



THE CITY OF SAN DIEGO

## REPORT TO THE PLANNING COMMISSION

**DATE ISSUED:** May 21, 2009 **REPORT NO. PC-09-045**

**ATTENTION:** Planning Commission, Agenda of May 28, 2009

**SUBJECT:** 99 Cents Market Street – PROJECT NO. 168680

**LOCATION:** 2611 Market Street

**OWNER/  
APPLICANT:** 99 Cents Only Stores, a California Corporation (Attachment 9)

### SUMMARY

**Issue(s):** Should the Planning Commission approve or deny an appeal of the Hearing Officer's decision approving Site Development Permit No. 605610 to construct a new retail store?

**Staff Recommendation:** DENY the Appeal and APPROVE Site Development Permit No. 605610.

**Community Planning Group Recommendation:** The Southeastern San Diego Planning Committee voted unanimously (11-0-0) on March 9, 2009 to recommend approval of the project with conditions (Attachment 6).

**Other Recommendations:** None with this action.

**Environmental Review:** The project is exempt from the California Environmental Quality Act pursuant to Section 15332 (Infill Development) of the State CEQA Guidelines. This project is not pending an appeal of the environmental determination. This project was determined to be categorically exempt from the California Environmental Quality Act on January 14, 2009 and the opportunity to appeal that determination ended January 29, 2009.

**Fiscal Impact Statement:** None with this action. All cost associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** None with this action.



## **BACKGROUND**

The 49,230 square-foot vacant project site is located at 2611 Market Street in the CSF-2 Zone of the Southeastern San Diego Planned District within the Southeastern San Diego Community Planning area, and is legally described as Lots 11-24, Block 39 of L.C. Carr's Subdivision, Pueblo Lot 1154 filed September 16, 1871 (Attachments 1 and 2). The Southeastern San Diego Community Plan designates the site for General Commercial land use (Attachment 3). Surrounding development includes a mixture of older development, primarily single and multi-family structures interspersed with pockets of small scale commercial buildings, and some vacant lots; a block south of the subject site is Grant Hill Park.

On July 8, 2008, prior to the application for the subject Site Development Permit, a demolition permit (under Project No. 158298) was issued by Development Services to allow the demolition of an existing 10,000-square-foot commercial building which had stood vacant for many years. Prior to the issuance of the demolition permit, Historic Resources staff reviewed the demolition request, photographs and building records, and concluded that the property or structure did not rise to the level of significance necessary for designation as an individual resource under any adopted Historical Resources Board criteria.

The San Diego Municipal Code (SDMC), per Section 1519.0202, establishes a discretionary process which allows an applicant to request, and the Hearing Officer to consider, proposals for new commercial development within the Southeastern San Diego Planned District. A Southeastern San Diego Development Permit in the form of a Site Development Permit (SDP) can be granted by the Hearing Officer when appropriate findings are made to support the project (Attachment 7).

On April 28, 2009, the Hearing Officer approved Site Development Permit No. 605610 to develop a new 14,009-square-foot commercial retail building.

## **DISCUSSION**

### **Project Description:**

The project proposes to redevelop an existing vacant site with a new 14,009-square-foot commercial retail building. The project scope includes a 43 space parking lot (with 3 accessible parking spaces), and new on-site landscaping and water quality infrastructure. Additionally, improvements to the public rights-of-way along Market Street and 26<sup>th</sup> Street are proposed in order to meet current City engineering, street lighting and landscaping standards.

### **Community Plan Analysis:**

The project site is located at 2611 Market Street, at the corner of Market Street and 26<sup>th</sup> Street, in the CSF-2 Zone of the Southeastern San Diego Planned District within the Southeastern San Diego Community Planning area. The Southeastern San Diego Community Plan designates the

site for General Commercial land use. The CSF Zone is a commercial zone within the Southeastern San Diego Planned District and according to the Land Development Code, the purpose and intent is to “. . . allow for commercial strip development with parking in the front or side of the building. These zones are applied to accommodate existing development patterns or encourage patterns that are deemed to be appropriate because of the urban design features anticipated for the area. The focus is on automobile-oriented establishments where the primary commercial function is geared to a single stop activity” (SDMC Section 1519.0304). In discussing existing conditions in the community, the Commercial Element of the Southeastern San Diego Community Plan identifies the following:

- *“There are few available vacant commercial sites usable for community commercial development within the community. Although the community has approximately 171 acres that are zoned for commercial use, few sites are large enough for community commercial development. Most of the available parcels are 10,000 square feet or less in size and would require consolidation with neighboring parcels to accommodate commercial development.”*
- *“In the western portion of the community, commercial development is characterized by discontinuous strips of small storefronts interspersed with residential units and vacant parcels. These commercial properties are difficult to patronize for motorists in that they front on busy streets and for the most part do not have off-street parking. In addition, the kinds of goods and services available and the distances between establishments make them less efficient to the shopper than a consolidated commercial center, and are too spread out for pedestrians.”*

Additionally, the Commercial Element of the Southeastern San Diego Community Plan includes the following commercial objectives:

- *Provide attractive quality community and neighborhood commercial facilities that offer a variety of goods and services to meet community needs. Rehabilitate existing commercial centers and improve both vehicular and pedestrian access.*
- *Rehabilitate existing commercial centers and improve both vehicular and pedestrian access.*
- *Enhance the perception of safety through the use of crime-detering materials and design, including the thoughtful use of landscaping, screening materials, lighting and building siting, and materials and parking locations.*
- *Improve vehicular and pedestrian access to commercial sites, and ensure adequate and aesthetically pleasing parking facilities.*

At 49,230 square-feet in size, the project site is one of few in the community well suited for commercial development due to it’s larger size and accessible location along Market Street, a major east-west connection through the community. Redevelopment of the site with the proposed retail store will implement the objectives of the Commercial Element of the Southeastern San

Diego Community Plan by providing a variety of commercial goods and services, and improving both vehicular and pedestrian access to the facility and along the public right-of-ways in the site vicinity. The project will provide adequate and aesthetically pleasing parking facilities which utilize a variety of planting material and are landscaped in excess of minimum standards. The perception of public safety will be enhanced through the redevelopment of a previously derelict site with a new, well designed building, and improvements to the public rights-of-way along Market Street and 26<sup>th</sup> Street to meet current City standards. This work includes installation of additional street lighting, street trees, closure of unused driveways and the reconstruction of three (3) existing curb ramps to facilitate improved disabled access in the site vicinity.

### Project Design

The new 14,009-square-foot commercial retail building includes a covered entrance leading into an open floor sales area typical to a large retail store. The site is generally flat, excepting along the southern property line where a public alley lies at a higher grade elevation and whose embankment slopes down to the project's southern property line, which is at an elevation of approximately 171 feet MSL (mean sea level). The top of a retaining wall on the project site in this location is at an elevation of approximately 173 feet MSL, and the ground below is approximately 166 feet MSL, a differential of approximately 7-feet. The project site slopes down gradually northeast across the property to an elevation of approximately 155 feet MSL. As alley access is precluded due to this topographical change in elevation, all delivery traffic will access the site through the Market Street driveways. To avoid any visual concerns the loading area will be dropped to an elevation of 160 feet MSL and tucked into the southwest corner of the site along the alleyway, and further screened with a wall along the property line.

The building façade has been designed to meet the off-setting planes requirement of the Southeastern San Diego Planned District Ordinance (PDO) and will be finished in stucco with split masonry accents, and large tempered glass windows will face the parking lot and Market Street. The project will comply with the recommendations of the Commercial Element of the Southeastern San Diego Community Plan, which states that auto oriented uses should be landscaped and screened, and will conform to all parking and landscape standards of the Land Development Code.

The project will accomplish this through new on site landscape planting within the streetyards along Market and 26<sup>th</sup> Streets, which includes the addition of eight (8) 24" box queen palm trees and screening shrub plants installed between the new building and the property line along these street frontages. Within the public right-of-way along Market Street and 26<sup>th</sup> Street, thirteen (13) 24" box broad headed shade street trees will be installed. Additionally, the project exceeds the minimum requirement for planting within the vehicular use areas by approximately 4,485-square-feet, providing 5,657-square-feet of planting where 1,172-square-feet is required.

The public-right-of-way fronting Market Street adjacent to the site will be improved with new street lighting and two (2) new paved driveways; four (4) existing driveways (2 on Market Street and 2 on 26<sup>th</sup> Street) will be replaced with full height curb and gutter to meet current City standards. The project also includes the reconstruction of three (3) existing curb ramps to current City standards two (2) at the alley entrance on 26th Street and one (1) adjacent to the site at the

Market Street and 26th Street intersection). A minor curb cut will be installed on the southwest corner of the site fronting 26<sup>th</sup> Street to accommodate a path of travel for weekly trash pick-up.

#### Community Planning Group Recommendations:

In their unanimous recommendation to approve the project on March 9, 2009, the Southeastern San Diego Planning Committee included numerous conditions. As specifically outlined in Attachment 6 of this report, some of the recommendations have been incorporated into the project by the applicant, and others have been determined by the applicant to be infeasible. Further, some of the recommendations fall out of the scope of the project itself, such as the targeting of Development Impact Fee (DIF) funds to the Grant Hill geographic area, and the request for a traffic signal at the Market Street and 26<sup>th</sup> Street intersection. Both of these recommendations have been forwarded to appropriate staff in the City's Facilities Financing and Transportation Engineering Operations divisions for further review and consideration on a larger scale community level. Transportation Engineering Operations staff did review the request for the signal and has reported that under current traffic conditions the intersection does not warrant signalization. Additionally, proximity to an existing traffic signal at the Market Street and 25<sup>th</sup> Street intersection a block away may not allow adequate site distance between signalized intersections. However, staff indicated they would take the recommendation under advisement.

#### Appeal of Hearing Officer Decision to Approve SDP:

On April 28, 2009, the Hearing Officer approved Site Development Permit No. 605610. An appeal of the Hearing Officer's decision to approve the project was filed on May 4, 2009, by Mr. Jesse Albritten (Attachment 10). Issues cited in the appeal generally concern compatibility of the proposed commercial project with existing development, project design, traffic safety and general public safety. As discussed previously in this report, the project's proposed commercial use in this location is appropriate and will be compatible with existing and planned commercial and multi-family residential uses in the vicinity. Additionally, as designed the project meets all development standards, requires no deviations and complies with the applicable regulations of the Land Development Code.

The appellant's stated concerns regarding traffic and public safety include issues broader in scope than the project itself. However, on a project level traffic and public safety will be addressed through proper site design, including the provision of adequate parking for store patrons (including 3 accessible parking spaces) in a parking lot facility designed to meet all City standards pertaining to vehicular access, landscaping and lighting standards. As discussed previously, improvements to the public rights-of-way along Market Street and 26<sup>th</sup> Street will include the installation of additional street lighting, street trees, closure of unused driveways and the reconstruction of three (3) existing curb ramps at the Market Street and 26th Street intersection to facilitate improved pedestrian access in the site vicinity.

On a project operations level, the project applicant had provided information regarding public safety strategies which are utilized by 99 Cents Only Stores to address public safety in and on the premises of their stores (Attachment 11). The 99 Cents Only Stores operational procedures include installation of extensive security camera systems throughout the store (interior and

exterior) which perform video monitoring both internally and remotely from corporate office headquarters, training of employees in crime prevention and reporting, crime prevention through store floor planning and graffiti abatement measures.

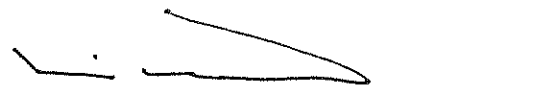
### CONCLUSION

The proposed 14,009-square-foot commercial retail building meets all development standards, requires no deviations and complies with the applicable regulations of the Land Development Code. The project will be compatible with existing and planned commercial and multi-family land uses on adjoining properties, and as designed, the project will not constitute a disruptive element to the neighborhood and community. Further, the project meets the purpose and intent of the Southeastern San Diego Planned District Ordinance, complies 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. Therefore, staff recommends the Planning Commission deny the appeal and approve the project.

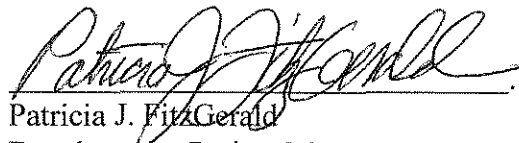
### ALTERNATIVES

1. Deny the Appeal and Approve Site Development Permit No. 605610, with modifications.
2. Uphold the Appeal and Deny Site Development Permit No. 605610, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake  
Program Manager  
Development Services Department



Patricia J. FitzGerald  
Development Project Manager  
Development Services Department

WESTLAKE/PF

Attachments:

1. Aerial Photo
2. Project Location Map
3. Community Plan Land Use Map
4. Project Data Sheet
5. Project Plans
6. Community Planning Group Recommendations
7. Draft Permit

8. Draft Resolution with Findings
9. Ownership Disclosure Statement
10. Copy of Planning Commission Appeal
11. 99 Cents Only Stores Public Safety Measure





# Attachment 1 Aerial Photo





# Attachment 2 Project Location Map







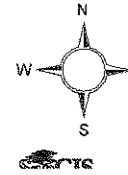
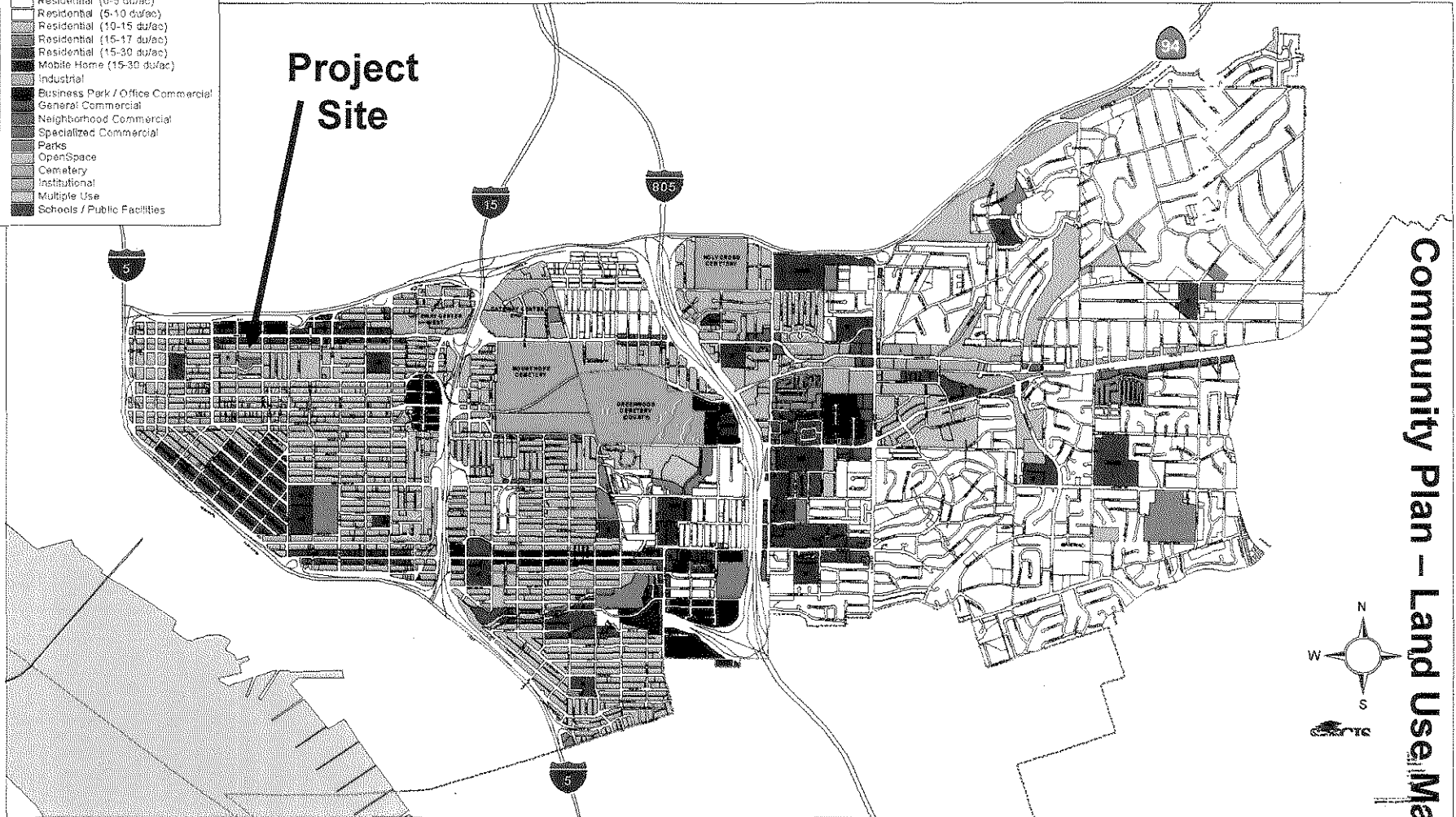
City of San Diego Planning Department

# Southeastern San Diego Community Plan Land Use

**LEGEND**

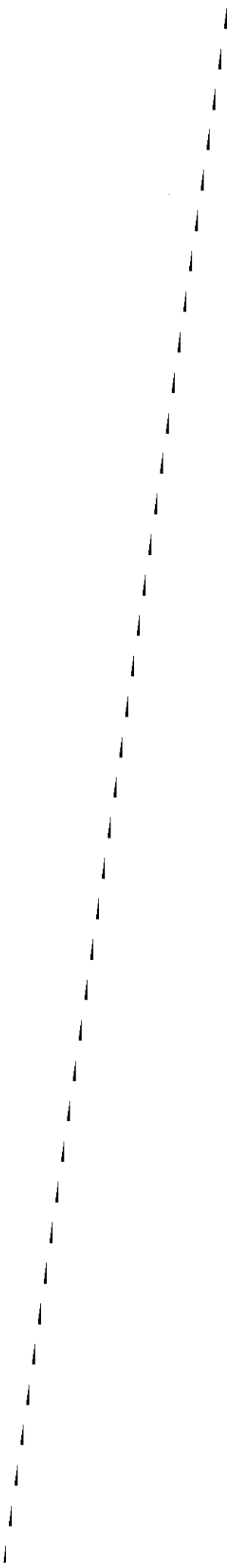
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[Pattern]	Residential (15-30 du/ac)
[Pattern]	Mobile Home (15-30 du/ac)
[Pattern]	Industrial
[Pattern]	Business Park / Office Commercial
[Pattern]	General Commercial
[Pattern]	Neighborhood Commercial
[Pattern]	Specialized Commercial
[Pattern]	Parks
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[Pattern]	Multiple Use
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**Project Site**

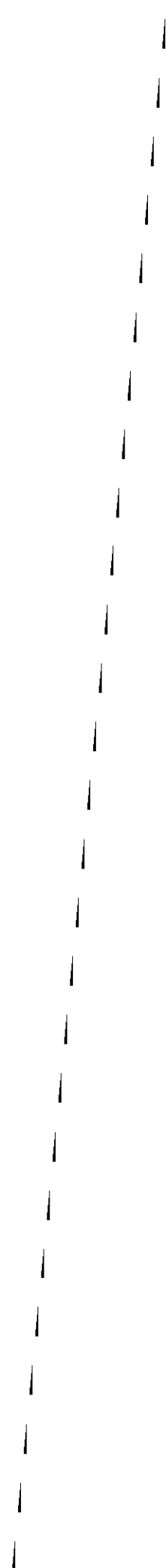


Community Plan – Land Use Map

Attachment 3



<b>PROJECT DATA SHEET</b>																
<b>PROJECT NAME:</b>	99 Cents Market Street – PROJECT NO. 168680															
<b>PROJECT DESCRIPTION:</b>	Construction of a 14,009-sf retail commercial building															
<b>COMMUNITY PLAN AREA:</b>	Southeastern San Diego															
<b>DISCRETIONARY ACTIONS:</b>	Southeastern San Diego Development Permit (in the form of a Site Development Permit)															
<b>COMMUNITY PLAN LAND USE DESIGNATION:</b>	General Commercial															
<b>ZONING INFORMATION:</b>																
ZONE: SESDPD CSF-2 Zone HEIGHT LIMIT: No maximum height limit – 37'-8" proposed MAXIMUM COVERAGE: 50% (24,596 sq. ft.) -- 28% proposed (14,009 sq. ft.) LOT SIZE: 10,000 square-foot min. -- 49,192 existing FLOOR AREA RATIO: 0.50 maximum (24,596 sf) -- 0.28 (14,009 sf) proposed FRONT SETBACK: 20 feet min. -- 20 feet provided at 26 <sup>th</sup> Street SIDE (INTERIOR) SETBACK: 0 feet min. – 3 feet provided at alley STREETSIDE SETBACK:; 10 feet min.– 10 feet provided at Market Street REAR SETBACK: 0 feet min. – 199 feet provided PARKING: 29 parking spaces required – 43 spaces provided																
<b>ADJACENT PROPERTIES:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 40%;">LAND USE DESIGNATION &amp; ZONE</th> <th style="width: 40%;">EXISTING LAND USE</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><b>NORTH:</b></td> <td>Residential (20-30 du/acre); SESDPD MF-1500 Zone</td> <td>Multi-family residential</td> </tr> <tr> <td style="text-align: center;"><b>SOUTH:</b></td> <td>Residential (10-15 du/acre); SESDPD MF-3000 Zone</td> <td>Multi-family residential</td> </tr> <tr> <td style="text-align: center;"><b>EAST:</b></td> <td>General Commercial; SESDPD CSF-2 Zone</td> <td>Commercial/ Multi-family residential</td> </tr> <tr> <td style="text-align: center;"><b>WEST:</b></td> <td>General Commercial; SESDPD CSF-2 Zone</td> <td>Commercial/ Multi-family residential</td> </tr> </tbody> </table>		LAND USE DESIGNATION & ZONE	EXISTING LAND USE	<b>NORTH:</b>	Residential (20-30 du/acre); SESDPD MF-1500 Zone	Multi-family residential	<b>SOUTH:</b>	Residential (10-15 du/acre); SESDPD MF-3000 Zone	Multi-family residential	<b>EAST:</b>	General Commercial; SESDPD CSF-2 Zone	Commercial/ Multi-family residential	<b>WEST:</b>	General Commercial; SESDPD CSF-2 Zone	Commercial/ Multi-family residential
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<b>EAST:</b>	General Commercial; SESDPD CSF-2 Zone	Commercial/ Multi-family residential														
<b>WEST:</b>	General Commercial; SESDPD CSF-2 Zone	Commercial/ Multi-family residential														
<b>DEVIATIONS OR VARIANCES REQUESTED:</b>	none															
<b>COMMUNITY PLANNING GROUP RECOMMENDATION:</b>	The Southeastern San Diego Planning Committee voted unanimously (11-0-0) on March 9, 2009 to recommend approval of the project with conditions.															



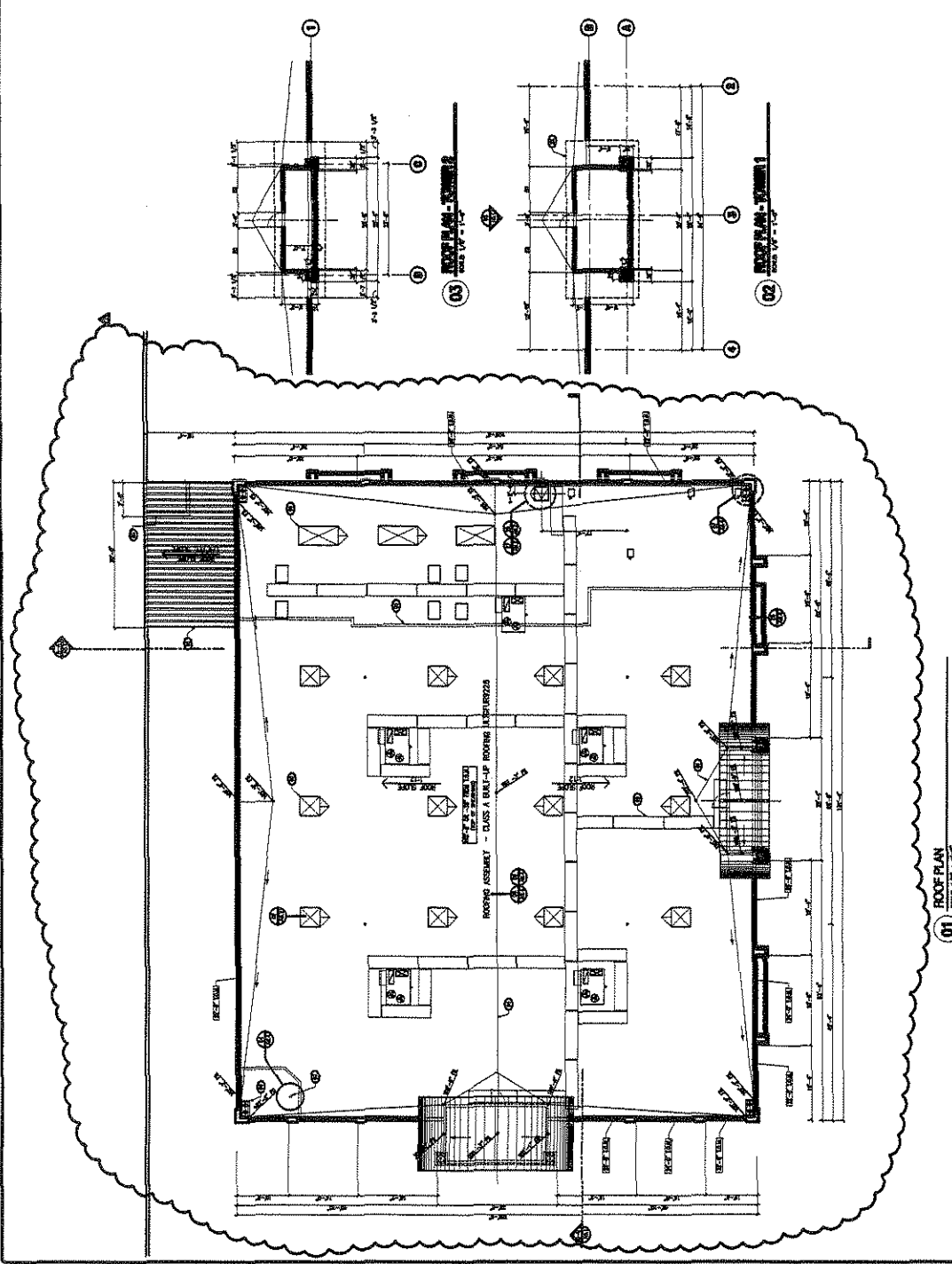






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NO.	DESCRIPTION	DATE																		

- 04 SHEET NOTES**
1. CONSULT WITH ARCHITECT FOR ALL DETAILS AND MATERIALS TO BE USED.
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- 06 GENERAL NOTES**
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**01 ROOF PLAN**  
SCALE: 1/8" = 1'-0"



REVISIONS	DATE	BY
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2	08-11-09	MM
3	08-11-09	MM
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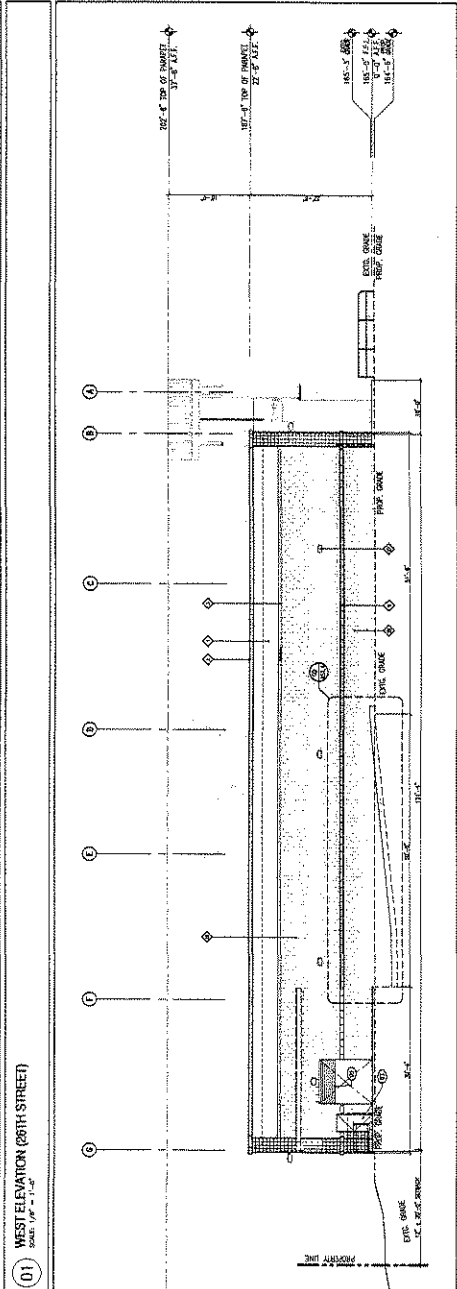
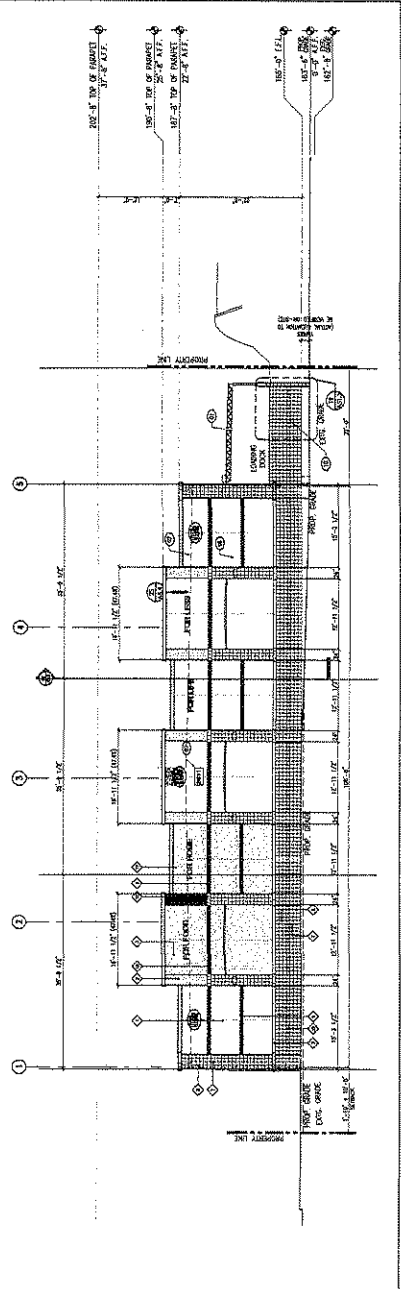


ANTHONY TAYLOR CONSULTANTS  
 2811 MARKET STREET  
 SAN DIEGO, CA 92102  
 619-594-4444  
 2007 Professional Engineer & Plumber License No. 44587 (Mechanical)

PROJECT NO. 07-270  
 PREPARED BY: MM  
 DATE: 07-27-09  
 SHEET TITLE: PROPOSED EXTERIOR ELEVATIONS

SHEET NO. 6 of 11

07) EXTERIOR FINISHES



**06) GENERAL NOTES**

1. CHECK ALL ELEVATIONS AS TO THE TYPE OF FINISHES TO BE APPLIED TO THE SURFACE.
2. VERIFY ALL FINISHES ARE APPLICABLE TO THE SURFACE AND TO THE CLIMATE.
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01) WEST ELEVATION (28TH STREET)  
 SCALE: 1/8" = 1'-0"

02) SOUTH ELEVATION (REAR)  
 SCALE: 1/8" = 1'-0"

03) KEYNOTES	04) NOT USED SHALL BE	05) NOT USED SHALL BE
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NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12-11-09
2	ISSUED FOR PERMIT	12-11-09
3	ISSUED FOR PERMIT	12-11-09
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8	ISSUED FOR PERMIT	12-11-09
9	ISSUED FOR PERMIT	12-11-09
10	ISSUED FOR PERMIT	12-11-09



ANTHONY-TAYLOR CONSULTANTS  
 ARCHITECTS & ENGINEERS & PLANNERS & ENVIRONMENTAL SCIENTISTS  
 2811 MARKET STREET, SUITE 200, SAN DIEGO, CA 92102  
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2811 MARKET STREET  
 SAN DIEGO, CA 92102

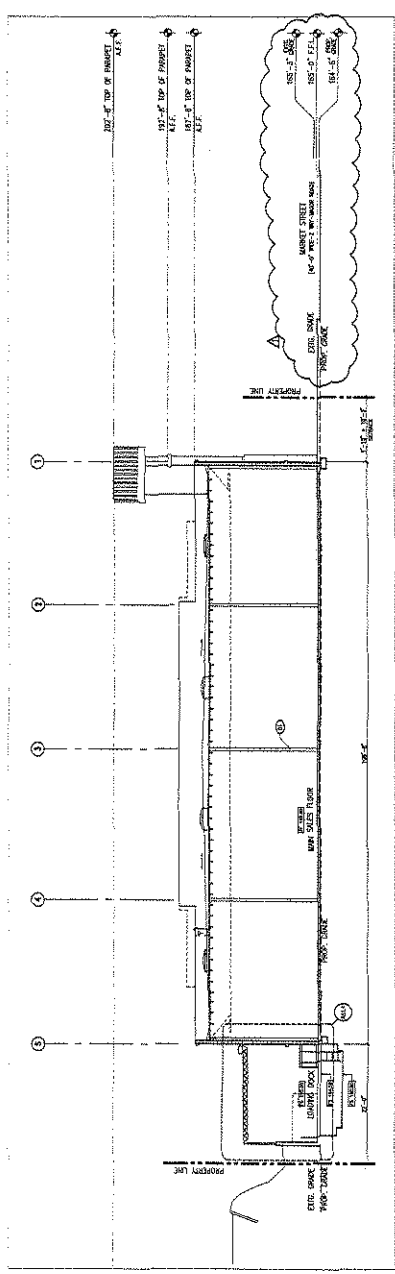
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 DRAWING NO. 2811-01  
 SHEET NO. 7 OF 11

SECTION

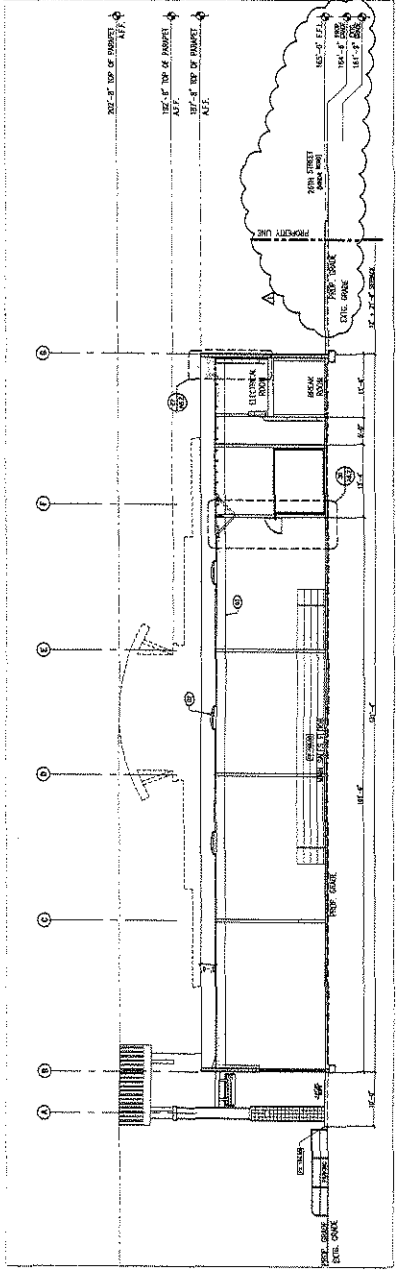
SHEET NO. 7 OF 11

03 KEYNOTES



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 2. FINISH TO TOP OF FOOTING UNLESS NOTED OTHERWISE.

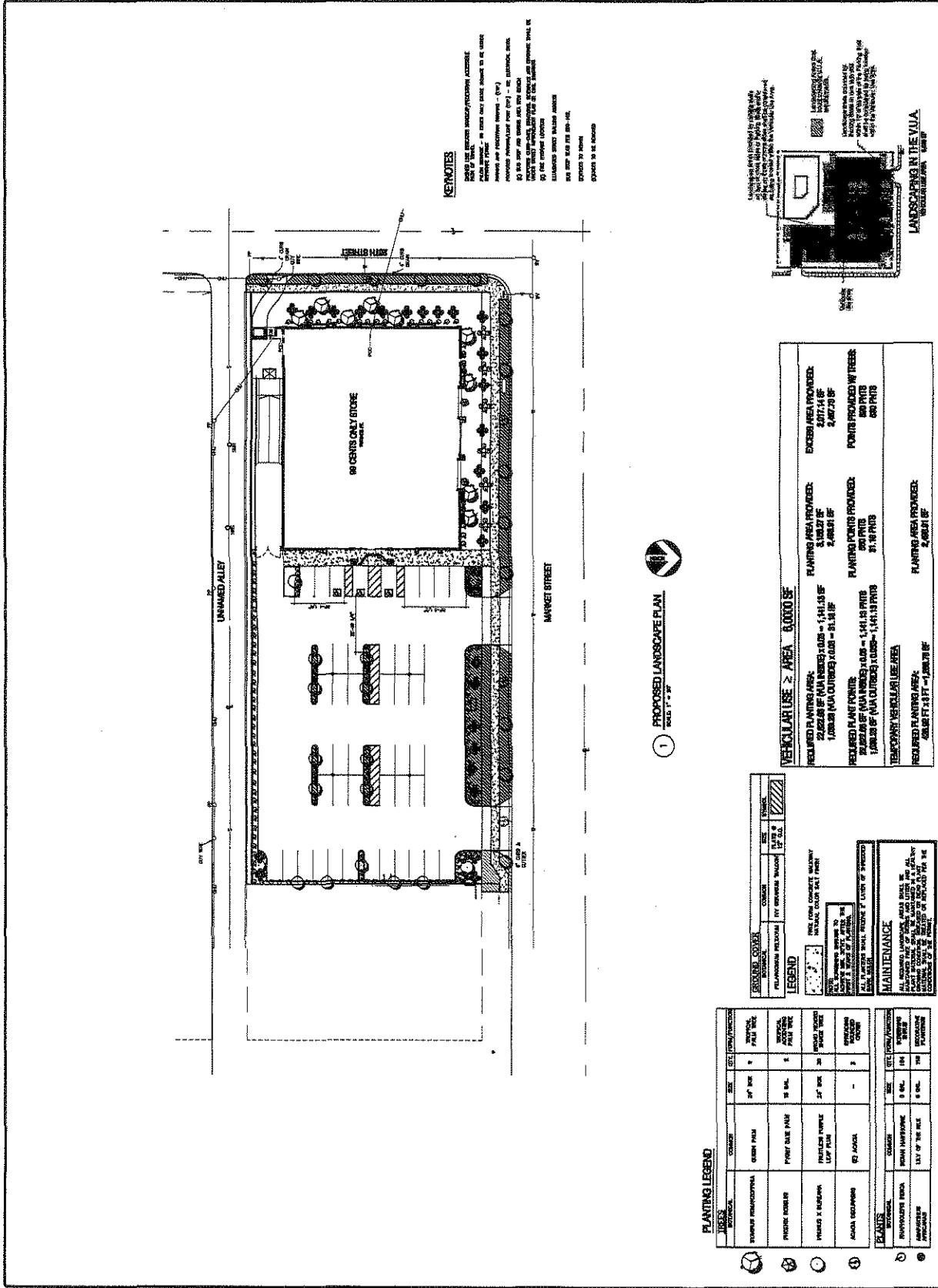


01 SECTION A-A  
 SCALE: 1/8" = 1'-0"



02 SECTION B-B  
 SCALE: 1/8" = 1'-0"

 ANTHONY-TAYLOR CONSULTANTS 2401 MARKET STREET, SUITE 200 SAN DIEGO, CA 92101	 89 CENTS ONLY STORE 2811 MARKET STREET SAN DIEGO, CA 92101	PROJECT NO. 07-252 PREPARED BY:	SHEET TITLE PROPOSED LANDSCAPE PLAN	SHEET NO. 9 of 11
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**REMARKS:**  
 1. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR.  
 2. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME.  
 3. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED BUDGET.  
 4. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED AREA.  
 5. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED SPECIFICATIONS.  
 6. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED MAINTENANCE REQUIREMENTS.



1 PROPOSED LANDSCAPE PLAN  
 SCALE: 1" = 30'

<b>REQUIRED PLANTING AREA:</b> 20,000 SF PLANTING AREA 1,000 SF PLANTING AREA 1,000 SF PLANTING AREA 1,000 SF PLANTING AREA	<b>PLANTING AREA PROVIDED:</b> 20,000 SF 1,000 SF 1,000 SF 1,000 SF	<b>PLANTING PORTS PROVIDED:</b> 20,000 SF 1,000 SF 1,000 SF 1,000 SF
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<b>REQUIRED PLANTING AREA:</b> 20,000 SF PLANTING AREA 1,000 SF PLANTING AREA 1,000 SF PLANTING AREA 1,000 SF PLANTING AREA	<b>PLANTING AREA PROVIDED:</b> 20,000 SF 1,000 SF 1,000 SF 1,000 SF	<b>PLANTING PORTS PROVIDED:</b> 20,000 SF 1,000 SF 1,000 SF 1,000 SF
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**PLANTING LEGEND**

SYMBOL	DESCRIPTION	SIZE	QTY	REMARKS
(Symbol)	GREEN PALM	8 FT	1	
(Symbol)	PRICKLE ROSE	10 GAL	1	
(Symbol)	FRONDOSE PALM	10 FT	1	
(Symbol)	AGAVE	10 FT	1	

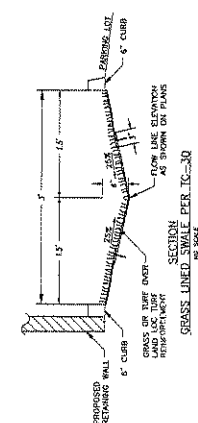
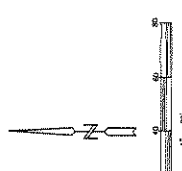
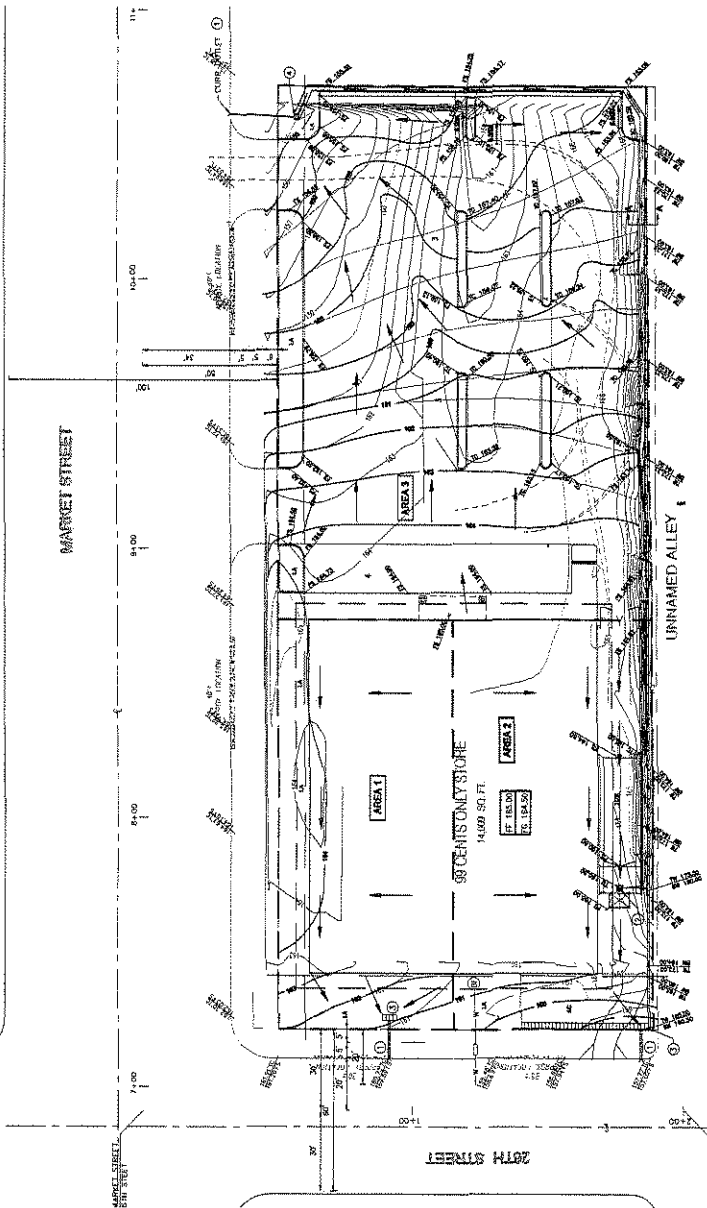
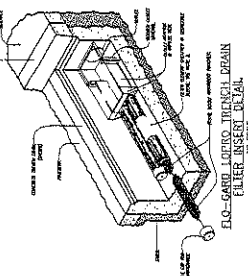
**MAINTENANCE**  
 ALL PLANTING SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.  
 ALL PLANTING SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.  
 ALL PLANTING SHALL BE MAINTAINED FOR THE LIFE OF THE PROJECT.

# BMP LAYOUT

**LEGEND**  
 [---] BUSY AREA BOUNDARY  
 [---] DIRECTION OF FLOW  
 [---] VEGETATED SWALE  
 [---] LANDSCAPE AREA  
 LA LANDSCAPE AREA  
 AC ASPHALTIC CONCRETE

**KEYNOTES**  
 1. UNDER DRAINAGE  
 2. ROCKY PERFORATED CURB  
 3. 12" TRENCH DRAIN PER  
 4. INLET BOX WITH COORD BY  
 FIGURE 10-09A

1. After water enters and is completely dry, remove and fix. See 20.
2. After storm is completely dry, remove and fix. See 20.
3. After storm is completely dry, remove and fix. See 20.
4. After storm is completely dry, remove and fix. See 20.
5. After storm is completely dry, remove and fix. See 20.
6. After storm is completely dry, remove and fix. See 20.
7. After storm is completely dry, remove and fix. See 20.



**MAP LAYOUT**  
 CITY OF SAN DIEGO  
 FOR EXCLUSIVE USE BY  
 99 CENT ONLY  
 2611 MARKET STREET  
 LOT 11, TRACT 24, 80 BLOCK 29  
 97 1/2, 98 1/2, 99 1/2, 100 1/2, 101 1/2, 102 1/2, 103 1/2, 104 1/2, 105 1/2, 106 1/2, 107 1/2, 108 1/2, 109 1/2, 110 1/2, 111 1/2, 112 1/2, 113 1/2, 114 1/2, 115 1/2, 116 1/2, 117 1/2, 118 1/2, 119 1/2, 120 1/2, 121 1/2, 122 1/2, 123 1/2, 124 1/2, 125 1/2, 126 1/2, 127 1/2, 128 1/2, 129 1/2, 130 1/2, 131 1/2, 132 1/2, 133 1/2, 134 1/2, 135 1/2, 136 1/2, 137 1/2, 138 1/2, 139 1/2, 140 1/2, 141 1/2, 142 1/2, 143 1/2, 144 1/2, 145 1/2, 146 1/2, 147 1/2, 148 1/2, 149 1/2, 150 1/2, 151 1/2, 152 1/2, 153 1/2, 154 1/2, 155 1/2, 156 1/2, 157 1/2, 158 1/2, 159 1/2, 160 1/2, 161 1/2, 162 1/2, 163 1/2, 164 1/2, 165 1/2, 166 1/2, 167 1/2, 168 1/2, 169 1/2, 170 1/2, 171 1/2, 172 1/2, 173 1/2, 174 1/2, 175 1/2, 176 1/2, 177 1/2, 178 1/2, 179 1/2, 180 1/2, 181 1/2, 182 1/2, 183 1/2, 184 1/2, 185 1/2, 186 1/2, 187 1/2, 188 1/2, 189 1/2, 190 1/2, 191 1/2, 192 1/2, 193 1/2, 194 1/2, 195 1/2, 196 1/2, 197 1/2, 198 1/2, 199 1/2, 200 1/2, 201 1/2, 202 1/2, 203 1/2, 204 1/2, 205 1/2, 206 1/2, 207 1/2, 208 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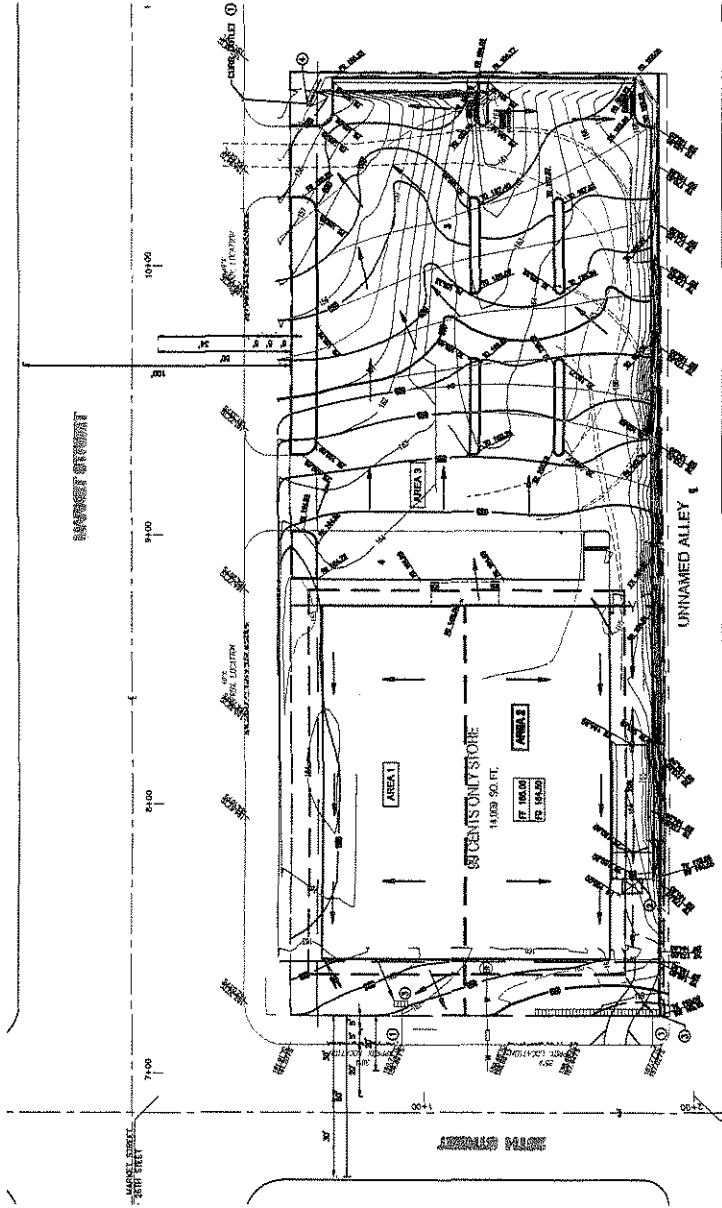


**ENGINEER**  
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 SAN DIEGO, CA 92108  
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**ATC DESIGN GROUP**  
 Architects • Engineers • Planners  
 DATE: 2-28-09 REVISED: FIGURE: 4  
 SCALE: AS SHOWN DRAWN BY: ADP CHECKED BY: JLM  
 JOB NO.: 07-2755 ASSESSOR'S PARCEL NO.: 535-292-01-00  
 07-2756



POST CONSTRUCTION SITE DRAINAGE



- LEGEND**
- BASIN AREA BOUNDARY
  - DIRECTION OF FLOW
  - VENTILATED SOURCE
  - LA LANDSCAPE AREA
  - AC ASPHALTIC CONCRETE
- KEYNOTES**
- ① UNDER SIDEWALK DRAIN FOR 60" D-36
  - ② DOCK PIT W/ 8" W/ 8" PUMP & P-OUTLET PIPE T
  - ③ VENTILATED SOURCE
  - ④ DETAIL WITH 1/2" P-OUTLET TYPICAL W/ 4" P-OUTLET
  - ⑤ SILET BOX W/ FLOORING 1'-240" P-TERRAZZO FLOORING (FIGURE PD - 01A)

POST CONSTRUCTION SITE DRAINAGE

CITY OF SAN DIEGO  
 FOR EXCLUSIVE USE BY  
 99 CENT ONLY  
 2811 MARKET STREET  
 LOT 11, PARCEL 4, BLOCK 30  
 S.D.S. TRACT 228200A

ATC DESIGN GROUP  
 Architects & Engineers & Planners

DATE: 2-28-09	REVISED:	FIGURE: 3
SCALE: AS SHOWN	DRAWN BY: ACP	CHECKED BY: NLM
JOB NO.: 07-2753	ASSESSOR'S PARCEL NO.: 535-202-01-00	97-228



REGISTERED PROFESSIONAL ENGINEER  
 STATE OF CALIFORNIA  
 CIVIL ENGINEERING  
 2011 MARKET STREET  
 SAN DIEGO, CA 92101  
 (619) 594-1000  
 jacob@atcgroup.com

ZARY L. WARD, P.E.



**FROM THE BOARD MEETING OF MARCH 9, 2009 OF THE SOUTHEASTERN SAN DIEGO PLANNING RECOMMENDATIONS:**

1. Previous location of Wright's Party Supply, 2611 Market Street, was the first tilt-up concrete building in San Diego – (*comment regarding historical significance of the site*).

*Applicant Response: Irrelevant - Pre-existing building has been demolished and was cleared by the city through Historical Review.*

2. The loading dock should be at the back of the building with the trash with opening to 26<sup>th</sup> Street. There should be a wrought iron gate at SWC.

*Applicant Response: Agree - The loading dock is located at the rear of the building and the trash enclosure has been relocated to the loading dock with access to 26<sup>th</sup> St. The trash enclosure will have metal gates but "may not" be wrought iron. (See Site Plan - Sheet 1 of 11)*

3. West Elevation-include screened loading dock.

*Applicant Response: Agree - The loading dock is screened on the West Elevation (See elevation drawing – Sheet 5/6 of 11)*

4. Install narrow windows to view loading dock and trash area.

*Applicant Response: Applicant originally agreed to this condition. However, with the trash enclosure relocation to the rear there will be a wrought iron access gate to the loading dock that will provide adequate visibility from the 26<sup>th</sup> Street elevation. Therefore, the applicant does not plan on incorporating view windows.*

5. All mechanical equipment on the roof must be screened.

*Applicant Response: Agree - Mechanical equipment will be screened in accordance with city ordinance and will be incorporated into the construction documents as required.*

6. Consider "decorative border" decoration along the top part of building walls on Market and 26<sup>th</sup>. (Presently 2 bands of scored masonry block are included in the design).

*Applicant Response: Agree - Comment incorporated as noted above. (See elevation drawings - Sheets 5 and 6 of 11)*

7. Enhanced (yellow hash marked) intersection markings on all four corners on Market Street. This is to promote pedestrian safety.

*Applicant Response: Agree - Cross walks and limit lines will be painted at the Market and 26<sup>th</sup> intersection as requested. And will be incorporated into the construction documents.*

8. Install traffic control signal on 26<sup>th</sup> & Market Street, also needed for pedestrian safety.

*Applicant Response: Irrelevant - Project reviewed by city Transportation and Traffic Departments and found to be exempt from providing traffic control.*

9. All street lights and lights in the parking lot should be 250 watt white sodium lights. This is a high crime area and this type of light is approved for this area.

*Applicant Response: Agree - The project will comply with all street lighting standards per the San Diego Street Design Manual. 3 -250 watt HPS lights have been added on Market St. and 1-250 watt HPS light has been added on 26<sup>th</sup> St. (See Site Plan - Sheet 1 of 11) On-site – parking lot lighting will be in accordance with city parking lot lighting standards. If 250 Watt white sodium lamps are permitted the applicant will honor request and incorporate into the construction documents.*

10. Drought resistant landscaping on Market Street and on 26<sup>th</sup> Street.

*Applicant Response: Landscape materials will be drought resistant to the extent required by the City of San Diego Landscape Ordinance. Drought resistant plant materials will be added to the landscape construction documents as required.*

11. There should be three levels of landscaping...ground, mid, and tree canopies.

*Applicant Response: The current design contemplates three levels of landscaping.(See Planting Plan – Sheet 9 of 11).*

12. Need to see full landscaping plans (full sheet). Renderings of 26<sup>th</sup> St. side in particular.

*Applicant Response: Full landscaping plans and rendering of 26<sup>th</sup> St. were provided to the Community Group as requested.*

13. Excess signage on west side should be remove and replace with whimsical, simple designs.

*Applicant Response: Do not agree and will not be incorporating - Applicant is opposed to removing allowable signage. Signage shall be in accordance with the city signage standards. The “whimsical design” recommendation was a “near” full wall tile mosaic on the walls facing 26<sup>th</sup> St. to discourage graffiti. This was one of two options proposed by the Community Group. The second was planting bougainvillea along the building to partially cover the walls. The applicant chose the second option. This will be incorporated into the landscape construction documents.*

14. Letter of Determination of Environmental Exemption must be challenged due to traffic impact and pedestrian safety.

*Applicant Response: Irrelevant - The project has Letter of Determination and the applicant is opposed to further review. The city Transportation Department has determined that the project poses no significant increase in DAT's and is exempt from further impact studies. Furthermore, the applicant has agreed to provide intersection markings, e.g. cross walk and limit lines, in response to the pedestrian safety concerns.*

15. All issues on PTS Report must be cleared. No deviations or variances. As of today, there are 74 open issues.

*Applicant Response: Applicant will be required to clear all issues on the PTS Report. The 74 open issues noted above is a comment dating back 3-4 weeks.*

16. Engineering Department needs to do on-site review regarding the height of the south wall since it appears that the alley is under-cut.

*Applicant Response: The cut slope has been determined to be stable by the applicant's geotechnical engineer (refer to geotechnical report). The proposed wall at the bottom of the slope is a free standing wall which will also act to keep slope soil from washing across the parking lot during a rain. The alley is well back from the top of the slope and is not "undercut". This issue will be reviewed by the appropriate departments in the plan check process.*

17. Texture finish on the retaining wall should be a textured earth tone color.

*Applicant Response: The wall will be constructed of split face "textured" block and is currently designed in an earth tone color. This will be incorporated into the construction documents.*

18. Implement and support recommendations by the SDPD (CPTED Report).

*Applicant Response: Many of the recommendation contained in the CPTED Report are part of the applicant's normal security plan. Recommendations contained in the report that are not part of the applicant's standard plan will be incorporated as required by the city.*

19. Install digital surveillance cameras over parking, building and loading dock.

*Applicant Response: Same as #18 above.*

20. Install Bus Stop shelter with a street light over the driveway entrance.

*Applicant Response: There are two issues here. Regarding the bus stop – Do not agree and will not be incorporating a shelter. There is an existing bus stop. The city has required that the applicant provide a new concrete pad for the bus. The city has also required that the applicant demonstrate that visibility is not hampered by the building, landscaping, etc. Providing a bus shelter at this intersection with decrease visibility from 26<sup>th</sup> St. and is in conflict with the community group's concerns about traffic and pedestrian safety. Regarding the Street Light - A street*

*light has been added in the general vicinity of the bus stop as required by engineering. (See Site Plan – Sheet 1 of 11 for both issues).*

21. Enclose the parking lot.

*Applicant Response: Agree - The applicant agrees to enclose the parking lot with pipe bollards and chain. This will be incorporated into the construction documents.*

22. Bougainvillea recommended as part of landscaping on 26<sup>th</sup> Street (west side).

*Applicant Response: Applicant agrees to add bougainvillea on the 26<sup>th</sup> St. elevation (refer to #13 above).*

23. If the Hearing Body's decision is not consistent with our recommendations, we reserve the right to appeal.

*Applicant Response: No response*

24. DIF should be assigned to the Grant Hill neighbor only for traffic and parks.

*Applicant Response: Does Not Apply - Applicant has no control over this issue and believes that the condition is inappropriate.*

**Motion: Reynaldo PISAÑO, Second, Robert Leif MSC 11-0-0**  
To support the Project with the 24 conditions as listed above.

**Motion: Reynaldo PISAÑO Second, Robert Leif MSC 11-0-0**  
That the DIF fees and property taxes be assigned to the Grant Hill Neighborhood to be used for park and infrastructure improvements.

**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: 43-1834

**SITE DEVELOPMENT PERMIT NO. 605610**  
**99 CENTS MARKET STREET – PROJECT NO. 168680**  
**PLANNING COMMISSION**

This Site Development Permit No. 605610 is granted by the Planning Commission of the City of San Diego, to 99 CENTS ONLY STORES, A CALIFORNIA CORPORATION, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0504 and 1519.0202. The 49,230-square-foot project site is located at 2611 Market Street in the CSF-2 Zone of the Southeastern San Diego Planned District within the Southeastern SD Community Planning area. The project site is legally described as Lots 11-24, Block 39 of L.C. Carr's Subdivision, Pueblo Lot 1154, filed September 16, 1871.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow the construction and operation of a commercial retail facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 28, 2009, on file in the Development Services Department.

The project shall include:

- a. Construction and operation of a 14,009-square-foot commercial retail building;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking;
- d. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in



order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

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

10. The 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.

**ENGINEERING REQUIREMENTS:**

11. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

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

13. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

14. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge

Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent (NOI) shall be filed with the SWRCB.

15. 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. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99 08 DWQ.

16. All driveways and curb openings shall comply with City Standard Drawings G-14B, G-16 and SDG-100.

17. Prior to the issuance of any construction permits, the applicant shall assure by permit and bond the replacement of damaged sidewalk, maintaining the existing sidewalk scoring pattern and preserving any contractor's stamp, adjacent to the site on Market Street and 26th Street, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permits, the applicant shall assure by permit and bond the reconstruction of 3 existing curb ramps, to current City Standards, 2 at the alley entrance on 26th Street and 1 at the Market Street and 26th Street intersection, adjacent to the site, satisfactory to the City Engineer.

19. Prior to the issuance of any construction permits, the applicant shall assure by permit and bond the closure of all non-utilized driveways, with full height curb, gutter, and sidewalk, adjacent to the site on Market Street and 26th Street, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permits, the applicant shall assure by permit and bond the construction of a City Standard bus stop pad, adjacent to the site on Market Street, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permits, the applicant shall assure by permit and bond the installation of four (4) City Standard street lights, three (3) on Market Street and one (1) on 26th Street, adjacent to the site, satisfactory to the City Engineer.

22. Prior to the issuance of any construction permits, the applicant shall obtain an Encroachment Maintenance and Removal Agreement, for the 3 sidewalk underdrains proposed within the 26th Street and Market Street rights-of-way, satisfactory to the City Engineer.

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

**LANDSCAPE REQUIREMENTS:**

24. Prior to issuance of any construction permits for buildings including shell, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
25. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or Subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.
26. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
27. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
28. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy.

**PLANNING/DESIGN REQUIREMENTS:**

29. 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.
30. All signs associated with this development shall comply with sign criteria established by the City-wide sign regulations.
31. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

32. Outdoor storage of merchandise, material or equipment shall be permitted only when incidental to a permitted use located on the same premises, and provided that:

- a. The storage area shall be completely enclosed by solid fences, walls, or buildings or combination thereof not less than 6-feet in height; and
- b. There shall be no outdoor storage of merchandise, materials, equipment or other goods to a height greater than that of any enclosing wall or building.

33. Fencing: All fences constructed on-site shall be of wrought iron, wood, concrete, or other masonry materials. Plant materials, including thorned species, may be used in lieu of fencing where appropriate. Plant material fencing shall be installed and maintained in accordance with LDC Chapter 14, Article 2, Division 4 (Landscape Regulations). All other applicable provisions of LDC Chapter 14, Article 2, Division 3 (Fence Regulations), shall apply. Chain link fencing is not allowed.

#### **TRANSPORTATION REQUIREMENTS**

34. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

35. The project proposes a 43 space parking lot (including 3 accessible parking spaces). No fewer than 29 off-street parking spaces (including 2 accessible 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.

#### **WATER REQUIREMENTS:**

36. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of a new water service or services, outside of any driveway or drive aisle, and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

37. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permits for the installation of appropriate private back flow prevention devices on all proposed water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Cross Connection Control Group, the Water Department Director and the City Engineer.

38. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including services and meters, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

39. All on-site water facilities shall be private including domestic, fire and irrigation systems.

40. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved plans shall be modified at final engineering to comply with standards.

**INFORMATION ONLY:**

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

APPROVED by the Planning Commission of the City of San Diego on May 28, 2009 by  
Resolution No. \_\_\_\_\_.



PLANNING COMMISSION  
RESOLUTION NO. PC-\_\_\_\_\_  
SITE DEVELOPMENT PERMIT NO. 605610  
**99 CENTS MARKET STREET – PROJECT NO. 168680**

WHEREAS, 99 CENTS ONLY STORES, A CALIFORNIA CORPORATION, Owner/Permittee, filed an application with the City of San Diego for a permit to construct and operate a commercial retail facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated May 28, 2009, on file in the Development Services Department, on portions of an approximately 49,230-square-foot site; and

WHEREAS, the project site is located at 2611 Market Street in the CSF-2 Zone of the Southeastern San Diego Planned District within the Southeastern San Diego Community Planning area; and

WHEREAS, the project site is legally described Lots 11-24, Block 39 of L.C. Carr's Subdivision, Pueblo Lot 1154, filed September 16, 1871; and

WHEREAS, on May 28, 2009, the Planning Commission of the City of San Diego considered Site Development Permit No. 605610 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 May 28, 2009.

SITE DEVELOPMENT PERMIT FINDINGS (Section 126.0504):

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

The Site Development Permit will allow the construction and operation of a new 14,009-square-foot commercial retail building, including a 43 space parking lot (including 3 accessible parking spaces) and new on-site landscaping. The proposed project site is within the Southeastern San Diego Community Plan, which designates the site for General Commercial use. The Commercial Element of the Southeastern San Diego Community Plan states that auto oriented uses should be landscaped and screened. The project will accomplish through new landscaping planting within the streetyards along Market and 26<sup>th</sup> Streets, which includes the addition of eight (8) 24" box queen palm trees and screening shrub plants installed between the new building and the property line along these street frontages. Within the public right-of-way along Market Street and 26<sup>th</sup> Street, thirteen (13) 24" box broad headed shade street trees will be installed. Additionally, the project exceeds the minimum requirement for planting within the vehicular use areas by approximately 4,485-square-feet, providing 5,657-square-feet of planting where 1,172-square-feet is required.

The proposed commercial project conforms to all development standards and will not adversely affect the Southeastern San Diego Community Plan.

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

The proposed development is the construction and operation of a new 14,009-square-foot commercial retail building facility, including on-site parking, landscaping and public infrastructure improvements. The public-right-of-way fronting Market Street adjacent to the site will be improved with new street lighting, installation of street trees and two (2) new paved driveways; four (4) existing driveways (2 on Market Street and 2 on 26<sup>th</sup> Street) will be replaced with full height curb and gutter to meet current City standards. The project also includes the reconstruction of three (3) existing curb ramps to current City Standards (two (2) at the alley entrance on 26th Street and one (1) adjacent to the site at the Market Street and 26th Street intersection). The proposed commercial retail facility and associated improvements will meet all development standards and will not be detrimental to the public health, safety and welfare.

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

The proposed development, the construction and operation of a new 14,009-square-foot commercial retail building facility, requires no deviations and complies with the applicable regulations of the Land Development Code.

SOUTHEASTERN SAN DIEGO DEVELOPMENT PERMIT FINDINGS (Section 1519.0202):

**1. THE PROPOSED USE AND PROJECT DESIGN MEET THE PURPOSE AND INTENT OF THIS DIVISION, 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 Site Development Permit will allow the construction and operation of a new 14,009-square-foot commercial retail building, including a 43 space parking lot (including 3 accessible parking spaces) and new on-site landscaping. The proposed project site is within the Southeastern San Diego Community Plan area, which designates the site for General Commercial use. The project will comply with the recommendations of the Commercial Element of the Southeastern San Diego Community Plan, which states that auto oriented uses should be landscaped and screened.



The project will accomplish through new landscaping planting within the streetyards along Market and 26<sup>th</sup> Streets, which includes the addition of eight (8) 24” box queen palm trees and screening shrub plants installed between the new building and the property line along these street frontages. Within the public right-of-way along Market Street and 26<sup>th</sup> Street, thirteen (13) 24” box broad headed shade street trees will be installed. Additionally, the project exceeds the minimum requirement for planting within the vehicular use areas by approximately 4,485-square-feet, providing 5,657-square-feet of planting where 1,172-square-feet is required. The proposed use and project design meets the purpose and intent of the Southeastern San Diego Planned District Ordinance, complies 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.

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 proposes to redevelop an existing vacant site with a new 14,009-square-foot commercial retail building, including a 43 space parking lot (including 3 accessible parking spaces) and new on-site landscaping. The project is located within an older neighborhood of mixed commercial and multi-family uses and is one of the first significant properties in the immediate vicinity to redevelop. The building façade has been designed to meet the off-setting planes requirement of the Southeastern San Diego Planned District Ordinance (PDO) and will be finished in stucco with split masonry accents, and large tempered glass windows will provide transparency, fronting onto the parking lot and Market Street, a primary transportation route through the community. The project will comply with the recommendations of the Commercial Element of the Southeastern San Diego Community Plan, which states that auto oriented uses should be landscaped and screened, and will conform to all parking and landscape standards of the Land Development Code. The site will be improved with upgrades to the public right-of-way and additional on site landscaped areas as required to conform to all parking, landscape and public improvement standards of the Land Development Code. The project is exempt from the California Environmental Quality Act (CEQA) under Section 15332 (Infill Development), and the project will not have a negative impact to the environment and surrounding neighborhood.

The proposed retail sales facility will be compatible with existing and planned commercial and multi-family residential uses on adjoining properties, and as designed the project will not constitute a disruptive element to the neighborhood and community. In addition, architectural harmony with the surrounding neighborhood and community will be achieved as far as practicable.

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 project proposes to redevelop an existing vacant site with a new 14,009-square-foot commercial retail building, including a 43 space parking lot (including 3 accessible parking spaces) and new on-site landscaping. The site will be improved with upgrades to the public right-of-way and additional on site landscaped areas as required to conform to all parking, landscape and public improvement standards of the Land Development Code. The public-right-of-way fronting Market Street adjacent to the site will be improved with new street lighting, installation of street trees and two (2) new paved driveways; four (4) existing driveways (2 on Market Street and 2 on 26<sup>th</sup> Street) will be replaced with full height curb and gutter to meet current City standards. The project also includes the reconstruction of three (3) existing curb ramps to current City Standards (two (2) at the alley entrance on 26th Street and one (1) adjacent to the site at the Market Street and 26th Street intersection). 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.

**4. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS OF THE MUNICIPAL CODE.**

The proposed development, the construction and operation of a new 14,009-square-foot commercial retail building, including a 43 space parking lot (including 3 accessible parking spaces) and new on-site landscaping requires no deviations and will comply with the relevant regulations of the Municipal Code.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Site Development Permit No. 605610 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Site Development Permit No. 605610, a copy of which is attached hereto and made a part hereof.

---

Patricia J. FitzGerald  
Development Project Manager  
Development Services

Adopted on: May 28, 2009

Job Order No. : 43-1834

cc: Legislative Recorder, Development Services Department



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** \_\_\_\_\_ **Project No. For City Use Only** 168680  
99¢ Only Stores / 2611 Market Street

**Project Address:**  
2611 Market Street

San Diego, CA

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

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

**Additional pages attached**  Yes  No

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

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

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

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

Project Title:

99 Only Stores / 2611 Market Street

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation (checked) Limited Liability -or- General) What State? Corporate Identification No. 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): 99 Only Stores Doug Digison
Owner (checked) Tenant/Lessee
Street Address: 4000 Union Pacific Ave
City/State/Zip: San Diego, CA 90023
Phone No: 760-738-8800 Fax No: 760-738-0208
Name of Corporate Officer/Partner (type or print): Doug Digison
Title (type or print): Director of Construction / VP
Signature: [Signature] Date: 4/4/08

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature: Date:

Corporate/Partnership Name (type or print):
Owner Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
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Title (type or print):
Signature: Date:



City of San Diego  
 Development Services  
 1222 First Ave. 3rd Floor  
 San Diego, CA 92101  
 (619) 446-5210

**Development Permit/  
 Environmental Determination  
 Appeal Application**

FORM  
**DS-3031**  
 MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

**1. Type of Appeal:**

- Process Two Decision - Appeal to Planning Commission
- Process Three Decision - Appeal to Planning Commission
- Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
- Appeal of a Hearing Officer Decision to revoke a permit

**2. Appellant** Please check one  Applicant  Officially recognized Planning Committee  "Interested Person" (Per M.C. Sec. 113.0103)

Name JESSE L. ALBRITTEN  
 Address 2681 MARKET STREET City SAN DIEGO State CA Zip Code 92102 Telephone 619 231-1672

**3. Applicant Name** (As shown on the Permit/Approval being appealed). Complete if different from appellant.  
PERMIT 168680

<b>4. Project Information</b> Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination: <u>APRIL 29, 2009</u>	City Project Manager: <u>PATRICIA FITZGERALD</u>
--------------------------------------------------------------------------------------------	----------------------------------------------------------	-----------------------------------------------------

Decision (describe the permit/approval decision):

APPROVE SITE DEVELOPMENT WITH CONDITIONS

**5. Grounds for Appeal** (Please check all that apply)

- Factual Error (Process Three and Four decisions only)
- Conflict with other matters (Process Three and Four decisions only)
- Findings Not Supported (Process Three and Four decisions only)
- New Information (Process Three and Four decisions only)
- City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

SEE ATTACHED:

ANSWER TO HEARING OFFICER FINDINGS

**RECEIVED**

MAY 14 2009

DEVELOPMENT SERVICES

**6. Appellant's Signature:** I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: [Handwritten Signature] Date: 5-4-09

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

(Proposed Name)

# 99 CENT MARKET STREET

2681 Market Street  
San Diego, CA 92102

Phone 619 231-1672

May 4, 2009

Applicant Jesse L. Albritten 2681 Market Street San Diego California hereby petition for a redetermination of Hearing Office decision set forth by the Development Services Department of City of San Diego on April 29, 2009.

The proposed 99 Cent Market Street project is not compatible with the existing commercial and multi-family land use on adjoining properties, and as designated, the project will inflict many disruptive elements to the neighborhood and community.

## ANSWER TO HEARING OFFICER FINDINGS

1. THE PROPOSED DEVELOPMENT WILL ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN, SOUTHEASTERN SAN DIEGO COMMUNITY PLAN, AND WILL ADVERSELY EFFECT THE GENERAL PLAN AND OTHER PLAN AND OTHER APPLICABLE PLANS ADOPTED BY THE CITY COUNCIL.

The findings of the Hearing Officer is set forth are based on the following errors:

1. The planting within the street yards along Market and 26th street is not the design balance approach in the Southeastern San Diego community plan that auto oriented used should be landscaped and screened. "L" shape schemes are not acceptable when only a portion of a area is developed. The \$ 5 million development of the 99 Cent Market Street will only make the poverty owners across the street feel they have worked all their lives for nothing. Why is 99 Cent Market Street want their store fenced? Auto oriented use plans will only work if you have sufficient level land space. The 99 Cent Market Street is on a cliff. All sides of the store have steep unsafe drops. The store will bring 2 to 3, 000 people into our community daily. There is no way a 99 Cent store with people fighting for cheap good could avoid bring a traffic nightmare to Grant Hill.

The extra approximately 4,485 square feet from within the vehicular use are will not be a solution for the project.

The propose 99 Cent Market does not conform to all development standards and will adversely violate the rules of the Southeastern San Diego Community Plan, General Plan and other applicable plans adopted by the City Council.

**2. THE PROPOSED DEVELOPMENT WILL BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE.**

The finding of the Hearing officer set forth are based on the following errors:

The paved driveways, existing driveways, gutters, ramps on 26th street does nothing to address the real safety problems on Market Street which is as follows:

(a) The traffic safety problem are at 27th Street. Two deep slopes bottom out on 27th and Market Street. Currently about 240 people each day cross Market Street at 27th Street daily.

(b) There will be too much lighting at 26th and Market and no lighting at the bottom of the deep slope on Market Street between 26th and 27th Street.

(c) The new lighting on the front of the market will have too much lighting from the corner of Market to alley of 26th. From the alley to Island Avenue will have no lighting. There will be 99 Cent Market Street customer who buy cheap wine will fall down Island Avenue north to 25th Street. When a 99 Cent Market Street Customer fall down this steep hill it will be almost impossible to walk back up the steep to 99 Cent Market Street.

**The problem with this project is that many residents of Grant Hill will be killed crossing Market Street on 27th Street. Nothing in the 99 Cent Market Street project or any finding of the Hearing Officer address this life and death problem.**

The applicant set forth additional problems 99 Cent Market Street will bring to San Diego.

(a) Create and cause child prostitution to thrive in the nearby canyons and Grant Hill Park.

(b) Increase crime.

(c) Attract pimps who are currently operating in other areas to start operating near 99 Cent Market Street.

(d) Create an environment for sex molester who have never arrested by the police to molest children more often.

(e) Sale of item less than \$ 1 will attract many homeless people to hang out and sleep near 99 Cent Market Street.

(f) Increase in prostitute beating and rape cases.

(g) Increase food stamp swap for sex and drugs in and around 99 Cent Market Street.

**THREE SCHOOLS WITHIN 3 BLOCK OF 99 CENT MARKET STREET**

(h) Increase punk and same sex hookup school children traps.

(i) Increase children ditching school to turn tricks for money to buy drugs.

99 Cent Market Street did not offer a plan to protect the health, safety and welfare of the children attending school within 3 blocks of their store.

**3. THE PROPOSED DEVELOPMENT DON'T COMPLY WITH APPLICABLE REGULATIONS OF THE LAND DEVELOPMENT CODE.**

The proposed development will require many deviations and will not comply with the relevant regulation of the municipal code.

WHEREFORE applicant pray that the San Diego Planning Commission redetermine the Hearing Office decision set forth above and deny permit # 168680.

Dated: May 4, 2009.

Respectfully Submitted



Jesse L. Albritten  
Grant Hill Resident.



**99 Cent Only Stores – Public Safety Operations**

5/13/09

I wanted to take the time to outline all of the work and preparation 99¢ Only Store and its staff have done so far to get our project to this point. I have personally attended all Community Planning Group meetings and the San Diego Public Hearing along with our architect Chris Post and Permit Solutions Brian Longmore. We all attended every published meeting and made full blown presentations with artist's renderings, annual reports, company profiles, employment opportunities and product information. I personally made telephone calls to Community Planning members to ask questions and understand the community needs in an effort to try to meet the community's needs. I also personally spoke to our Human Resources Department and connected them to Jerry Guzman-Vergara, Assistant Director for the Sherman Heights Community Center, whom I met at one of the community meetings. I discussed with him the employment opportunities and hiring program we are bring to the immediate community. 99¢ Only Stores will hire approximately 30 people from the neighborhood and surrounding areas top help run our store. We will directly advertise for employment opportunities as is done at all new stores.

99¢ Only Stores makes every effort to maintain crime free stores as we explained at the Community Hearings by installing extensive security camera systems throughout the store (interior and exterior), cash registers designed and laid out to deter and prevent crime and theft. All store manager offices are located strategically near the entry of the store to monitor the cash registers for theft and crime. We also provide one way mirrors at the managers offices for store monitoring to deter crime and theft. All employees are trained in crime prevention and reporting. All stores have total store security systems that perform video monitoring both internally and remotely from our Loss Prevention corporate office headquarters.

We have ongoing graffiti removal personnel for all of our stores as needed which is implemented by our store managers. Graffiti is painted out regularly on an as need basis. The question expressed at the Public Hearing on 4/29/09 by a concerned citizen regarding the construction screen having been painted with graffiti was resolved within days by our removing the green screen completely. We are aware as are all retailers that having a store with graffiti on it deters customers from shopping there. We will make every effort to keep our new store in pristine condition and protect our investments in both the building and the community. Hopefully, the surrounding neighbors will take as much pride in a new multi-million dollar 99¢ Only Store that will enhance their neighborhood as we will.

This project is being done at great expense and effort and we will most assuredly want to protect our investment in every way possible.

**Thank you,**

***Ron Hart***

99¢ Only Stores  
Construction Manager  
Cell: (323) 833-9835  
Office: (323) 881-1238  
Fax: (323) 721-2855  
[ron.hart@99only.com](mailto:ron.hart@99only.com)  
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Commerce, CA 90023

