT ADVERSELY AFFECT OTHER PROPERTY IN THE VICINITY.**

The proposed project is a Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide 3 existing lots into 7 buildable lots and 1 open space lot. No new development is proposed with this application. The property is currently improved with the Market Creek Plaza, proposed as a mixed use development, entitled under Resource Protection Ordinance Permit/Southeastern San Diego Planned District Permit (RPO/SESD) No. 99-0156. Phase 1 of the project has been constructed consisting of a market, retail and commercial uses, and flood channel improvements to the Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of the development as approved and permitted. Future development anticipated at this site as allowed under the RPO/SESD Permit include a multi-purpose building, parking structures and retail uses. No new development is proposed with this project. The PDP is required for proposed deviations to the lot standards.

A Mitigated Negative Declaration was prepared for RPO/SESD Permit No. 99-0156. All mitigation measures have been implemented including the installation of two traffic signals and flood channel improvements. The proposed VTM required the preparation of a Mitigated Negative Declaration for potential impacts to transportation/parking: Six of the lots will not have street frontage as allowed under the Planned Development Permit, however, shared access and parking agreements will be required prior to completion of the Final Map. Implementation of these mitigation measures will reduce any impacts to transportation/parking to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. Therefore, the proposed project will not be detrimental to the public health, safety and welfare.

4. **THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS.**

The proposed project is a Vesting Tentative Map, Planned Development Permit and Site Development Permit to subdivide 3 existing lots into 7 buildable lots and 1 open space lot. No new development is proposed with this application. Market Creek Plaza is designed as a mixed-use development with commercial, office, retail and community uses, and flood control improvements to Las Chollas Creek. The purpose of the proposed VTM is to separate future development parcels from existing developed parcels in order to attract appropriate developers and to facilitate completion of the development as approved and permitted. The proposed project does not include any changes to the uses or entitlements approved for the site.

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The applicable zoning for the project is the CT-2 zone of the Southeastern San Diego Planned District. The CT-2 zone allows for a wide variety of community shopping and business uses and services. The development is consistent with the Land Development Code. The project design will conform to the purpose and intent of the development regulations, with minor deviations to the minimum lot dimension regulations for lot depth and street frontage as allowed through the Planned Development Permit process. Future developments must comply with the SESPDO development standards for commercial development, which address building heights; lot coverage; floor area ratios; signage; walls; outdoor storage areas; off-street parking; off street loading facilities; screening residential areas from commercial activities; site landscaping; and special regulations to address the hours of operation, lighting, offsetting planes and building facade variation. Therefore, the project is consistent with the applicable regulations of the Land Development Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 582176 (Amending RPO/SESD Permit No. 99-0156) and Site Development Permit No. 619562, are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit Nos. 582176 and 619562, a copy of which is attached hereto and made a part hereof.

Sandra Teasley
Development Project Manager
Development Services

Adopted on: January 22, 2009
Job Order No. 42-7162

DOC # 2000-0233251

RECORDING REQUESTED BY 2522

MAY 05, 2000 8:39 AM

CITY OF SAN DIEGO
 PLANNING AND DEVELOPMENT REVIEW
 PERMIT INTAKE, MAIL STATION 501

OFFICIAL RECORDS
 SAN DIEGO COUNTY RECORDER'S OFFICE
 GREGORY J. SMITH, COUNTY RECORDER
 FEES: 74.00

AND WHEN RECORDED MAIL TO
 CITY CLERK
 MAIL STATION 2A



2000-0233251

SPACE ABOVE THIS

Southeast San Diego Development Permit/Resource Protection Ordinance
 Permit No. 99-0156 [MMRP]
 Market Creek Plaza

City Council

This permit is granted by the Council of The City of San Diego [Council] to Jacobs Center for Nonprofit Innovation, a California General Corporation, Owner/Permittee pursuant to San Diego Municipal Code [SDMC] sections 101.0462 and 103.1700 through 103.1708. The 19.56 acre site is located at 4981 Market Street in the CT-2 zone of the Southeast San Diego Community Plan. The project site is legally described as Parcel 1; A portion of Lot 41, Map No. 283, filed March 9, 1878 and Parcel 2; Lot 1, Map No. 4562, filed June 15, 1960, excepting a portion described in the deed to San Diego, Cuyamaca and Eastern Railway Company, dated Feb. 5, 1889, recorded November 13, 1914, Book 669, Page 155 of Deeds.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to develop and construct a mixed use project including a neighborhood shopping center approximately 95,171 square feet anchored by a super market, retail shops, and an office building complex of approximately 224,511 square feet with conference center, parking garage for 528 vehicles, community support buildings, child care center, recreation center/multi-purpose room, youth mall plaza, and a 400 seat outdoor amphitheater with outdoor movie screen, on and off-site public improvements described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated September 28, 1999, on file in the Office of Planning and Development Review. The facility shall include:

- a. Retail Building Areas: Pad 1 at 4,702 square feet, Pad 2 at 3,715 square feet, Pad 3 at 3,504 square feet, Shops 4 at 11,047 square feet, Shops 5 at 6,413 square feet, Kiosks (7) at 1,372 square feet, Market at 57,590 square feet, Youth Mall at 1,800 square feet, Child Care at 5,028 square feet; and
- b. Office Building Area which totals 224,411 square feet; and
- c. Community Building Area: Multipurpose/Recreation Center at 12,406 square feet; and
- d. Landscaping (planting, irrigation and landscape related improvements); and

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- e. Off-street parking facilities; and
 - f. 400 seat amphitheater, vehicular/pedestrian bridge, and underpass beneath the trolley rail; and
 - g. Accessory improvements determined by the City Manager 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 Municipal Code in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
 2. Rezoning of the subject property shall become effective 30 days after the second reading of the ordinance by the Council.
 3. 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 Permittee signs and returns the permit to Planning and Development Review; and
 - b. The permit is recorded in the office of the San Diego County Recorder.
 4. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
 5. 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.
 6. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
 7. The issuance of this permit by The City of San Diego does not authorize the applicant to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).
 8. In accordance with authorization granted to The City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by

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the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], The City of San Diego through the issuance of this permit hereby confers upon Permittee the status of Third Party Beneficiary as provided for in Section 17 of The City of San Diego implementing Agreement (IA), executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Permittee by the City: (1) to grant Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by The City of San Diego pursuant to this permit shall be altered in the future by The City of San Diego, USFWS or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

9. 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/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

10. The Owner/Permittee shall provide and maintain a total of 1,231 parking spaces on the property at the completion of all construction all times in the approximate location shown on the approved Exhibit "A," dated September 28, 1999, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager. The project is to be phased. All phases shall provide and maintain the necessary parking for each phase.

11. The Owner/Permittee is proposing structures within the flood way. These structures are not allowed unless authorized by Federal Emergency Management Agency [FEMA] per flood plain conditions.

12. Prior to the issuance of any building permits, the Owner/Permittee shall assure the construction of a standard 30-foot wide commercial driveway width with 6-foot flare aprons or two 20-foot wide directional driveway with a 10-foot wide median for the proposed right-turn in/out driveway on Euclid Avenue, satisfactory to the City Engineer.

13. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated September 28, 1999, on file in the Office of Planning and Development Review. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

14. 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 discretionary

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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 special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the Owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the Owner complies with all the conditions of the 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 new 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 new permit and the condition(s) contained therein.

15. This permit may be developed in phases. Each phase shall ensure that all development is consistent with the conditions and exhibits approved for each respective phase, per the approved Exhibits "A," dated September 28, 1999, on file in the Office of Planning and Development Review.

16. **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

The Owner/Permittee shall comply with the Mitigation Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, LDR No. 99-0156, satisfactory to the City Manager and the City Engineer. Prior to the issuance of any building permit, all mitigation measures specifically outlined in the MMRP shall be implemented for the following issue areas:

- a. Archaeological Resources
- b. Biological Resources
- c. Noise
- d. Transportation/Circulation
- e. Human Health/Public Safety

17. Prior to the issuance of a grading permit, the geotechnical consultant must evaluate the stability of the existing slopes and their potential impact to the project. Where retaining walls are proposed at the toe or encroaching on ascending slopes, recommended provisions for drainage, slough debris catchment and clean out of accumulated debris behind the walls must be shown on the grading plans.

18. Prior to the issuance of any building permit, Development Impact Fees and Housing Trust Fund fees may be required.

19. Prior to the issuance of the first certificate of occupancy, the Chollas Trail as shown on the Site Plan shall be dedicated as a non-motor vehicle pedestrian public right-of-way.

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20. Prior to the issuance of the first certificate of occupancy, Chollas Creek must have an open space easement, excluding the area of the Amphitheater.
21. Prior to the issuance of a grading permit, the geotechnical consultant must review and sign the grading plan.
22. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of this material.
23. Prior to the issuance of the first certificate of occupancy, encroachment permits are required for the pedestrian bridge and the vehicle and pedestrian bridge.
24. All landscaping and lighting shall be maintained by the Owner/Permittee, including all areas within the creek and trail.
25. Prior to issuance of any building permits, the Owner/Permittee shall assure either:
A. The installation of a traffic signal at the intersection of Euclid Avenue and SR-94 westbound-ramps, satisfactory to the City Engineer, or B. Provide full funding for the design and construction of a traffic signal at the intersection of Euclid Avenue and SR-94 westbound-ramps, satisfactory to the City Engineer.
26. Prior to issuance of any building permits, the Owner/Permittee shall assure by permit and bond, the installation of a traffic signal at the intersection of Euclid Avenue and Naranja Street including a raised median along the project's frontage on Euclid Avenue, all improvements shall be constructed to the satisfaction of the City Engineer.
27. The operating hours for the 400 seat outdoor amphitheater are proposed as follows: Monday - Friday 9:00 AM to 3:00 PM and after 6:30 PM, daily on Saturday, Sunday and Holidays. The school children may be using the amphitheater during the Monday - Friday 9:00 AM to 3:00 PM period. All performances at the amphitheater shall end no later than twelve midnight, seven days a week. No performances shall be allowed between twelve midnight and 9:00 AM.
28. Due to reduced sight distance either the project's access to Market Street be limited to right-turn in/out or a traffic signal with advanced flashing beacon be installed at this location, the improvements shall be constructed to the satisfactory of the City Engineer.
29. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, installation of fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two fire hydrants are located on a dead-end main, then the developer shall install a redundant water system of adequate capacity to provide appropriate fire flows to this development.
30. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the relocation of the Encanto Trunk Sewer in a manner satisfactory to the Metropolitan Wastewater Department Director. The trunk sewer shall be located within a 30-foot-wide sewer easement with vehicular access to all existing and proposed manholes located on-site.

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31. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall provide CC&R's for the operation and maintenance of on-site private water and sewer facilities that serve more than one lot.

32. The Owner/Permittee agrees to design all proposed public water and sewer facilities in accordance with the criteria established in the most current edition of the "City of San Diego Water & Sewer Design Guide." Proposed facilities that do not meet the current standards shall be redesigned or private.

33. The Owner/Permittee shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Directors. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. The easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any access easement.

The private water system, on-site, will have public meters within the rights-of-way where connecting to existing public mains. Three-inch meters, or larger, are above ground installations.

The sewer lateral from Building 3 cannot connect to the trunk sewer. This lateral connection shall be extended and connect to the private sewer system.

34. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit from the City Engineer for the grading proposed for this project. All grading shall conform to requirements of the Municipal Code, satisfactory to the City Engineer.

35. The drainage system proposed with this development shall be private and is subject to approval by the City Engineer.

36. Prior to building occupancy, the Owner/Permittee shall conform to the Municipal Code requirements for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Owner/Permittee shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

37. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an encroachment removal agreement, from the City Engineer, for the 36-inch RCP encroaching in the South Las Chollas Creek.

38. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be

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developed and implemented concurrently with the commencement of grading activities, and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with The City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with The City of San Diego when received.

In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

39. Portions of the project are located in the floodplain of South Las Chollas Creek, as delineated on Panel 1904 of the Flood Insurance Rate Map [FIRM] for The City of San Diego. These maps are prepared by FEMA. In connection with approval of this permit:

- a. The Owner/Permittee shall submit a Hydraulic and Hydrologic Study of the area within the floodway for approval by the City Engineer.
- b. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.
- c. The Owner/Permittee shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.
- d. The Owner/Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.
- e. The Owner/Permittee shall denote on the final map and the improvement plans "Subject to Inundation" for those areas at an elevation lower than the 100-year frequency flood elevation plus one foot.
- f. The Owner/Permittee shall provide slope protection, as required by the City Engineer, where the flow velocity exceeds 5 FPS.
- g. The Owner/Permittee shall provide safety fencing where required by the City Engineer.
- h. Permits or exemptions must be obtained from the California Department of Fish and Game and the U.S. Army Corps of Engineers before City permits will be issued for work within the floodplain fringe areas.
- i. The Owner/Permittee shall grant drainage easements, satisfactory to the City Engineer.
- j. No permits shall be issued for grading or other work in the floodplain of South Las Chollas Creek until the developer obtains a Conditional Letter of Map Amendment [Conditional LOMA] or Conditional Letter of Map Revision

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[Conditional LOMR] from FEMA. The request for the Conditional LOMA or Conditional LOMR must be submitted through the Floodplain Management Section of the City of San Diego's Planning and Development Services. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

k. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via the Floodplain Management Section, Planning and Development Review. The Owner/Permittee must provide all documentation, engineering calculations, and fees which are required by FEMA.

l. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section, Public Works/Engineering and Capital Projects will notify Planning and Development Review of such issuance as soon as it is informed by FEMA.

m. Notes provided by the Floodplain Management Section, Public Works/Engineering and Capital Projects concerning work in designated floodplains shall be included in all grading and improvement plans.

40. Prior to issuance of any building permit, the Owner/Permittee shall submit, to the satisfaction of the City Manager, construction plans and documents which indicate compliance with the following:

The required 15-foot building setback adjacent to Market Street and all other relevant setback requirements of the Municipal Code for this site; and

Revised Design Guidelines that are both objective and measurable by City staff; and

Provide consistency between all plans and indicate the improvements within the right-of-way of Market Street and Euclid Avenue adjacent to this site.

41. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

42. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits, including, but not limited to, elevations and cross sections.

43. A topographical survey conforming to the provisions of SDMC section 101.0216 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



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regulations of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

44. All signage associated with this development shall be consistent with sign criteria established by the approved Market Creek Plaza Signage Guidelines.

45. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Planning and Development Review, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of 50 feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the planned development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Planning and Development Review Manager.

46. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

47. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

48. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

49. No merchandise, material or mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.

50. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable

Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated September 28, 1999, on file in the Office of Planning and Development Review.

51. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated September 28, 1999, on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

52. Prior to the issuance of a building permit, the Owner/Permittee shall provide a separation between the vehicular use area and the street curb by a landscape area other than hardscape of a depth totaling no less than eight feet measured perpendicular to the curb in accordance with the City Manager. This area must contain an effective visual screen for a minimum of 80% of the VUA frontage. The screen must be at least 30 inches in height. The screen may be achieved through the use of berms, walls or plant material. This landscape area may be reduced to a depth of three feet if a site wall measuring at least three feet in height is provided.

53. Street trees along Euclid Avenue shall consist of either or both *Platanus acerifolia* or *Tristania conferta*.

54. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated September 28, 1999, on file in the Office of Planning and Development Review and all other applicable conditions of related permits.

55. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

56. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

57. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this permit. The Owner/Permittee, or subsequent owner,

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shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

58. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Owner/Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

59. Prior to the issuance of a building permit for any fast food restaurant, the Owner/Permittee shall provide building plans which include state of the art exterior speaker systems for placing food orders to avoid noise impacts to adjacent land uses. After 10 P.M., drive-through customers shall place orders by either an exterior phone system or at an order window.

60. The Owner/Permittee acknowledges the project design and implementation will not preclude the pedestrian walk way on the north side of South Las Chollas Creek when the property to the west is developed or redeveloped.

61. The Owner/Permittee acknowledges the site contains toxic material and when the property was purchased there was and continues to be an indemnification clause from the previous owner.

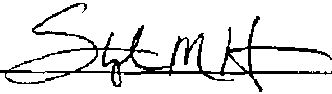
62. Operation of any fast food restaurants on site shall be monitored by the Owner/Permittee and the City to determine if hours of operation should be restricted based on the incidence of problems associated with those hours of operation.

63. The Owner/Permittee shall take any and all reasonable actions to encourage the accommodation of an African American History Museum, of approximately 10,000 square feet in size, to be located within one of the project buildings if such a tenant is forthcoming.

APPROVED by the Council of The City of San Diego by Resolution No. R-292244, on September 28, 1999.

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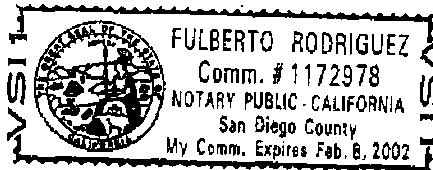
AUTHENTICATED BY THE CITY MANAGER

By  _____

Stephen M. Haase
Assistant Director - Development Review
Planning and Development Review
for the City Manager

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

**JACOBS CENTER FOR NONPROFIT
INNOVATION**
Owner/Permittee



By  _____
Jennifer Vanica

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

3/15/00

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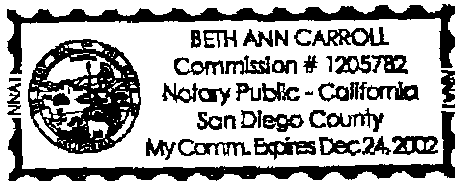
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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of San Diego } ss.

On 4-24-00 before me, Beth Ann Carroll
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Stephen Haase
Name(s) of Signer(s)

personally known to me
 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.

WITNESS my hand and official seal.

Beth Ann Carroll
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: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

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

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

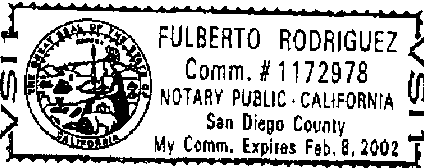
State of CALIFORNIA

County of SAN DIEGO

On APRIL 6, 2000 before me, FULBERTO RODRIGUEZ, A NOTARY

personally appeared JENNIFER VANICA

- personally known to me
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.

WITNESS my hand and official seal.

Signature of Notary Public

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:

Document Date: Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- Individual
Corporate Officer
Partner - Limited General
Attorney-in-Fact
Trustee
Guardian or Conservator
Other:

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

Signer's Name:

- Individual
Corporate Officer
Partner - Limited General
Attorney-in-Fact
Trustee
Guardian or Conservator
Other:

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing:

**ENCANTO NEIGHBORHOODS COMMUNITY PLANNING GROUP
MINUTES OF MEETING
FEBRUARY 4, 2008**

1. CALL TO ORDER/INTRODUCTIONS: At 6:35 pm by : Derryl Williams

Seat	Member	Here ?	Seat	Member	Here ?
Alta Vista	Betty Cherry	Y	At Large	Roman de Salvo	Y
Broadway Hghts	Robert Robinson	Y	At Large	Jewell Hooper	Y
Chollas View	Ardelle Matthews	Y	At Large	Kathy Griffee	Y
Emerald Hills	Francine Maxwell	Y	At Large	Aaron Foust	Y
Encanto-North	Roz King	Y	At Large	Kathleen MacLeod	Y
Encanto-South	Shirley Jones	Y	At Large	Greg Morales	Y
Lincoln Park	Dorothy James	ABS	At Large	Derryl Williams	Y
Valencia Park	Bruce Williams	Y- at 8 pm	At Large	Marry Young	Y

City Department	Name	Here ?	Dept	Name	Here ?
Planning	Myles Pomeroy	Y	4 th Dist	Petrina Burnham	Y

Number of Visitors 16 Sign-in Sheet on file Yes

2. COMMUNICATIONS FROM THE PUBLIC

Name/Agency	Subject	Info on file?
A. SDPO-	NONE	
B. SDFire	NONE	
C. Mayor	NONE	
4th District	Weekly letter February 1, 2008 San Diego City Council (SDCC) approved motion to authorize funds to complete the Reo Dr. streetscape project. Old Globe will be working with schools to develop an internship program to build scenery for plays W the Technical Center Encanto. Free Mini Community Clean up and recycling event in	

	<p>Skyline coimmunity 2/20/08 Call Michael Flores at 858 627 3314 Council Office Hours-10 to 2 pm, Call Thursday to confirm hours on Friday. New Group forming-Jamacha area-c</p>	
<p>Communications from the Public:</p>	<p>Francine Maxwell-bring book of correspondence to next meeting Greg Morales-MLK parade around PETCO not well attended. Wants interested community members to advocate to bring parade back to community. Petrina responded for group/individuals to contact Alpha Phi Alpha Fraternity in care of Dr Robert Mathews.</p>	

3. ADOPTION OF AGENDA: Suggested modification by R. Robinson to remove item 4B under Old Business; Revote on Valencia Park Rezone. Although Myles met with City Attorney and item was placed on agenda, Mr. Robinson asked to remove it from the agenda due to emails received by E. board and appearance of Brown Act violation. MM: to accept as modified by F. Maxwell; S: by A. Mathews Vote: 12-1-0. G. Morales voted no. (Chair does not vote unless to break a tie)
4B removed from Agenda

4. OLD BUSINESS

A. Revote on the Declaration of Vacancy vote taken in December: Presenter Myles Pomeroy Included in packet was a memo from Mary Wright, AICP, Deputy Director, City Planning and Community Investment. Myles reported his advice given in December was incorrect. Mistake is advising that the Planning Group has full discretionary authority in declaring a vacancy. Actually Group has little or no discretion as decision must be based on facts.

Response by R. Robinson: Robe states that his community has voted for a replacement. His absence in May was due to a death of a family member. Mr. Robinson was informed that a meeting was held after the meeting in December inappropriately to discuss this issue. Roz King: Is aware of attendance rules, also has had a death in her family resulting in missing a meeting in addition to missing meetings due to being out of town in championship tennis tournaments. "I have no qualms about action the Board takes. I will remain as a general member."

Questions- from Marry Young: "Is there a warning letter?" Shirley Jones: As members were misinformed last meeting it should be in their favor to stay on the board. Jewel Hooper: We are discussing something we have no power. By-laws stated 6 absences excused or not. Derryl Williams: This question was clarified last month. Betty Cherry: As all E board members are volunteers, they should be able to take time off to go to funerals.

MM: Francine Maxwell-Declare vacancy. **S:** Jewel Hooper **Vote:** 9-4-0 **Voting No:** F. Maxwell, Betty Cherry, Roman De Salvo, Shirley Jones **Motion carried:** vacancies declared for Broadway Hieghts seat and North Encanto seat.

5. NEW BUSINESS (10 minutes each presentation)

A. National Crossroads, Inc., Office on C Street for distribution: Presenter Leslie Lake (Informational)
 Not present

(Item B. Five E board members with shares in the Market Creek Plaza removed themselves from the room)

→ **B. Approval of the Market Creek Plaza Tentative map; Presenter Charles Davis (Action)**

Request is for approval to divide Market Creek Plaza into six separate lots for separate ownership than the community center. Myles Pomeroy: Certain requirements need tentative map, 1 map of lot division proposed parking counts added. MM F. Maxwell: Approve tentative map Discussion from general members: Was plan taken to local community Council? (A: NO) What is intended use? Different ownership will determine use. Describe intended ownership> Unknown at this time. Motion to approve rescinded by F. Maxwell. J. Hooper: MM to approve tentative map S: R. De Salvo Vote: 6-1-0 No vote: Francine Maxwell Comments: J. Hooper: this committee is here to vote on these issues. Concern that community/investors affected if information not presented.

C. Update on Jacobs Foundation Pilot Village Project: Presenter: Charles Davis

Developed residential property, density is equivalent to what is proposed in the General Plan. Waiting for Community plan to be approved. Applied for lot line adjustment-line moved to creek.

(5 Eboard members returned to meeting, Marry Young left meeting due to illness. Bruce Williams arrived)

D. (listed as E. on the Agenda) ENCPG Nominating Committee Report; Presenter: Kathleen MacLeod
 Of 8 yr candidates running, greater than 25% cannot be over 8 years. Received a letter from Chairman of Emerald Hills; nominee is Henry Merrit. Request to keep seat open until Mr. Merrit meets attendance requirement of 3 meetings. Meeting February 2007 counts for 2008 election; February 2008 attendance is counted until 2009. If two candidates have greater than 8 years, candidates must have 2/3rds of vote to remain on board. If both receive over 2/3rd, whoever received the most votes will be win the seat.

Discussion re: email received by Nominating Committee member. Ms. MacLeod produced email sent by Mr. Robinson in response to her inquiry (follow-up email) regarding elections. Email introduced to minutes as part of public record. Ms. MacLeod felt email was intimidating and hostile. G. Morales asked if email could be violating Brown act. J. Hooper observed as this email is concerned, why was a second email sent if an individual does not respond, 2nd email should not be sent. K. MacLeod; second email sent as courtesy.

E. Jewel Hooper: Ms. Hooper read aloud Article 2 Seciton 1 from the By-laws and requests this article is read prior to each meeting.

6. ADOPTION OF MINUTES: MM by J. Hooper to approve minutes.

Changes: Francine Maxwell should not be listed under 8 year limit. She is an at-large candidate for March 2008. MM to approve with change: J. Hooper S: Ardelle Matthews Vote: 14-0-0

7. CITY STAFF REPORTS (Myles Pomeroy): ENCPG By-Laws received administrative approval. Myles will email/mail to group. General Plan hearings conintue, expected to present to Council in March 2008.

8. CPC report: Bruce Williams: No report

9.

A. Planning Dept by: Myles Pomeroy as noted in City Staff reports above. Copy on file? no

10. **CHAIR'S COMMENTS:** Apologized for becoming upset about previous vote regarding vacancy; found it upsetting that a motion came to the floor to throw out the By-Laws and didn't think Group would vote out By-laws.

11. **COMMITTEE MEMBER COMMENTS/ANNOUNCEMENTS:** None

Name	Subject	Action	Copy on file?

12. **ADJOURNMENT:** @ 8:30 P.M.

Respectfully Submitted, K Griffiee

OWNERSHIP DISCLOSURE STATEMENT
PTS 117302

OWNERS:

WEST SIDE CREEK, LLC
MARKET CREEK PARTNERS, LLC.

DIAMOND MANAGEMENT INC (DMI) is the manager of the LLC, and the officers of DMI are as follows:

Charles Buttner, President and CEO
Susan Halliday, CFO
Roque Barros, Secretary



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

Ownership Disclosure Statement

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

Project Title: Market Creek Plaza
 Project No. For City Use Only: 117302
 Project Address: 302 - 324 Euclid Avenue

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

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

Additional pages attached Yes No

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Name of Individual (type or print): _____
 Owner Tenant/Lessee Redevelopment Agency
 Street Address: _____
 City/State/Zip: _____
 Phone No: _____ Fax No: _____
 Signature: _____ Date: _____

Project Title: MARKET CREEK PLAZA	Project No. (For City Use Only) 117302
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? Ca
 Corporate Identification No. 20-1797122
 Partnership

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

Corporate/Partnership Name (type or print):
West Side Creek, LLC

Owner Tenant/Lessee

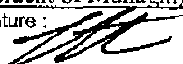
Street Address:
5160 Federal Blvd

City/State/Zip:
San Diego, Ca. 92105

Phone No: (619) 527-6161 Fax No: (619) 298-2399

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

Title (type or print):
President of Managing Member

Signature:  Date: 10-18-06

Corporate/Partnership Name (type or print):
Market Creek Partners, LLC

Owner Tenant/Lessee


Street Address:
5160 Federal Blvd

City/State/Zip:
San Diego, Ca. 92105

Phone No: (619) 527-6161 Fax No: (619) 298-2399

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

Title (type or print):
President of Managing Member

Signature:  Date: 10-18-06

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

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

Title (type or print):

Signature: Date:

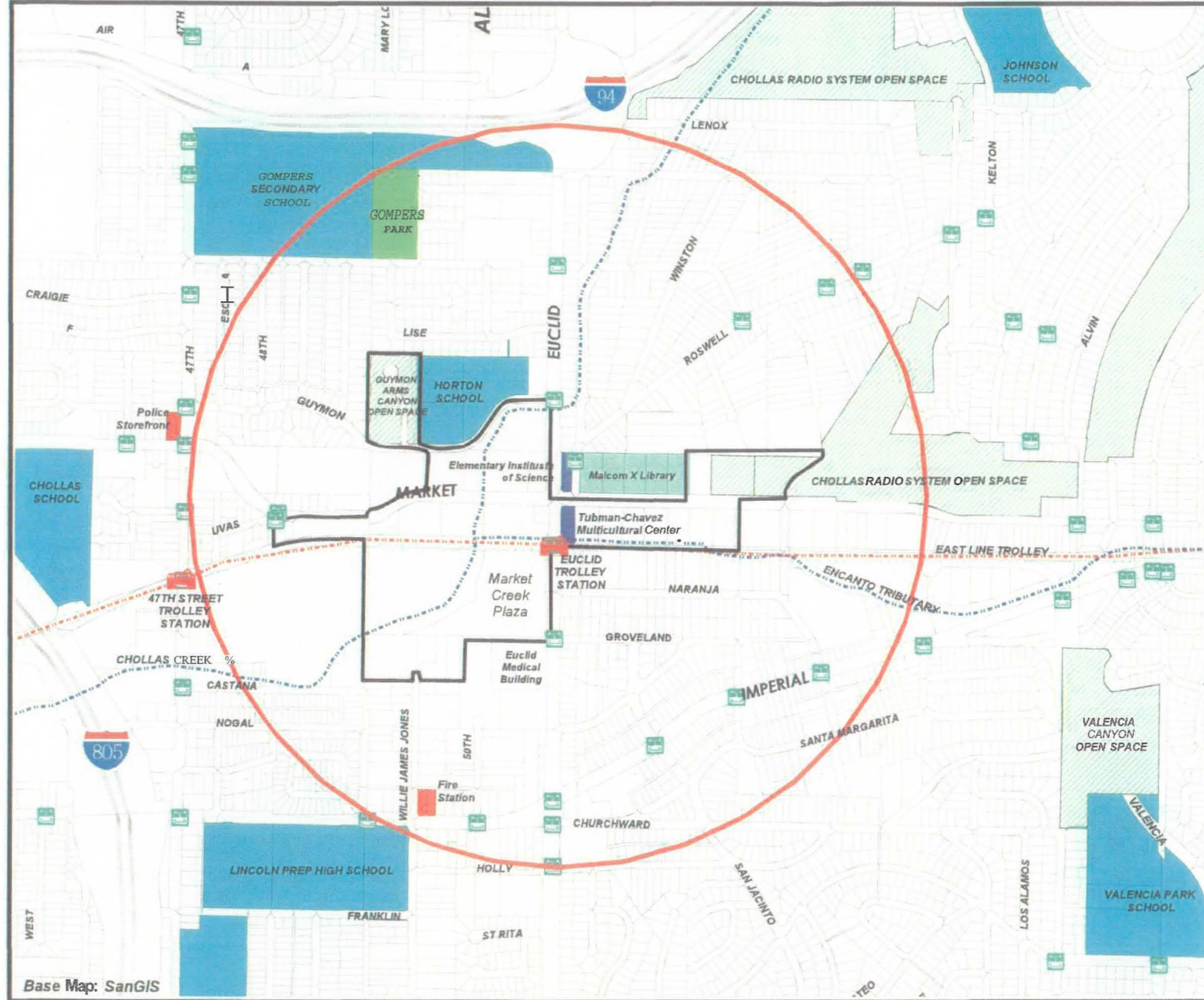
DEVELOPMENT SERVICES
Project Chronology
 MARKET CREEK PLAZA- PROJECT NO. 117302

Date	Action	Description	City Review Time	Applicant Response
5/07	First Submittal	Project Deemed Complete		
6/07	First Assessment Letter		1 month	
8/07	Second Submittal			2 months
9/07	Second Assessment Letter		1 month	
7/08	Third Submittal	Numerous meetings with staff to resolve issues		10 months
9/08	Third Assessment Letter		1 month	
11/08	Issues Resolved (MND finalized)		2 months	
1/22/09	Public Hearing-Planning Commission		2 months	
TOTAL STAFF TIME**			7 months	
TOTAL APPLICANT TIME**				1 year
TOTAL PROJECT RUNNING TIME		From Deemed Complete to PC Hearing	1 year, 7 months	

**All dates approximate



Euclid Market Partners



Legend

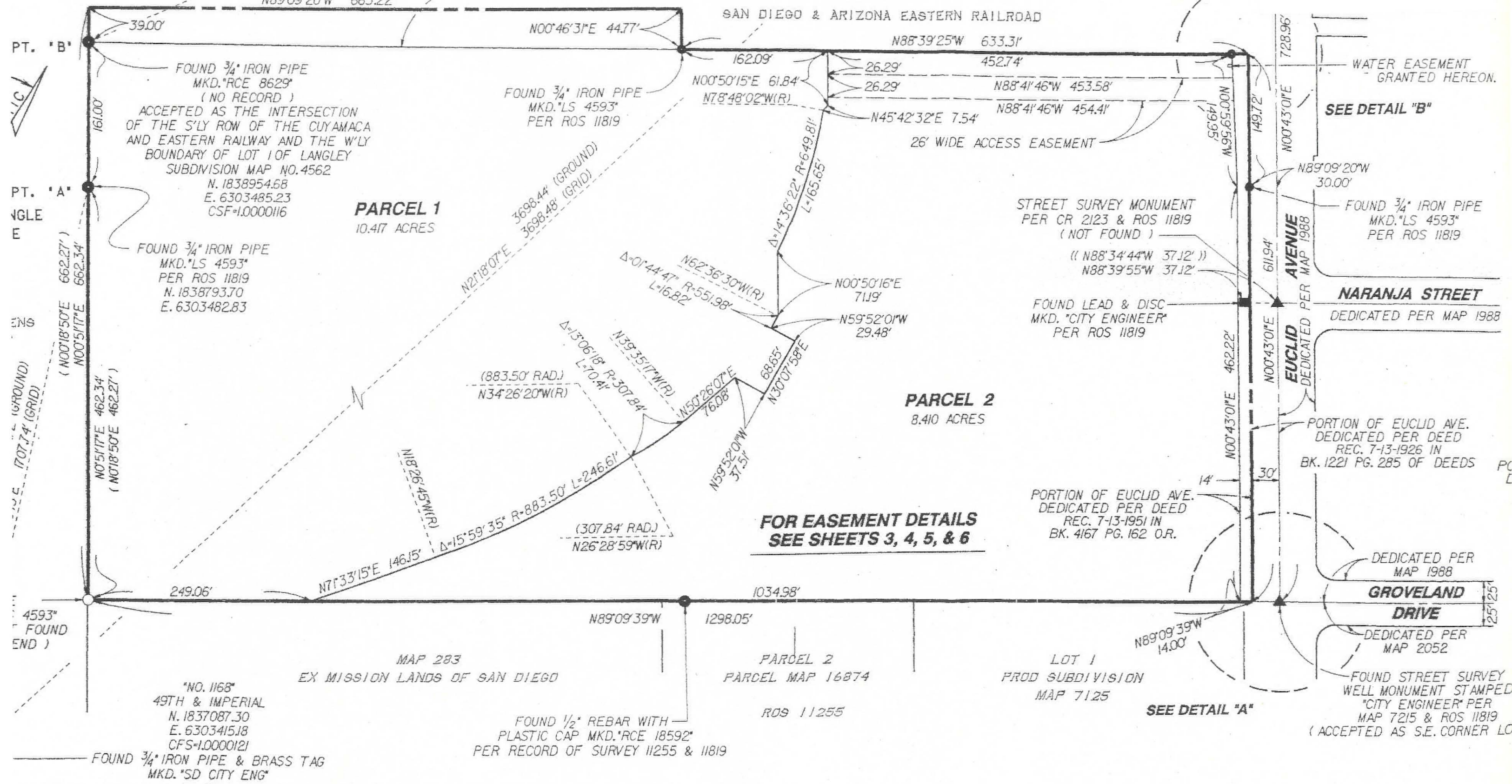
- Half Mile Radius
- Pilot Village Site
- Trolley Station
- Bus Stop
- River
- Trolley Line
- School
- Park
- Open Space
- Parcel
- Freeway



Base Map: SanGIS

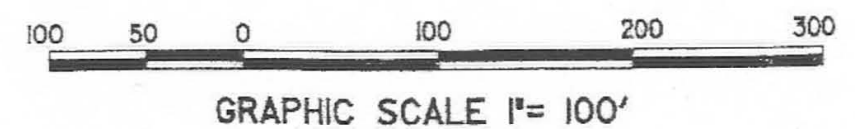


Subject Property



PARCEL MAP NO. 18812

SHEET 2 OF 6 SHEETS



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C